

Minutes of the Regular meeting of the Township Committee of the Township of Commercial, held on January 19, 2023, at 6:00 P.M., at the Township Hall at 1768 Main Street. Port Norris, NJ

Those Present:

Mike Vizzard	Mayor
Fletcher Jamison	Deputy Mayor
Joseph Klaudi	Committeeman
Thomas Seeley	Solicitor
Heather Miller	Township Clerk
Clint Miller	Public Works Supervisor
Nick DiCosmo	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 compliance with the Open Public Meeting Act.

Mayor Vizzard asked the attendees to join him in the flag salute and the Lord's Prayer.

No State Police present to give a report. Mayor Vizzard asked Robert Welch, OEM Coordinator if he had a report to give.

Robert Welch – I just wanted to let you know the Emergency Operation Plan has been submitted to the County, just waiting on their approval and then it will go to the state, we get their approval, it will get sent back down to get a resolution passed on that along with the signatures. The second thing is I got with Joe on applying for a grant from FEMA for our Township. It has been submitted; it was submitted last night. We should hear something in April or May.

Mayor Vizzard asked what this was for.

Robert Welch, for FEMA for Mitigation help and so forth, technical assistance for mitigation with FEMA.

Mayor Vizzard, Thank you Rob, very good.

Committeeman Klaudi, Thank you Rob.

Mayor Vizzard – We have meeting minutes for consideration for the December 12th and December 15th meetings. Do I have a motion to approve. Committeeman Klaudi made the motion and was seconded by Committeeman Jamison. Roll call, all were in favor.

Mayor Vizzard- Consideration of the bill list for the month of December as prepared by the Chief Financial Officer.

Mayor asked for a motion, motion was made by Committeeman Klaudi and seconded by Committeeman Jamison. Roll call, All were in favor.

Mayor Vizzard asked for the Engineers report.

Nick DiCosmo-

Port Norris, Riverfront Project phase III- Yesterday, I was able to submit the updated wetlands permit. Just one or two more things to go so we are making progress.

Reconstruction of Brown Street- As discussed Tuesday, that project is complete. We are going to take care of some of the sealing issues with the driveways and payment one should be going out to the contractor this week.

Mill and overlay of Main Street – We are still working with the DOT and the County to get the inter-local agreement drafted up and approved. I still owe some breakdowns of our fees to the DOT.

2023 State Aid application – We did receive \$291,000 for the North Avenue Pedestrian Improvements job. As discussed, Tuesday, it will start at the ballfields. We will construct a pedestrian path around the ballfields and toward the school. This will be phase one and the second phase will be completing it at the school.

Gas Company mill and pave – I spoke to the contractor, they are set to resume in March. He is going to contact me at the end of February to confirm. They will probably finish in March too. This is all at no charge to the township.

2023 local recreation grant- I have it all ready so we will be submitting for about \$700,000 for reconstructing the Mauricetown park bulkhead. I just need a couple forms signed tonight. That will be submitted either tonight or tomorrow.

FY 2023 Local Freight Impact Fund Grant- Application for Strawberry Avenue has been submitted. We may hear about that by summer.

Nick DiCosmo- I did also look into the park and pricing for vinyl. Nick continued that he took a bid from 2019 and increasing the price for inflation at it was \$1,950 per foot verses \$2,400 for the steel sheet pile bulkhead. At 180 feet, you are saving some money. It is something to consider. It ends up being about \$100,000 cheaper. Nick said that we need to investigate and see if there is any hard rock or debris when the vinyl is driven in, steel is no problem.

Mayor Vizzard- This is basically for Larry Milbourne's benefit. Can you explain what happened with Milbourne Drive. That was our first choice but got denied.

Nick DiCosmo- We applied for two jobs, Milbourne being our priority one and priority two being the pedestrian path. Milbourne Drive and Dennis Lane were our top priority. We found out the DOT doesn't care about our priorities. They weighed them out and they apparently

now are prioritizing pedestrian paths over roads. They scored the pedestrian path higher than reconstructing a road. They give you the option to apply for two projects but they are never going to give you both, lesson learned, had we known that, we would have only applied for Milbourne Drive and Dennis Lane. I think as a township and committee, everyone is on the same page of prioritizing roads when it comes to these grants. I'm not saying that the pedestrian path is a bad project, it's just that reconstructing a road is more important. Depending on what the committee wants to do, we can always apply for it again.

