

Minutes of the Regular meeting of the Township Committee of the Township of Commercial held on April 21, 2022, at 6:00 P.M., at the Township Hall at 1768 Main St. Port Norris, NJ

Those Present:

Mike Vizzard	Mayor
Fletcher Jamison	Deputy Mayor
Joseph Klaudi	Committeeman
Thomas Seeley	Solicitor
Heather Sparks	Township Clerk
Nick DiCosmo	Engineer

Those Absent: Edward Dennis Engineer

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 asked that attendees join him in the flag solute and the Lord's Prayer.

Mayor asked for reports of officials. Noted the State Police were not present. Engineer not present (arrived late).

Mayor said we have minutes of the previous meetings. Minutes of the Visioning Session on March 14, 2022, Minutes of the Agenda Meeting on March 14, 2022, and the minutes of the regular meeting on March 17, 2022.

Mayor asked for a motion to approve the meeting minutes. Motion was made by Committeeman Jamison and was seconded by Committeeman Klaudi. Roll call, all were in favor.

Nick DiCosmo came in, Mayor asked him to provide the Engineers report.

Nick DiCosmo – Port Norris Riverfront project should be closed up soon. We will be approving final payment tonight. Red Fern Drive is closed out and done. Keron Drive and Parsons Lane, is also closed out and done just waiting on final disbursement from the DOT. Port Norris Riverfront improvements, phase 3, we sent out all the noticing for DOT permitting today, the DOT permit is ready to be submitted just need a few signatures. He has received the payment voucher from Pam. The Army Corp permit will be ready to be mailed on Monday then we will be in the permit review period. We are still waiting on the 2022 Local Impact funding, hopefully we will hear sometime the end of this month or beginning of May. Reconstruction of Brown and Cobb Street is ongoing and close to wrapping that up. The Mauricetown Riverfront Park improvements, I believe we are approving the proposal for WJ Castle to do the underwater inspection. As soon as they receive the signed proposal, they will schedule that inspection. Nick spoke to the company, and they estimate it will be 2-3 weeks after receiving signed proposal to start the work then another 2-3 weeks after it is completed to receive the final report with their recommendations. Nick also reached out to the gas company, he is coordinating with them to get some of the road openings on Magnolia and Cherry, we are going to get them milled and paved to rectify those repairs because its not acceptable.

Correspondence – Received request from Laurel Lake Triathlon, which is a run, bike, swim in Laurel Lake. The event takes place on Millville and Commercial Township roads. Certificate of insurance has been provided. Application was reviewed by Mints insurance and was approved. There is a resolution on for approval tonight.

Land Sale Request –

Keri Hiles of 353 Beech Rd. has put in an offer to purchase block 135, lot 7034 for \$200. This property has a retention basin on it and has previously been deemed as not for sale. This property is adjacent to her existing property.

Mayor asked if the committee wants to accept or reject this request.

Tom Seeley- It's a retention basin, does the committee want to sell property with a basin on it. It may interfere with access to the basin.

Nick DiCosmo- Spoke to Clint and he got some pictures. From his understanding the actual outfall is on the property they already currently own then it drains to this property they want to buy. There is actually no township owned infrastructure on this lot which was his initial concern. Seeing how there isn't any infrastructure on this property. This is essentially a backup, it rarely sees water, but it isn't saying it couldn't. He doesn't feel it would be smart to build anything there but in terms of selling it, I don't see why you couldn't.

Discussion continued as to the pros and cons of selling the property. Solicitor Seeley suggest a stipulation of consolidating with existing property. Buyer would be responsible for any additional cost.

Mayor Vizzard suggested selling it with a condition that the township is not liable if something happens with the flooding.

Mayor asked if they are going to accept or reject the offer. Committeeman Klaudi made a motion to sell the property, Committeeman Jamison seconded.

Mayor Vizzard - Fletcher Jamison has put in an offer of \$500.00 to purchase 2522 Ogden Ave. Port Norris, block 225, lot 27. This property is vacant. Lot size is 109 X 174. Do we want to accept or reject this offer?

Committeeman Klaudi made a motion to accept, Mayor Vizzard seconded.

Mayor Vizzard – Both of these properties will go up for auction on June 16, 2022.

Bond Ordinance for Introduction –

Ordinance 2022-612

BOND ORDINANCE PROVIDING FOR THE FY2021 NJDOT LOCAL FREIGHT IMPACT FUND PORT NORRIS RIVERFRONT IMPROVEMENT PROJECT PHASE 3 IN AND BY THE TOWNSHIP OF COMMERCIAL, IN THE COUNTY OF CUMBERLAND, NEW JERSEY, PURSUANT TO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF CUMBERLAND, APPROPRIATING \$1,300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,300,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF.

