

**Minutes of the Agenda Meeting of the Township Committee of the Township of Commercial held on April 12, 2021 at 6:00 p.m., at the Township Hall, 1768 Main Street, Port Norris, NJ**

**Those present:**

<b>Mike Vizzard</b>	<b>Mayor</b>
<b>Fletcher Jamison</b>	<b>Committeeman</b>
<b>Ryan Broughton</b>	<b>Committeeman</b>
<b>Thomas Seeley</b>	<b>Solicitor</b>
<b>Edward Dennis</b>	<b>Engineer</b>
<b>Hannah E. Nichols</b>	<b>Township Clerk</b>
<b>Heather Sparks</b>	<b>Deputy Township Clerk</b>
<b>Barney Hollinger</b>	<b>Riverfront Consultant</b>

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

**Mayor called on Barney Hollinger, Riverfront Consultant for Commercial Township.**

**Mr. Hollinger said he would like to discuss the trucking situation that we have going on now. These sand trucks are speeding, there is sand coming off the trucks on the roads, and the trucks coming down from Dividing Creek are racing down 553, they slow down when they hit Main Street but speed on Ogden down to the barges. Mr. Hollinger said his dog got him up at 3:00 a.m. and when he took the dog outside, he could hear the trucks running back and forth, slamming of the tail gates once they dumped their loads, this makes a lot of noise at 2:00 or 3:00 in the a.m. He said there is no reason those trucks should be running at this time. He said I don't know if you are aware of this, but I found out about it at the last reval, sand companies are taxable if they have electric to run the operation and they are classified as mobile, because they can be taken apart and moved to another location. He said I don't know if you know this but the game reserve in Laurel Lake and the property next to Narrow Lane Road into Millville the sand company has mineral rights to the land and they can come in and start removing them. Maybe it is time we did an ordinance on the hours of operation.**

**Mayor Vizzard said maybe we should call for a meeting.**

**Mr. Hollinger said he was talking with Billie Henderson the other day and he said when the trucks are coming from Dividing Creek, they race and also trucks that hit the bump on the corner of the Methodist Church, North Avenue, the whole truck body shakes. Maybe you should contact the county about it. I don't know if you have had any calls, but I have especially with summer coming and houses opening up. It's a shame we didn't realize this at the time the company that bought Port Norris Marina hours of operation wasn't discussed when they appeared before the land use board. I think a meeting is a good idea.**

Mayor said I think we need a joint meeting and let them know right off the bat that we want them to slow down now.

Mr. Hollinger said I hear tail gates when they dump the truck.

Mayor said I'm not against an Ordinance, I'd like to have a meeting first.

Mayor Vizzard asked for engineer's report.

Mr. Edward Dennis, Engineer, last week or the week before we met with township contractor to go over the cracks that have appeared on our brand new street and I contacted contractor and sent a note to Tom. I told the contractor that they are going to have to come up with a different type of repair and that we are going to follow up on this. I don't think they've done anything yet.

Mayor Vizzard, said I see where Nick spelled all this out.

Mr. Dennis said along with that we have the punch list for both jobs, Riverfront Project and Red Fern and we will have the follow up on this list with the contractor.

Mayor Vizzard said I want to interject that I want you to save as much of the \$30,000 cost that you can.

Mr. Barney Hollinger said he had a question for Ed.

Mr. Dennis

Mayor Vizzard said Barney I want to state that on what you were talking about before, we would have the trucks use James Moore Road to Strawberry to Main and to High and turn on Miller Avenue. The trucks coming off the by-pass will turn on James Moore instead of using North Avenue. That would solve the problem of trucks not traveling down Ogden.

Mayor Vizzard sad we have items for the regular meeting on April 16<sup>th</sup>.

Mayor said the public hearing on the municipal budget scheduled for April 15<sup>th</sup> has been rescheduled for Thursday, April 29<sup>th</sup> at 6:00 P.M. in the Township Hall, due to the advertisement not being statutorily advertised. This happened with the restrictions of closing municipal building because of coronavirus from March 26 thru April 5. Mayor said he disagreed.