Mayor Vizzard- When can we apply for it again?

Nick DiCosmo – We can apply for next year's state aid which would be in the fall, or we have another way and I need to explore it, but I think we can apply anytime through discretionary funding that DOT gives for more of an emergency project that arises. We have applied several times and the road has continued to deteriorate and now it is an emergency. We haven't done that, so I just need to look into that process.

Mayor Vizzard moved to correspondence.

Natalya of Mobile House Investment would like to purchase township owned property at 524 Fern Rd. The township demoed a home there in April 2022. Property is 116X200, buildable by size. Natalya is offering \$2,500 for the property. If approved, the minimum bid will be \$2,500. Land sale will be March 16, 2023.

Mayor Vizzard asked for a motion to approve. Committeeman Klaudi made a motion and was seconded by Committeeman Jamison. Roll call vote, all were in favor.

Mayor Vizzard moved to Resolutions.

RESOLUTION 2023-19
Approving Carry Over of Vacation
And Personal Days

WHEREAS, the Attendance Clerk has calculated the following carry over days and presented them to the Township Committee for consideration:

Clint Miller	2 ½ Vacation	½ Personal
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WHEREAS, reason for carry over is due to township business it was not convenient for these days to be taken during 2022.

THEREFORE, BE IT RESOLVED that the Township Committee hereby approves the request and has authorized clerk to inform attendance clerk to add to 2023 paid time off days.

RESOLUTION 2023-20
Approving Membership in the Cumberland Development Corp.

BE IT RESOLVED, by the Township Committee of the Township of Commercial that enrollment into the Cumberland Development Corp., has been unanimously approved by the governing body for 2022 at a membership fee of \$3,122.00 to be paid quarterly at \$780.50 for a term of one year commencing January 1, 2023, to December 31, 2023. The funds will be made available in the 2023 Municipal Budget as provided by the Chief Financial Officer in the Certification of Funds.

2023 Administrative O/E Professional Services	
2-01-20-100-029	\$3,122.00
<ul style="list-style-type: none"> • These funds are to be appropriated in the 2023 Municipal Budget 	

Resolution 2023-21
Approving Five Year Sandmining Permitting License For
Covia Solutions Inc. For Block 182, Lot 1, Block 200, Lots 3,
4,5,5.01, 6, Known As Phases 5, 6, and 6A Mining Site

BE IT RESOLVED by the Township Committee of the Township of Commercial that a five year sandmining permitting license be issued to Covia Solutions Inc., P.O. Box 145, Millville, NJ 08332 for a conditional use with site plan approval for mining extraction of sand respecting premises as Block 182, Lot 1, Block 200, Lots 3, 4, 5, 5.01, 6 known as Covia Phases 5, 6, 6A as shown on the current tax map of the Township of Commercial and upon recommendation of the Commercial Township Land Use Board; and upon recommendation of the Commercial Township Land Use Board; and

BE IT FURTHER RESOLVED that all requirements and stipulations as mandated by the Commercial Township Land Use Board’s Resolution 2022-07 be adhered to for the duration of the sandmining permitting license for Phases 5, 6, and 6A, Block 182, Lot 1, Block 200, Lots 3, 4, 5, 5.01 and 6; and

BE IT FURTHER RESOLVED that the expiration date of this five-year sandmining permitting license for Block 182, Lot 1, Block 200, Lots 3, 4,5, 5.01 and 6 will be December 31, 2027, which runs with the current license expiration date of December 31, 2022, in accordance with legislative Amendment of January 18, 2010.

