

Minutes of the Agenda meeting of the Township Committee of the Township of Commercial held on March 15, 2021 at 6:00 P.M., via Virtual Platform Zoom.

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
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 said First up we have the municipal budget summary.

Pam Humphries CFO reviewed the budget summary and provided budget notes. She explained that as the budget stands, there would be a 2% tax increase.

Pam's review of the notes indicates some of the reason for the increase is a result of income changes of reduced rental registrations, delinquent taxes and a reduction of the Garden State Trust Fund. Some major appropriation changes affecting the budget are salaries decrease, decrease in legal fees, joint court expense, reserve for uncollected taxes and increased landfill tipping fees.

Pam indicated that revenues were down and to make up the difference she has to use some of the fund balance.

Mayor Vizzard asked Solicitor Seeley if part of the problem is because of the municipal liens. We can't collect taxes on these properties because we can't sell them.

Tom Seeley explained that he is having a hard time getting the title searches done with limit access to the courthouse. He said they are working on it as fast as he can but there is nothing, we can do about it right now.

Pam Humphries said something she wants to point out, the 2<sup>nd</sup> page in, where it has levies for assessed values, for the 2-cent tax increase, say for a \$200,000 property assessment, their taxes would go up \$40.88 a year and that's the local. The total tax change which includes the county, and the schools would be \$179.43 so that's the kind of increase they would be looking at.

Barney Hollinger asked if Pam had seen the numbers from the relief act. He saw that it was almost a half million dollars.

Pam was not familiar with it; she hasn't gotten anything on it.

Mayor said he had seen something on it but believed that you must justify the spending of those funds to get it.

Mayor said he will ask other municipalities what they are doing.

Committeeman Jamison asked Barney about having someone come down to his facility to administer the employees with the vaccine and could he have them come through the township. Barney said he would ask. Its being done through Complete care.

Ed Dennis, Engineer said he looked up the relief act and that municipalities can use the funds to cover Covid related expenses but also to cover lost revenue due to the pandemic.

Mayor said that's what I'm getting at. We need to prove we lost money due to the pandemic.

Ed Dennis said Commercial Township is going to get \$482,909.00.

Mayor said we should use this money on our buildings by putting in exhaust systems and fresh air intakes or the Senior Center needs a new HVAC system. We need to come up with stuff like that.

Mayor said if we approve this budget, we are approving a 2% municipal tax increase. We just need to be prepared to explain why.

Pam asked the committee to continue to review the budget and let her know if there are other questions. She can make revisions if needed before adoption on Thursday.

Mayor asked how long it has been since the township raised taxes. Pam said 8 years and actually that year it was a 2-cent reduction.

Pam asked if the committee had seen the equalization table and noted that the property values have increased.

Mayor said he thought the county said they weren't going to raise taxes, that if they raised it last year, they were going to wait two years for another increase.

Pam said she hadn't heard that. She said Gerry Seneski told her he believes there will be no more than a 1% increase from the County. The schools, I have no idea.

The Mayor asked if there were any other questions for Pam and with none, thanked her for attending.

Mayor asked for the Engineers report.

Ed Dennis said not much to report this month. We have been helping out with the 2021 DOT grants. He looked online and he sees a link but you can't click on it so he thinks they will have their announcement any day now. They have the link, but it isn't live yet. The Red fern project and the river front road job, we are waiting for warmer weather to finish up minor items there. Other than that, you have on for Thursday, the draining ordinance.

Mayor Vizzard went over correspondence.

A letter from Raymond Compari, 25 Porreca Dr. Millville, he would like to donate block 225, lot 27, known as 2522 Ogden Ave., Port Norris, NJ to Commercial township. Mr. Compari has agreed to pay the \$600 fee, payable to the township for legal expenses in preparation of deeds.

Solicitor Seeley acknowledged that he had the \$600 already in his trust account. He will forward to the township.

Mayor said we can accept this tonight. We don't need to put this on for Thursday night. Mayor asked the committee if they agree. The Committee agreed. Roll call vote, all were in favor.

Mayor said there is a letter from John "Bob" Bateman he would like to put a bid of \$1,000 for Township owned property, block 259, lot 6, known as 2721 High St. Mr. Bateman wants to tear the structure down. States he owns lots 5 & 7 which are located on either side of lot 6.

Committeeman Broughton asked if they spoke about this already back in September, October.

Mayor said yes.

Committeeman Broughton said and he formally owned this property.