Mayor said we have a discharge of mortgage for George Thomas, 4140 Route 47, Leesburg, NJ. This is Bayshore Housing Grant in amount of \$15,999.00. Landis Title company verifies that 50% of loan was repaid in the amount of \$7,999.50.

Mayor stated that Chief Financial Officer, Pamela Humphries, has gone out for proposal for the purchase of our Bond Anticipation Note. Proposals are due on Tuesday, April 13<sup>th</sup> by 11:30 a.m.

Mayor said an application from Bayshore Center at Bivalve Inc. for Club License has been received and according to Alcoholic Beverage Control a club license is at the discretion of the municipality's governing body. Mayor said township's Risk Management Consultant Robert Conners has been contacted into level of Liability Insurance for a Club License.

Mayor Vizzard asked should we put this on the agenda for the regular meeting.

Clerk said you can, but I would wait and see if we get the recommendation regarding the liability insurance they should have from Bob Conners. Also, I have asked for drawing from Bayshore showing exact locations of where alcohol will be served.

Mr. Seeley asked if they were going to serve alcohol on the docks.

Deputy Clerk Heather said that they were.

Mr. Seeley said then you definitely need for them to delineate exactly where the alcohol will be served and where it can be consumed and you can't file the application until you have that information because if the state approved without a definite designation, they could serve it in a parking garage if they have one.

Clerk said I contacted Bayshore and they were going to try to have it here today.

Mayor said the insurance is something that we can pass on to them, right.

Clerk said the state said the township committee approves club licenses but you really need to know all the aspects of what is required and they need to provide it to you, the committee, so you know exactly what you are approving.

Mayor Vizzard said we have the following resolution regular meeting on 16<sup>th</sup>.

**Resolution: Authorizing Transfer of Overpayment To Other Tax Years Or Refund Of Overpayment To Owner, Payer Or Their Representatives.**

Clerk said this is resolution so far regular meeting, there will be others.

Mayor Vizzard asked Solicitor, Thomas Seeley, for a report from the March meeting which was, can a municipality sell a property that they own because they foreclosed on it for non-payment of taxes back to the person who lost it through foreclosure?

Mr. Seeley said he researched it and found nothing that says you can't. I was surprised, I reached out to other attorney's. Do you know how much he owes Hannah.

Mrs. Nichol said I have no idea and would we have to have a land sale on this.

Mr. Seeley said he didn't find anything that would prevent that.

Mayor Vizzard said are we allowed to have a letter of intent with restrictions that he is going to tear the building down and a time limit in which he has to do it. If he's going to buy it he's got to tear the building down and pay up the old taxes. But we will give him a letter that we intend to sell it to him but he has to pay the back taxes before we can sell it to him.

Mr. Seeley asked, you have no idea Hannah or Heather how much the back taxes are.

Mrs. Sparks said we've owned it for several years.

Mrs. Nichols said he's had use of the property the entire time.

Committeeman Jamison, so what are you saying that he would have to pay all of the back taxes if we sell it to him and tare the building down, is that what you are saying, Mike.

Mayor said yes, so I'm saying give him a letter of intent we will sell you the property, you have to tare the building down and pay all the back taxes before we will sell it to you.

Committeeman Jamison, said is that our standard procedure Tom, when we sell property like that. I'm trying to figure out what difference does it make if you are going to sell this house, property to him, is this legal. This is water under the bridge and we agreed to sell it back to him and with land sale he might not even get it. He came with a bid and we accepted it. We sell property to people for fifty dollars, we've never made, I think we had better talk about this.

Mr. Seeley said that's up to you guys if you want to take this as water under the bridge, and allow him off, then you can accept his offer as a minimum bid and sell it at a land sale.

Committeeman Jamison said I think we had better talk about this Mike.

Mayor Vizzard said that he felt that the previous owner who didn't pay the taxes and lost it should have to pay the amount of taxes that was not paid if he wanted the property back.

Committeeman Jamison asked solicitor if that would be legal to make him pay the taxes that was due when he lost it. We don't make anyone else that buys property from us at a land sale pay the amount of the back taxes, we set the amount and it isn't much because we want them to buy it.

