

Minutes of Regular Meeting minutes of the Township Committee of the Township of Commercial, held on March 18, 2021 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 Clerk

Mayor Vizzard presided and called the meeting to order with the announcement that this meeting is being held via Virtual Platform Zoom, meeting is being electronically recorded and being held in full compliance of the Open Public Meeting Act.

Mayor Vizzard said first item on the agenda is the introduction of the 2021 Municipal Budget and the introduction of mandatory Resolution 2021-37.

RESOLUTION 2021-37

Governing Body Certification Of Compliance With The United States Equal Employment Opportunity commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L.2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity commission's "Enforcement Guidance on the consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C.& 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Commercial hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c. 183, by certifying that the local unit's hiring practices comply with the above referenced enforcement guidance and hereby direct the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance. I hereby certify that this is a true copy of the resolution passed at the Meeting held on March 18, 2021.

RESOLUTION 2021-38

Introduction The 2021 Municipal Budget

BE IT RESOLVED that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the year 2021;

BE IT FURTHER RESOLVED that the said budget be published in the South Jersey Times edition of April 1, 2021 as follows:

A hearing on the budget and tax resolution will be held at the Municipal Building on the 15th day of April 2021 at 6:00 o'clock p.m., at which time and place objections to said budget and tax resolution of the Township of Commercial for the year 2021 may be presented by taxpayers or other interested persons: Additional information for accessing the public meeting can be found on the Township website <https://commercialtwp.com>

Summary of General Section of budget

Current Fund

Municipal Purposes within "CAPS"	\$2,514,668.00
Municipal Purposes excluded from "CAPS"	639,551.67

Reserve for Uncollected Taxes	<u>689,968.49</u>
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Total General Appropriations	3,844,188.16
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Less: Anticipated Revenues	<u>2,242,614.22</u>
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Local Tax for Municipal Purposes	
Amount to be Raised By Taxation	<u>\$1,601,573.94</u>

Mayor Vizzard asked for vote on Resolutions 2021-37 and 2021-38.

Committeeman Broughton said he voted Yes on Resolution 2021-37 Civil Rights Act voted No on Resolution 2021-38 Municipal Budget.

Committeeman Jamison said he votes Yes on Resolution 2021-37 and Yes on Resolution 2021-38.

Mayor Vizzard said he votes Yes on Resolutions 2021-37 and 2021-38.

Votes on Resolution 2021-37, Civil Rights and Resolution 2021-38 Introduction of 2021 Municipal Budget stand as recorded.

Mayor Vizzard said we have minutes of previous meetings for consideration:

Minutes of Agenda Meeting February 15, 2021
Minutes of Regular Meeting February 18, 2021

Committeeman Broughton made motion to approve minutes, Committeeman Jamison second and a unanimous roll call vote was taken.

Mayor Vizzard said we have the Bill list for the month of March 2021, as prepared by Chief Financial Officer, Pamela Humphries.

Committeeman Jamison made motion to approve payment of bills and Committeeman Broughton seconded motion with a unanimous roll call vote.

Mayor Vizzard called on Edward Dennis, Engineer, for his report.

Mr. Dennis said he was pleased to inform the committee that Commercial Township has been selected to receive funding from the New Jersey Department of Transportation's Fiscal Year 2021 Local Freight Impact Fund Program for Port Norris Riverfront Roadway Improvements-Phase 3 Project in the amount of \$1,300,000.00. He said this funding is for the sluice and bridge, this is zero out of pocket. We have had over three million in grants. He said we received grant for Parson Lane and Keron Drive and we have started the survey on Parson. Mr. Dennis said with warmer weather we will address issues with contractors that need to be corrected on the Riverfront Road Improvements and the Red Fern Drive Project.