Mayor Vizzard - Second reading and adoption is scheduled for May 19, 2022. Do we have a motion to adopt? Committeeman Jamison made the motion and was seconded by Committeeman Klaudi. Roll call, all were in favor.

Resolutions –

**Resolution 2022-45**  
**Approving Annual Laurel Lake Triathlon Sprint on July 30, 2022**

BE IT RESOLVED that the Commercial Township Committee approves the 7th Annual Laurel Lake Triathlon Sprint, Bike and Run Course for July 30, 2022, on Commercial Township and the City of Millville Roads.

BE IT FURTHER RESOLVED that a Certificate of Liability Insurance has been provided.

BE IT FURTHER RESOLVED that sprint is held in honor of William Laubengeyer and sponsored by DQ Events 316 Crestwood Avenue, Haddonfield, NJ.

BE IT FURTHER RESOLVED that this resolution and application will be forwarded to the Cumberland County Road Department for final approval.

**Resolution 2022-46**  
**Approving A Five-Year Sand Mining Permit License**  
**For Covia Holdings Corporation for Phase 2 & 4A**  
**Known as Block 172, Lot 1, Block 173, Lot 2,**  
**Block 174, Lot 1-6, Block 269, Lot 1.01 and 1.02**

BE IT RESOLVED by the Township Committee of the Township of Commercial that a five-year sand mining permitting license is granted to Covia Holdings Corporation, P.O. Box 145, Millville, NJ 08332, upon recommendation of the Commercial Township Land Use Board for Phase 2 & 4A, known as Block 172, Lot 1, Block 173, Lot 2, Block 174, Lot 1-6, Block 269, Lot 1.01 and 1.02; and

BE IT FURTHER RESOLVED by the Township Committee that Covia's five-year renewal covers their resource extraction permit, conditional use, expansion of the permanent area by approximately ten acres and major site plan both preliminary and final are all approved; and

BE IT FURTHER RESOLVED that the five-year sandmining permitting license is granted to Covia Holdings Corporation upon all requirements and stipulations as stated by the Commercial Township Land Use Board's Resolution 2022-04 be adhered to for the duration of the license which will expire effective April 3, 2027.

Mayor Vizzard asked for a motion to adopted resolutions 2022-45 and 2022-46. Committeeman Klaudi made the motion and was seconded by Committeeman Jamison

Mayor Vizzard – Resolution 2022-47, Authorizing the 2022 Municipal Budget to be read by title only.

**Resolution 2022-47**

**Authorizing the 2022 Municipal Budget Be Read by Title Only**

WHEREAS, N.J.S.A. 40A:4-8 as amended by L.2015, c95 & 14, 2015 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than the majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspections, and has been made available to each person upon request; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

Roll Call Vote	
Klaudi	Yes
Jamison	Yes
Vizzard	Yes

Mayor asked for a motion to open to the public. Committeeman Klaudi made the motion and was seconded by Committeeman Jamison. With nothing, Committeeman Jamison made a motion to close to the public and was seconded by Committeeman Klaudi

**Resolution 2022-48  
Adoption of the 2022 Municipal Budget**

BE IT RESOLVED, by the Committeepersons of the Township of Commercial, County of Cumberland that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of \$1,672,016.63 for municipal purposes.

Roll Call Vote	
Klaudi	Yes
Jamison	Yes
Vizzard	Yes

Mayor asked for a motion to adopt the 2022 Municipal Budget, Committeeman Jamison made the motion and was seconded by Committeeman Klaudi. Roll call, All in favor

**Resolution 2022-49**

**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 Commercial Township, 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 directs 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.

**Resolution 2022-50**

**Authorizing Final Payment NJ DOT Local Freight Impact Fund Port Norris Riverfront Roadway Improvements In The Amount of \$105,250.16, South State Inc. Payment Certificate #3**

WHEREAS, the NJDOT Local Impact Fund, Port Norris Riverfront Roadway Improvements has been completed; and

WHEREAS, Township Engineer has determined that final payment is due contractor; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that final payment is hereby authorized to South State Inc. in the Amount of \$105,250.16 under certificate #3.