Deputy Clerk said we received a bid from someone on his behalf. Clerk said you denied that offer.

Committeeman Broughton doesn't feel that we should sell it back to him.

Solicitor Seeley said you really shouldn't do that.

Mayor said ok we will leave on for the regular agenda.

Mayor said we have a letter from residents of Commercial Township with petition with 22 signatures on it that are requesting Milbourne Drive and Dennis Lane be restored to its original condition. The road has deteriorated, floods, slippery when wet and potholes. Also petition to remove dilapidated home, 2553 Milbourne Drive from fire. Mayor said we will put on for the regular meeting Thursday.

Mayor said we have a memo from Heather Sparks, Webinar classes are available for recycling coordinator and Heather would like to take the classes and get certified. Employment Educational Assistance Request form to be reimbursed \$395.00 once course is completed.

Mayor asked Heather if we have a recycling coordinator now.

Heather Sparks replied that she is technically the Recycling Coordinator but every year we have to do a shared service with another municipality to file the tonnage grant. I prepare it but I can't file it because I'm not certified. We have been paying another township \$500 every year just to just file it.

Mayor asked the committee if they were ok with it. The committee agreed. Roll call, all in favor.

Mayor said have a letter from John Knoop, County Engineer, responding to letter from Mayor on making portion of East Buckshutem Road a non-passing zone. Mr. Knoop states no crashes between 2002-2015, 10 2016 thru 2019 which were animal related or fixed object crashes, which only leaves two others over four years stretch. With such low number of events, it is hard to justify modifying the striping in the area especially in light of the rural nature of region as well as the established expectation of drivers to be able to pass when adequate sight distance for the maneuver exists.

Mayor didn't feel it needed to be on for the regular meeting. He was fine with what came back from the county.

Mayor said for the regular meeting we have the introduction of the 2021 Municipal Budget.

Mayor said we have bids – block 48, lot 8062 thru 8068 140 X 100 205 Iris Rd. Laurel Lake, \$1,200 and block 251, lot 5 & 6, 57 x 175 each, 2513 Market Street Port Norris, \$2,000.

Committeeman Broughton questioned he thought he saw another bid come in for the property on Market St.

Clerk explained that his bid came after original bid that had already been accepted as a minimum bid at the last meeting. Bidder was told he would have to present his offer at the Land Sale on Thursday. He has been provided with information on how to participate in the meeting. Clerk further explained that all adjoining property owners have been notified of the sale and how to participate in the meeting and that it has been advertised. All are welcome to bid.

We have Ordinance 2021-605 Stormwater Control Ordinance Update, an ordinance replacing ordinance 2005-465 of the Township of Commercial.

Mayor Vizzard confirmed with the Engineer that this update is due to changes by the State for flood control. Engineer confirmed that it was.

Mayor Vizzard reviewed the Resolution on for Thursdays Regular Meeting.

Resolutions are.

- Introduction of 2021 Municipal Budget
- List of Uncollectable taxes
- Authorizing the transfer of Overpayment to other Tax Years or Refund Overpayment to Owner, Payer or their Representative.
- Refund Senior Citizen and Veteran Deduction Due to Erroneous Removal
- Authorizing Cancellation or Refund of Property Taxes Due to approval of 100% Disable Veteran's Application
- Approving Union Contract 2021, 2022, 2023, 2024

Mayor asked the committee if they were good to put all of these resolutions on for the regular meeting. All were agreeable.

Mayor reviewed correspondences.

Letter from Donna Lombardi, regarding 224 Daffodil Road, Laurel Lake and flooding situation.

Mayor asked Public Works Supervisor Clint Miller if this is the situation that he put a lot of work into.

Clint Miller acknowledged, yes

Mayor said in reviewing her letter, by the end she seems appreciative for what was done, wishes that more could be done but understands that we do not have the funds or the means to do it at this time. Have you talked to her recently, is she ok with everything?

Clint Miller said He spoke with her children, who live in the house. I haven't spoken to her in probably a month or so, but I do know she understands the issue we are up against.

Clint acknowledged that Committeeman Jamison and Mayor Vizzard have been on location.

Clint Miller said that the pictures she has submitted are right after all the snow melting and the heavy rains we have had. The water just wasn't being accepted because the ground is just so saturated. In a typical rain event, since the work we have done, in 3 to 5 hours, the road is completely cleared. I have pictures to support that as well.

Mayor Vizzard asked if we should raise the side of the road there a little.