Mayor said he had spoken to John Knoop, Director of Cumberland County Public Works to see if they would be willing to help with bridge work to offset township's cost. Mayor said Mr. Knoop was very receptive and would like an onsite meeting. Mayor asked Ed Dennis to set something up regarding onsite inspection. Mayor said of course Mr. Knoop will have to get approval from freeholders regarding any funding.

Mayor said we have two bids on township owned property and we will turn the meeting over to solicitor.

Mr. Seeley, said we have bid of \$1,200 for Block 48, Lots 6082-6088, 140X100 with house on property from Perrault Jean-Paul of Jersey City, New Jersey. Mr. Seeley made statement that the properties are township owned and have had final foreclosure on them. Mr. Seeley explained that this is first land sale that I have done at a zoom meeting. Normally they are at a regular township meeting and the 20% per cent deposits must be paid at the day of the sale. Is there a plan for how this is to work.

Clerk said it would be through Mr. Seeley's office that payment should be made.

Mr. Jean-Paul said he would fed-ex the money to his office. Mr. Seeley informed him of his address and phone number.

Mr. Seeley said the township does not make any guarantees in regards to actual size, liens, we recommend a title search, basically, be done before property is purchased. He said three adjoining owners have been notified and bids have been advertised two times in the South Jersey Times. Solicitor asked Mr. Jean-Paul if he bid \$1,200 for Block 48, Lots 6082-6088 and he confirmed. Mr. Seeley asked if there were any additional bidders and Adrienne DoNato said she would like to bid. Bidding went in \$100.00 increments and stopped at \$2,550.00 with Mr. Jean Paul being highest bidder. Instructions were given that he must put down 20% and pay balance within 30 days.

Mr. Jean-Paul said he would forward payment to Mr. Seeley's office on the 16th.

Solicitor asked the committee if they wanted to accept the bid of \$2,550 for Block 48, Lots 6082 thru 6088, 140X100 with dwelling on it and the arrangement he made for payment since this is a virtual platform meeting.

Committeeman Jamison made motion to accept the bid of \$2,550 for 205 Iris Road, Laurel Lake. Committeeman Broughton seconded the motion and roll call vote was unanimous.

Solicitor Seeley said we have a bid of \$2,000 from Hannah Nichols, Port Norris for Block 251, Lots 5 & 6, size 57X175 each, property is vacant land. Mr. Seeley stated that there were four adjoining property owners that had been notified of the land sale, the land sale had been advertised in South Jersey Times two times within the statutorily requirement of fourteen days prior to sale. Mr. Seeley asked if there were any additional bidders and Ms. Adrienne DoNato bid against Mrs. Nichols in \$100 increments to \$6,200 when Mrs. Nichols withdrew. Mr. Clint Miller decided to bid and went to \$7,000. Mrs. DoNato withdrew at that time. Solicitor Seeley asked committee if they would accept \$7,000 for Block 251, Lots 5 & 6, known as 2513 Market Street, Port Norris. Mr. Seeley explained that 20% would have to be sent to his office and balance must be paid in 30 days.

Committeeman Jamison made motion to accept \$7,000 for Block 251, Lots 5 & 6, known as 2513 Market Street, Port Norris. Committeeman Broughton seconded motion and unanimous roll call vote taken.

Mayor Vizzard said we have correspondence. We have received a letter from Raymond Compari, Millville. He owns Block 225, Lot 27, known as 2522 Ogden Avenue, Port Norris and he would like to donate the property to the township.

Mr. Seeley said that Mr. Compari and been informed of the regulations that are in effect when someone donates property to the township, there is a \$600 fee for all legal fees connected with accepting property, title search, preparation of new deeds to transfer the property and record the deed at the county level. Mr. Seeley confirmed that \$600 was received and that he will forward payment to the township. (This was removed from regular meeting agenda but since Mr. Compari had paid the initial \$600, it needs to go into the minutes.)

Committeeman Broughton made motion that township accept the donation of Block 225, Lot 27, known as 2522 Ogden Avenue, Port Norris from Mr. Compari. Committeeman Jamison seconded the motion with a unanimous roll call vote in April.