**Resolution 2022-51**

**Authorizing Shared Service Agreement to Provide  
Services of Certified Recycling Coordinator as Review  
and Certification Agent Regarding Annual Recycling  
Tonnage Report for Downe Township**

WHEREAS, the Township of Downe Township desired to enter into a Shared Service Agreement with Commercial Township allowing the municipality to provide services as their Certified Recycling Coordinator; and

WHEREAS, pursuant to the terms of the Shared Service Agreement between the township and the Municipality listed below, will provide payment of specified monies in exchange for specified certified recycling coordinator services being performed by Commercial Township's certified staff; and

WHEREAS, said Shared Service Agreement are permitted under the Statutes pursuant to N.J.S.A. 40A:11-1. Et seq., N.J.S.A. 18A-11, et seq. and Interlocal Service Act (N.J.S.A. 40:8A-1. Et seq.) a local unit may enter into a contract with any other local unit to provide such services and shall require that the contract must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial as follows:

- 1) The Township hereby authorizes the Township Mayor and Clerk to execute individual Shared Service Agreements for services of a certified recycling report in accordance with New Jersey Law and Regulations, with the following municipality.

Downe Township, 288 Main Street, Newport NJ 08345

- 2) A notice of this action shall be printed once in the South Jersey Times, a newspaper of general circulation in the Township.

**Resolution 2022-52**

**Approving W.J. Castle PE to perform a sheet pile  
bulkhead Inspection by underwater diver in the amount  
of \$5,500.00 at the Mauricetown Waterfront Park to  
determine extent of repairs needed**

WHEREAS, the Mauricetown waterfront park is in need of repair to the bulkhead as a result of damage received through normal wear and tear of weather and water movements, and

WHEREAS, the damage is below the water line requiring specialized experts to determine extent of damage to said bulkhead and

WHEREAS, the township has received a quote for specialized services requiring divers to determine extent of damage in the amount of \$5,500 from W.J. Castle PE of Hainesport, New Jersey

NOW BE IT RESOLVED, the Township Committee of Commercial Township authorize W.J. Castle PE to perform an underwater inspection of the Mauricetown waterfront park to determine damage and the needed repairs.

Mauricetown Park Bulkhead Inspection 2-01-20-165-028	\$5,500.00
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Present balance in appropriation	\$17,000.00
Remaining Balance in Account:	\$11,500.00

Amount Certified: Total not to exceed \$5,500.00

**RESOLUTION 2022-53**  
**Approval of Proposal of Remington & Vernick Engineers**  
**For Annual Report and Certification of Stormwater**  
**Regulation Program in the Amount of \$2,000**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires annual reports and certification as part of the Municipal Stormwater Regulation Program; and

WHEREAS, Remington and Vernick Engineers has presented a proposal for this project in the amount of \$2,000 which requires compliance with the Municipal Stormwater General Permit; therefore

BE IT RESOLVED by Township Committee of the Township of Commercial that Proposal is accepted and certification of funds from Chief Financial Officer has been received and is attached.

BE IT FURTHER RESOLVED, Funds for certification are therefore being made available as follows:

Annual Stormwater Permit 2-01-20-165-028	\$2,000.00
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Present balance in appropriation	\$19,000.00
Remaining Balance in Account:	\$17,000.00

Amount Certified: Total not to exceed \$2,000.00

Mayor asked for a motion to adopt resolutions 2022-49 through 2022-53. Motion was made by Committeeman Klaudi and was seconded by Committeeman Jamison. Roll call, all in favor.

Mayor asked for a motion to approve the bills for the month of April. Motion was made by Committeeman Jamison and seconded by Committeeman Klaudi. Roll call, All in favor.

Reports of Officials – Committeeman Jamison and Klaudi had nothing further to report.

Mayor Vizzard – County is approving paying the bond for the new state police barracks. The new barracks will be built next to the old one. The state is very close to having approval for both buildings. Both buildings will be leased to the state.

Animal sheltering has been costing all municipalities a lot of money, Commercial township paid something like \$800 per animal last year to shelter an animal. We are working with the county and the CDC to find another place to house these animals or build a shelter for the entire county or purchase the old SPCA building. Hopefully we will come up with a structure that will be more favorable to the township. Right now, pricing is based on population, that is unfair to towns like Commercial, Downe, and Lawrence. It may take another year to get this resolved.

Mayor asked for a motion to open to the public. Motion was made by Committeeman Klaudi and seconded by Committeeman Jamison.

Aaron Harding, Memorial Ave. – Is seeking a parking waiver so his wife can park her school bus across the street in the right of way, from their house. The Hollinger's purchased that property across from them and he is tired of being harassed. Mr. Harding asked how many trees are you allowed to cut down without a permit? Mayor said the zoning office should be able to tell you that.