Clint Miller said we did do some of that with dirt work. We plan to do more once summer gets here. I just don't want to spend a lot of time there during the rainy season. We will work on that in the summer, and we will plant seed as well.

Mayor said I personally think you guys did a good job with it. I think it is a whole lot better than what it used to be.

Nick DiCosmo of RVE said he thought once seed was planted and established near their driveway, it will be better. I think that was a success there as well.

Clint Miller said yes, I would also like to thank Nick. He went down there and tried to help us however he could.

Mayor said next we have a letter from Marc Friedman. He sent a letter to code enforcement officer regarding \$100 rental registration fee he has to pay and yearly inspection by code enforcement officer. Mr. Friedman feels unnecessary since Millville Housing Authority does a yearly inspection and against state statute. Commercial Township adopted the rental registration ordinances for the safety of the tenants and for the landlords when unnecessary destruction is being done to property.

Mayor said he knows there have been people up in arms about these fees. Some municipalities are doing away with the inspections but still imposing a fee. Tom, I believe you were saying this is what some towns are doing?

Tom Seeley said this is something we could have a discussion on for long time. He knows the city of Bridgeton has done away from their rental inspection fees. They tried to raise their inspection fees to \$200 and they were taken to court. The court decided that the rental registration should be based on the justification as to how much the Housing department cost the municipality. So, they lowered it to \$75.00. I think it would be a case-by-case basis. The city of Millville still has rental inspection fees and the rental registration. Remember, the rental registration and the rental inspection are not one in the same. People think they are paying for the rental inspection, that is not the case.

Solicitor Seeley explained that what was determined in Bridgeton is that an annual inspection of a rental property is intrusive especially for a long-time tenant. Once the CO is obtained, an annual inspection isn't warranted. It would be the responsibility of the tenant to report any issues at the property. They still charge for the rental registration annually but not an inspection fee. The rental registration fee is determined by the cost of the housing office operation. In Millville even though they were also involved in a lawsuit, they are still charging for a rental registration and rental inspection. In Vineland they have a rental registration and inspection fee.

Solicitor Seeley suggested that you can still charge the annual registration fee without inspecting. What you could do is more outside inspections and handle any complaints.

Committeeman Jamison said so once you have your CO you would just pay the registration from then on.

Solicitor Seeley said that is one of the ways it could be handled.

Committeeman Jamison said then the tenant would complain to the landlord and its their responsibility to get it fixed.

Solicitor Seeley said yes, an if the tenant complains to the township, then we can go out and violate the landlord. This is just one of the ways I have seen it handled.

Committeeman Broughton read NJSA 40:482A which sites the municipalities' ability to inspect. Committeeman asked what he was missing.

Solicitor Seeley said it uses the word "may". If it used the word "shall", you would have to. If it uses "may", then you can if you want.

Committeeman Broughton said but there is nothing that says we can't?

Solicitor Seeley said no there isn't anything that says you can't. This is what it is about. You guys are going to have to decide.

Committeeman Broughton said so we can continue to charge for the registration but not for an inspection.

Solicitor Seeley said that is correct.

Mayor Vizzard said, I want to let Barney give his report. We will have to continue this conversation, but I hate to continue to make him wait.

Barney Hollinger said I don't have much because our next meeting isn't until April 15<sup>th</sup> with the Bayshore Council. The one thing I do have is, just before we had the second wave, John Knoop called me and wanted to meet me down to the river front to look at these bridges. I know that we have one of the bridges in this next round of funding, but I wondered if anyone talked to John about the bridges beside the one, we talked about replacing.

Nick DiCosmo replied that RVE had spoken to John to get his blessing for replacing the one bridge. It really only went as far as that. Were you looking to see if there were future plans for replacing the other?

Barney Hollinger said sure yes, I'm almost 70 years old and they have been there since before I was around.

Nick DiCosmo said in the couple of conversations that he has had with the County, it doesn't sound like they have any intentions of replacing the other bridge themselves. That was the driving force for going after the grant on the bridge on Miller. I wouldn't bet on them doing anything with the one on Berry. There is nothing that says we can do the same thing gain for another round of funding.

Barney Hollinger said he was just worried when this other sand company opens, there may be a lot of traffic on that bridge depending on how they are routed. Mr. Hollinger feels that the truck traffic is going to increase in comparison to what is currently happening.

Nick DiCosmo said in speaking with the engineers at Silvi, they don't intend to go over the existing bridge on Miller but remember that is the one we applied for this current round of funding so that will be an option. Like I said we can again apply for funding of the other because it doesn't seem the County is going to.