Mayor Vizzard said we have a letter from Robert Bateman, he wants to put a bid of \$1,000 for Block 259, Lot 6, known as 2721 High Street, he will tear down the house on Lot 6, he owns lots 5 & 7. Since there is an adjoining owner that owns marsh lands adjoining Lot 6, they would have to be notified and land sale set.

Committeeman Broughton said that he sent an e-mail to Mr. Seeley regarding the Bateman property, we had this issue some months back and we denied him. I wanted to defer this to Tom to research whether there are legalities if the township sold this property back to a resident who lost it for non-payment of taxes.

Mr. Seeley said he didn't get the e-mail.

Mayor Vizzard said he was looking at what's best for the township. Bateman has property on both sides of this, he has his equipment on it now, he is using it. If we keep it we will have to tear the house down and take it away, and we don't want another property that we don't need. That's the reason I'm in favor of selling the property back to him, we can order him to tear the house down and haul it away in thirty days and if he doesn't then we can lay claim to the property again.

Mr. Seeley asked exactly what is it that they want him to do.

Mayor Vizzard said Bateman lost this property for non-payment of taxes, is it legal for the township to sell a property that township foreclosed on back to person who lost it. Tom, I guess you need to respond to Ryan's question. I make motion to table this matter until next month's meeting.

Committeeman Jamison and Broughton agreed with mayor.

Mayor said we received a letter and two petitions, each with 22 signatures. Petition 1, is requesting that Milbourne Drive and Dennis Lane be restored to original condition. Petition 2, is requesting that township remove dwelling destroyed by fire and is in dilapidated condition at present.

Mayor Vizzard said that it had already been decided by the committee that Milbourne Drive will be a priority #1 application to Department of Transportation for grant funding in 2021 and that's how we'll respond to Petition #1. Regarding Petition #2, there is a burned out dwelling and citations have been issued last year but nothing was done.

Committeeman Jamison said he believes additional violation notices have been sent.

Mayor said we have a proposal from Remington & Vernick Engineers for the Reconstruction of Keron Drive and Parson's Lane for Preliminary Engineering Services in the amount of \$14,000. Certification of funds have been approved by chief financial officer and is attached. A resolution will need to be added to nights agenda.

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

**COMMERCIAL TOWNSHIP
ORDINANCE 2021-605**

**ORDINANCE 2021-605 STORMWATER CONTROL ORDINANCE UPDATE
AN ORDINANCE REPLACING ORDINANCE 2005-465 OF THE TOWNSHIP
OF COMMERCIAL, IN THE COUNTY OF CUMBERLAND**

Mayor asked for motion to open meeting to the public.

Committeeman Broughton made motion to open meeting to public and
Committeeman Jamison seconded.

Mayor Vizzard asked for comments from the public in attendance and stated that this involves the township upgrading our stormwater management ordinance. With no comments being made, Mayor asked for motion to close public portion.

Committeeman Broughton made motion to close public portion.

Committeeman Jamison seconded motion to close public portion and motion to adopt ordinance. Committeeman Broughton seconded the motion to adopt. Roll call vote unanimous.

Mayor Vizzard said we have several resolutions.

**RESOLUTION 2021-39
List of Uncollectible Taxes**

I, Leslie Kraus, submit to you a list of taxes, which in my opinion are uncollectible. The reason as to why the taxes are uncollectible is listed below. I thereof as required by P.L. 115 (C.54:4-91.91, 91.2

Block	Lot	Assessed Owner	Year(s)	Amount	Reason
181	2	Haleyville Methodist Church	2021/1 st Qtr	\$1,115.75	Exempt

**RESOLUTION 2021-40
Authorizing Transfer Overpayment To Other Tax Years Or
Refund Overpayment Owner, Payer Or Their Representative**