Mr. Seeley said the committee sets the prices for land that they own when they put it up for sale.

Committeeman Jamison said is that fair, if someone else wanted to buy that property we would have set an amount of what a thousand dollars. We do it all the time when we have a land sale.

Clerk, Hannah Nichols, said that she doubted very much if he would have the money at this time, due to fact crabbing season hasn't started yet. She also said the house which is not worth any thing was on the tax bill back when he lost it.

Mayor said find out what the taxes were, take the assessment of the house off and make him pay the back taxes for the land. He said for solicitor to send him a letter and tell him he can buy the property back for the taxes on the land.

Mr. Seeley said for Hannah or Heather to notify him of the taxes on the land when he lost the property, remove the house from the assessment.

Mayor Vizzard said if we go to land sale and he doesn't get it, can we make it a stipulation when we sell it that whoever gets it has to tear that house down.

Mr. Seeley you can make any type of stipulation you want and they should be written into an agreement. Give them six months to comply or you take the property back, they don't get the deed until stipulations are done.

Mayor Vizzard said we sold three properties at the land sale in 2018 do the same thing, man was supposed to demolished, two houses and one was to be brought up to code. He also said when we advertise the list of properties that we want to sell, put whatever we want done is listed in the newspaper along with all the other information.

Heather, Deputy Clerk said that no taxes have been paid on the three properties and we can start foreclosure on them again, the Carmichael house is still there, he lives in the house on Brown Street and they are supposedly fixing up the blue house on North Avenue.

Mayor Vizzard said he wants Tom to send him letters that we're going to take the properties back because they have not complied with stipulations.

Committeeman Jamison said he doesn't think they should get any more extension, on tearing these houses down.

Mayor Vizzard said I agree with Fletcher on that. I think that we need to be more aggressive.

Mr. Seeley said to get him some dates of the sale, copies of the land sale slips with the names and addresses and he'll send the letters.

Mayor said we have a rabies clinic at the Laurel Lake Fire Hall on Saturday, April 17, 2021 from 12:00 noon to 3:00 p.m.

Mayor asked committee if they had anything to report.

Committeeman Jamison said I think that we need to stop these trucks from going so fast and that there working at six in the morning.

Committeeman Broughton said when they came before the land use board they said what the hours of operation would be.

Mayor Vizzard asked the clerk if our meeting with the sand companies could be done at the budget hearing on the 29<sup>th</sup> of April.

Clerk said that it could.

Mayor Vizzard said what does the committee think about putting in a municipal boat ramp because with the sale of the Long Reach Marina our residents will have to go over to Maurice River Township to launch their boats.

Committeeman Jamison said he agrees our residents have a lot of boats and I don't want to see them have to go to Maurice River Township.

Mr. Hollinger said he liked the idea of a municipal boat ramp and they could probably build it next to the municipal wharf but parking could be a problem. There is a parking lot across the street.

Mayor Vizzard asked who owns the lot next to the municipal wharf, with the building on it, doesn't look like it's being used.

Mr. Hollinger said it belongs to Bivalve Packing. He said when Long Reach had the boat ramp, they put up a camera and a sign which said pay or we'll be after you.

Clerk said there is a recreational grant available.

Mr. Seeley said Mr. John Paul, had title insurance done on the property he purchased at the land sale from the township. Title Company wants a resolution stating he purchased it.

Mayor Vizzard asked about the lawsuit of Delgado and Welch and do we have paper on this.

Clerk said it was Laurel Lake Fire Truck was in Millville and hit Delgado and she is suing City of Millville, Laurel Lake Fire Company and Commercial Township. I have met with the representatives that JIF hired to defend Commercial Township. Its Steve Romanik from Millville. I did an affidavit and told them that Fire District Three is Laurel Lake Fire Company and that they are their own entity, they have their own election at this time, for commissioners and their fire budget. The last message I received from Birkheimers & Powell, they felt that the suit against Commercial was going to be dropped.

Mr. Seeley said he is familiar with the company defending Commercial Township and that the township will have the case against the township dismissed.

Mayor Vizzard asked for additional business and being none, meeting is adjourned.

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Hannah E. Nichols, Township