Barney Hollinger asked if there was any way to bulkhead along the ditches, like on High Street and maybe Memorial and some of these other roads to stop the roads from pushing out. The truck traffic is going to cause the roads to sink. Eventually you are going to have to raise the roads again. DEP is coming out with some new standards. I think its called REAL as far as land use is concerned. I'm just thinking with how high they are right now, if a car were to go off the road, it's a farther drop than it was before.

Nick DiCosmo said there was some discussion in the beginning stages that with raising the road to install guiderail, but I know everyone was mostly opposed to that. We went as high as we could according to standard without requiring guiderail. As far as bulkheading or creating a shoulder, yes that can be done but however now you're getting into permitting because you are expanding the footprint.

Barney Hollinger said under the state plan with the new node it is going to reduce or make easier in the permitting. That may be a way once that is done. I'd like to see us continue to get this grant money. I don't know if we can put utility up grades on there. We just got gas; electric is our next big thing.

Clint Miller said I hate to be the one to cry on this but, I don't think we can do anything else until we get this sluicgate fixed. Anything we do, could get damaged. This sluicgate is of the utmost importance. The other thing and I know it isn't going to be popular, I know we struggle to come up with the money to match these grants and with all the roads we have through out the whole township that needs to be addressed, we struggle to find the money just to do some of these other projects. I just want to be forthcoming that the sluicgate needs to be a number one priority.

Barney Hollinger asked about the striping on the new roads.

Nick DiCosmo said we just wanted to do the double striping on the curves for safety reasons. We didn't want to do the straight runs because it makes it seem narrower.

Clint Miller asked Nick if he knew when we would hear about this latest round.

Nick DiCosmo said he didn't know exactly but figured it must be soon.



Barney added on a personal note that he has complained about his neighbor for the past 2 years regarding trash and debris in his yard. He doesn't feel action is being taken and wants to know why he hasn't been taken to court.

Solicitor Seeley told Barney he can file a citizen's complaint.

Barney said he shouldn't have to do that. It's been more than 2 years, and something should have already been done.

Solicitor Seeley said but if you want something done...

Barney said as a tax paying citizen...

Committeeman Broughton asked Barney if it was the neighbor to the left of him.

Barney said yes, 2511

Committeeman Broughton said I remember talking to Steve about this some many months ago and there were violation notices issued. As far as the outcome in court, I don't know what that is.

Barney said, he has never been to court. Barney continued to explain different activity as a result of this residence. He also acknowledged that he knows the courts have been shut down, but his complaints started before the pandemic. It's only gotten worse.

Committeeman Jamison said I can't speak for Ryan, but I will talk to Steve about it tomorrow.

Committeeman Broughton said I am going to drive by the property, I want to see it for myself.

Mayor Vizzard said he would look into it and find out why it hasn't been addressed. We will get to the bottom of it.

Barney said that was all he had.

Mayor Vizzard said I want to go back to the Marc freedman issue. I will summarize what we have talked about and make sure everyone understands. We are allowed to charge a rental fee however that rental fee is only going to cover the first inspection. It doesn't mean we can't have a rental fee every year we just can't have someone there inspecting every year.

Solicitor Seeley said that is how one court has said.

Mayor Vizzard said so with that we are allowed to have a rental registration fee but with that we have to be able to justify the cost of operation of the housing department.

Solicitor Seeley, as Ryan said you “may” do an annual inspection but, that’s your decision.

Mayor Vizzard said, I have to disagree with this. There has to be a law we can follow. We can just say we are going to do what we want to do. There has to be a law.

Committeeman Broughton said, Mike I sent you a link.

Mayor Vizzard said I did read the link.

Committeeman Broughton said I think what the other towns had an issue with was the fee they were charging were charges as a revenue process. I think we can still have the registration.

Mayor Vizzard said yes, we just have to justify the cost. We have to come up with the cost of our housing related to the rentals. We just have to justify the amount we charge for a rental registration fee. That doesn’t mean we have to do a rental inspection every year. We are going to do it on the initial CO. That is part of the cost for running the housing department.

Solicitor Seeley said but you don’t associate the inspection with the cost of the registration cost.

Mayor Vizzard said I totally disagree. It still cost the township to send someone out to do an inspection. The initial CO inspection is part of the cost to run the housing department. There should be no problem justifying that as part of the cost of running that department.

Solicitor Seeley yes you can use that to justify.