WHEREAS, it was discovered after downloading the 2021 MODIV, receiving a County Board of Taxation appeal judgement and or during the preparation of the tax bills overpayments were created due to reductions in the tax assessments, the recent Homestead Credit Benefit, combining of lots, change in lot number, removal of assessment approved deduction, duplicate payment or pursuant to a successful appeal filed with the County Board of Taxation lowering said assessments, and

WHEREAS, pursuant to statute said overpayment will need to be refunded to owner, person who made payment or their representative. With said overpayments exceeding \$10.00 approval from the Commercial Township Committee is required before action is to be taken, and

THEREFORE, BE IT RESOLVED, that Leslie Kraus, Tax Collector for Commercial Township is authorized to submit a voucher for refund of existing overpayments along with interest pursuant to statute, when required, as listed below. It is further requested that the Certified Financial Officer be authorized to refund as indicated by voucher.

Block	Lot	Owner	Year(s)	Amount	Reason
15	4332	Elaine Marine	2021/1stQtr	\$847.89	Paid Twice Refund To Corelogic

RESOLUTION 2021-41
Refund Senior Citizen, Veteran
Deduction Due Erroneous Removal

WHEREAS, Frank E. Donohue, assessed owner and resident of property located at 2528 Church Street, in Port Norris, also known as Block 250, Lot 9, had filed an application for allowance of a Senior Citizen deduction on April 30, 2019. The application was accompanied with proper supporting documentation thus making Mr. Donohue eligible for a property tax deduction of \$250.00. Said application as approved on May 7, 2019 and manual credit was given to Mr. Donohue for the year 2019.

WHEREAS, it was discovered that the eligible tax deduction was erroneously removed from the MOD IV by Tax Assessment for the year 2020 onward. To correct this error, the amount of \$250.00 for 2020 will need to be manually credited towards 2020 on the parcel then the overpayment transferred to a future quarter. The \$250.00 credit can be claimed on the PD65-10 report or the VE-WVE-1 report filed with the County Tax Administrator and the State of New Jersey as a municipal error.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Commercial, County of Cumberland, State of New Jersey, hereby authorize the Township Tax Collector to make necessary adjustments regarding the error.

RESOLUTION 2021-42
Authorizing Cancellation Of Refund Of Property Taxes Due To
Approval Of 100% Disable Veteran's Application

WHEREAS, on February 4, 2021 a Claim for Property Tax Exemption on Dwelling House of Disabled Veteran or Surviving Spouse, Civil Union Partner/Surviving Domestic Partner of Disabled Veteran or Serviceperson was filed, along with all supporting documentation on behalf of Susan W. McIlwee for Block 36, Lot 5501, located at 6506 Battle Lane in Laurel Lake and,

WHEREAS, after proper review of the application and all supporting documentation by the Tax Assessor it was determined that Ms. McIlwee met all requirements to receive the 100% permanently disabled veteran benefit pursuant to N.J.S.A. 54:4-3.30 et seq. (Supporting exemption approval attached) and approved the same on February 26, 2021. Said Exemption approval was retroactive to January 1, 2021 and;

THEREFORE, BE IT RESOLVED, the Tax Collector is authorized to cancel taxes for first half of 2021 in the amount of \$1,124.80 and refund the amount of \$562.40 paid by the

mortgage company. A future resolution will be submitted to cancel the last half of 2021 and the first half of 2022 once the 2021 tax rate is struck, and those figures are obtained.

RESOLUTION 2021-43
Resolution Approving Commercial Township Employees
Union Contract For 2021, 2022, 2023 and 2024

BE IT RESOLVED, by the Township Committee of the Township of Commercial after several negotiation meetings, a unified agreement has been reached between the Commercial Township Governing Body and Commercial Township Municipal Employees in the adoption of the Union Contract for years 2021, 2022, 2023, 2024 retroactive to January 1, 2021.