Clint Miller – There was an ordinance done sometime ago with John Nardone with planting a tree after x number of trees were removed. He doesn't know the specifics. It was probably done 10 or more years ago.

Aaron Harding said the main thing is getting approval for his wife to park here bus there. She has been doing it for over 20 years.

Mr. Harding gave a brief explanation as to property ownership change and that's when they started having trouble with where she parks the bus. They had approval from the previous owner to park there.

Solicitor Seeley asked how the privately owned property owners are protected from liability for her parking the bus in front of someone else's property. He assumes they are there because they are getting complaints.

Mr. Harding acknowledged they are getting numerous complaints for the last 6-8 months.

Solicitor Seeley – Property owners have a legitimate concern because of liability. A waiver would need to come from the property owner. The township can't give a waiver for privately owned property.

Mr. Harding – It is not privately owned property; it is the township right of way.



Mayor Vizzard – There is a township ordinance that stops large vehicles from parking on the side of commercial township properties, on the roadways. That is for two reasons, one being exactly this type of situation, unneighborly dispute and the other is a safety concern. Those vehicles need to be parked on your property. If we give you a waiver, we will have to give it to the next person, and the next. We can't set that precedent. The ordinance is there for a reason and needs to be upheld. Previously, no one complained, and it never had to be addressed but now someone is complaining and now it has to be addressed. This committee isn't going to be prepared to issue a waiver. The bus has to be off the road and that means on your property. As far as the trees that were cut, there may have been a mistake made by Steve four years ago, maybe he wasn't aware of what the ordinance said, I do know at the time, the Hollinger's did come and talk to Steve about cutting that property and he told them there was nothing they needed to do.

Aaron Harding – Why would he just tell me this before I go through all this and put my wife through this. It's a cat and mouse game. We have been dealing with their harassments for the last 2 months, all he had to do is come to me and tell me and it would have just been done. I'm not here for trouble.

Mayor Vizzard – I'm trying to address that now. I agree he should have been up front and told you that. He should have said he made a mistake and told them they didn't need a permit. Fact is it is now done. They did what they thought was the right. If it clearly states that they should have a permit, its going to be up to Steve to go against the Hollinger's and tell them they need to pay for a permit. You were fortunate that Mr. Riggins didn't complain about you parking the bus there, now that there are complaints, there is nothing that can be done, you can't park the bus there.

Angie Harding – Do we need to contact Steve as far as these permits go? He told us we had to come here.

Mayor Vizzard said he would speak to Steve.

Aaron Harding – Do you know if they have occupancy permits for the garage apartments?

Mayor Vizzard – He is not aware of this situation but would ask Steve about it.

Committeeman Jamison- We had a similar situation and we made him move his tractor trailer.

Angie Harding asked about the truck on North Ave.

Mayor Vizzard explained the situation with that truck and said that he is now allowed to park in the county lot, but he had to provide a hold harmless.

Angie Harding – If it goes with me, it should go for everybody.

Mayor Vizzard – You were fortunate that Bill allowed you to park there. No one complained but now that there has been a complaint, we have to address it.

Aaron Harding – Why would you have something about a waiver in the Ordinance if you're just going to say no anyway.

The Harding's thanked the committee for their time.

Debbie Hollinger – She has read the ordinance; the ordinance says we only have to notify the township. We sent a letter to every committeeman, four years after the fact because he didn't tell anyone about that. Second, it was her good luck that Uncle Bill Riggins wasn't doing anything with that property. He promised that property to her husband. Also, I am not calling her company and harassing her. Yes, I did send in copies of her violations because I feel the people of the bus company should know how she is parking. I also sent them a letter letting them know she likes to give people the finger while driving the school bus.

Mayor Vizzard said I want you to know, that has nothing to do with this committee.

Debbie Hollinger – When that property was wooded, no one cared. We are trying to put a driveway in. We haven't put a building up yet, that will be in the future.

Mayor Vizzard – We explained all that to her and she isn't going to park the bus there anymore.

Mayor asked if there was anyone else, with none, Mayor asked for a motion to close to the public. Committeeman Jamison made the motion and was seconded by Committeeman Klaudi.

Additional Considerations – Mauricetown will have their community yard sale on April 30<sup>th</sup>. There will also be a craft fair at the Mauricetown Fire Hall on that same day.

With nothing further, Mayor asked for motion to adjourn the meeting. Mr. Klaudi made the motion and was seconded by Mr. Jamison.

Respectfully Submitted,

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Heather Sparks, Township Clerk