Mayor Vizzard said that what I’m saying, we are not going to do inspections every year. So my question is, what are the guidelines? How do we go about changing the ordinance? If we are going to go along with that set up, the ordinance has to be written that the township is going to charge a registration fee annually and the amount will be whatever we can justify to being the cost of running the housing department but they won’t be required to have an inspection every year. Only the new tenants moving into a rental where we have to do inspections.

Solicitor Seeley emphasized that Bridgeton got sued. They decided to have a registration fee and not do inspections. Millville also got sued but they still do inspections and so does Vineland. Its hard to say what is the right thing to do here. Its going to be your decision. It’s a long conversation.

Mayor Vizzard said reading Marc Freedman’s letter, he is not complaining about the inspections, he is complaining about the \$100 fee. He says the fee is not legitimate. So we need to find out what we can and can’t do because the township cannot afford another lawsuit. I want to do what’s right by the law.

Solicitor Seeley said It’s a very tough question. I think this Marc Freedman is going to see we are trying to figure it out because it is different in every municipality.

Mayor Vizzard said we need to figure out how we are going to reply to him.

Committeeman Jamison said so say he wins his argument, where does that leave the landlords that have already paid?

Solicitor Seeley said In Bridgeton they didn't go back and retro. What I think the Mayor is saying if I understand correctly that we need to figure out is how much is the housing department costing the township.

Mayor Vizzard said that is correct.

Solicitor Seeley, so once we figure that out, we can base the charge for rental registration based on how much the housing department is costing the township.

Mayor Vizzard, yes and I think that's how it needs to be approached. Now along with that, if, there is a problem with the tenant, the tenant feels it is unsafe, the tenant can now contact Steve and file a claim against the landlord for not doing their job. But that's not part of his registration fee and I think we need to make that part of the ordinance.

Solicitor Seeley said right you charge the landlord for that. If the landlord does not fix what is supposed to be fixed after a complaint. Once a tenant makes a complaint or Steve makes a complaint, in court, they are fined for whatever it is the tenant is complaining about.

Mayor Vizzard said the courts aren't really doing anything right now.

Solicitor Seeley said they are on some level.

Mayor Vizzard said ok so how long do we have to respond to this Marc Freeman.

Solicitor Seeley said I think a lot of time if we just tell him... I think he knows, when he wrote that letter, that we have a lot to consider. We cannot answer this guy quickly. We have to go through this thoroughly.

Committeeman Jamison said however way we go; this guy is still going to have to pay his rental registration fee.

Solicitor Seeley said what he thinks this guy is saying is that if you have a long-time tenant that is happy, they shouldn't have to be subjected to the annual inspections.

Mayor Vizzard said that he understood that, but we need to find out why is Millville still able to do it? Why is Vineland still able to do it? Why is Bridgeton not doing it? But in the meantime, we need to reply back to this man. Do we say we are looking into it but you still have to pay your \$100 registration fee however we are waiving the inspection?

Solicitor Seeley said for him individually, that's what Bridgeton did with the person that sued them.

Committeeman Jamison said do you think that if we do respond to him that he has to pay for the registration, but we won't do an inspection that, that will solve the problem?

Solicitor Seeley said I think that will appease him for now.

Mayor Vizzard said he doesn't want the fee and he doesn't want the inspection.

Clint Miller said but the township has to be concerned with protecting themselves. I have to have all our township building inspected each year.

Mayor Vizzard said and that's what I'm concerned with, we have to reply back to him now. Do we just send him a letter saying that we are taking it into consideration?

Committeeman Broughton said yes, and I would leave it right there.

Mayor Vizzard asked Solicitor Seeley to respond to Marc Freedman.

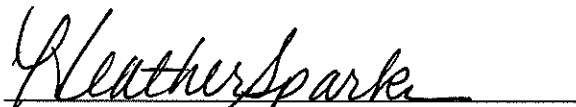
Clint Miller said how many times has the township gotten a complain from a tenant saying you gave a CO for this property and look what I am living in.

Solicitor Seeley said the Landlord needs to be sited. If a tenant complains, then the township can do an inspection.

Further conversation ensued regarding rental inspections and fees and what action may be needed if any. The committee will continue to discuss with Solicitor to decide what will be in the best interest of the township and ensure protection legally.

Mayor asked if there was anything else and being none, asked for motion to adjourn. Motion was moved.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Heather Sparks", written over a horizontal line.

Heather Sparks, Deputy Clerk