BE IT FURTHER RESOLVED that the Commercial Township Municipal Employees are members of the American Federation of State, County and Municipal Employees New Jersey District Council 63, AFL-CIO, Local 3779E.

Resolution 2021-44
Hiring of William White, Bridgeton, NJ As Part Time Construction Official
and Plumbing Subcode Official At Salary of \$22,280.96

BE IT RESOLVED by the Township Committee of the Township of Commercial that due to untimely death of Construction Official Louis Palena that the committee needed to fulfill that position.

WHEREAS, William White, a part time Plumbing Subcode for the township has the credentials to fill the Construction Officials position, therefore

BE IT RESOLVED, by the Township Committee that William White is hired as a part time Construction Official, and will provide eight hours of service one day per week to accommodate the public and will remain part time Plumbing Subcode Official at a salary of \$22,280.96 with services commencing the week of March 22, 2021.

RESOLUTION 2021-45
Hiring of Derek J. Leary, Millville, NJ As Part Time Building
Subcode Official For Commercial Township At Salary of \$4,284.80

WHEREAS, Commercial Township was in need of a Building Subcode Official with the death of Louis Palena, and therefore the position was advertised in the South Jersey Times for one week.

WHEREAS, applications were accepted and interviews were held with the position being fulfilled; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that Derek J. Leary has all the certifications needed to be hired as a part time Building Subcode Official at a Salary of \$4,284.80, commencing the week of March 22, 2021.

RESOLUTION 2021-46
Authorizing Remington & Vernick Engineers To Perform Preliminary
Engineering Services For The Reconstruction of Keron Drive and Parsons Lane
In The Amount of \$14,000.

WHEREAS, Commercial Township has received a grant in the amount of \$280,000 for the Reconstruction of Keron Drive and Parsons Lane from the New Jersey Department of Transportation; and

WHEREAS, Remington & Vernick Engineers presented a proposal of \$14,000 to do the Preliminary Engineering Services to the project underway, therefore

BE IT RESOLVED, by the Township Committee of the Township of Commercial that the proposal of \$14,000 for Preliminary Engineering Services for Keron Drive and Parson Lane is approved and funds will be charged to the following.

For Engineering Services for 2021 NJDOT Grant
In the Amount of \$14,000.00

2021 NJDOT Grant Match: Keron Drive & Parson's Lane FCOA 41-559	\$14,000.00
Total Amount of Engineering	\$14,000.00
Present balance in 2021 in Introduced Budget Appropriation for Grant Match	\$20,000.00
Remaining balance in Appropriation:	\$ 6,000.00
Amount Certified pending the adoption of the 2021 Municipal Budget Total not to exceed:	\$14,000.00

Mayor Vizzard asked for motion on Resolution 2021-39 thru 2021-46.

Committeeman Broughton said voting Yes on Resolution 2021-39 thru 42, voting No on Resolution 2021-43, voting Yes on Resolution 2021-44 thru 46. Committeeman Jamison and Mayor Vizzard voted Yes on Resolutions 2021-39 thru 46. The vote is recorded as stated.

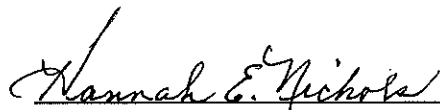
Mayor asked for reports of officials.

Solicitor Seeley told the committee that he responded by letter to the individual who had an issue with rental inspections and \$100 Registration fee. He also responded to the statute that was quoted in their letter and said, statue has been overturned, but I will investigate further.

Committeeman Broughton said he inspected the property Barney referred to and it's not the best to look act but it's not the worst. I received a report from Steve that the two cases that Barney reported just went to court on March 16th, both parties pleaded guilty and were fined.

Mayor asked for motion to open meeting to the public and with no comments being made he made motion to close the public portion. Committeeman Jamison seconded.

Mayor Vizzard made motion to adjourn meeting. Motion moved.



Hannah E. Nichols, Township Clerk