Resolution 2023-22
List of Uncollectible Taxes

I, Leslie A. Kraus, submit to you a list of taxes, which in my opinion are uncollectable. The reason as to why the taxes are uncollectable is listed below. I request that the same be cancelled and that I am relieved of the collection thereof as required by P.L. 115 (C. 54:4-91.91, 91.2)

<u>Block</u>	<u>Lot</u>	<u>Assessed Owner</u>	<u>Year(s)</u>	<u>Amount</u>	<u>Reason</u>
197	6	NJ DEP	2023 1 st half	\$58.48	Exempt

RESOLUTION 2023-23
Authorizing Assignment

WHEREAS, NJSA 54: 5-113 authorizes assignment by a municipality of tax sale certificates for the full amount of the certificate, including all subsequent municipal taxes and other municipal charges; and,

WHEREAS, Ed's Mobile Home Service, LLC has presented an offer to purchase, by assignment, Certificate #22-00093, which was issued to the Township of Commercial at a tax sale held January 12, 2022 on Block 129, Lot 9842, known as 501 Opal Road, Millville, NJ and assessed to Roberta L. Carlaw in the amount of \$3,282.27, being the full amount of the certificate, including all subsequent municipal taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, that the Township of Commercial hereby authorizes the Mayor and Municipal Clerk to execute the necessary assignment documents to effect assignment of the above-referenced Certificate of Sale.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector.

RESOLUTION 2023-24
BUDGET LINE-ITEM TRANSFERS

BE IT RESOLVED by the Township Committee of the Township of Commercial that the following budgetary transfers be made to avoid over-expenditures in the 2022 Municipal Budget as requested by the Chief Financial Officer

Line-Item	Amount
From:	
Administration O/E	\$600.00

Total	\$600.00
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Line-Item	Amount
To:	
Natural Gas	\$600.00

Total	\$600.00
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**RESOLUTION 2023-25
Of the
Township of Commercial**

**Resolution of Support from Local Governing Body Authorizing the
FY 2023 Local Recreation Improvement Grant (LRIG) Application funded by the
New Jersey Department of Community Affairs**

WHEREAS, the New Jersey Department of Community Affairs is offering the Local Recreation Improvement Grant (LRIG); and

WHEREAS, the Local Recreation Improvement Grant is a competitive grant that supports improvement and repair of public recreation facilities including local parks, municipal recreation centers, and local stadiums.; and

WHEREAS, ensuring public access to community facilities is imperative given the current strain on communities confronting the COVID-19 pandemic; and

WHEREAS, access to outdoor recreation and community resources is critical for mental and physical health, particularly for those residents with limited or no other access to quality outdoor space or private recreational opportunities. Assisting local units in achieving unmet recreational obligations addresses these equity considerations, meeting the needs of communities that have been placed under substantial stress due to the lack of quality recreational facilities and spaces; and

WHEREAS, the Local Recreation Improvement Grant funds will be allocated to each grant recipient to help cover costs associated with updating community centers, playgrounds, pools, fields, walking or bicycle trails, rail trails, multi-sport courts, and recreational facilities; one-time personnel costs directly related to improvements; project development professional services costs; equipment costs including playground and recreation facilities equipment; and environmental remediation costs required to prepare recreation sites for use; and

WHEREAS, the Local Recreation Improvement Grant exists to: fund improvements to recreational facilities; provide quality outdoor recreational space to underserved, communities, particularly in this time of heightened need; and assist local units in achieving unmet recreational obligations; and

WHEREAS, the Township of Commercial strives to save tax dollars, assure clean land, air, and water, improve working and living environments; and

WHEREAS, the Township of Commercial wishes to apply for funding through the NJDCA Local Recreation Improvement Grant; and

WHEREAS, the NJDCA Local Recreation Improvement Grant prioritizes unfunded projects and those that include a local match component; and

WHEREAS, the Township of Commercial is qualified to apply for this funding; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Township of Commercial formally supports this NJDCA Local Recreation Improvement Grant application.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit a grant application for the NJDCA Local Recreation Improvement Grant on behalf of the Township of Commercial.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Commercial and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**TOWNSHIP OF COMMERCIAL
COUNTY OF CUMBERLAND
STATE OF NEW JERSEY**

RESOLUTION – 2023-26

**RESOLUTION OF PREFERENCE FOR APPROVAL OF CANNABIS RETAIL
AND DELIVERY LICENSE FOR FRANK CARPINO, BY STATE OF NEW JERSEY
CANNABIS REGULATORY COMMISSION**

WHEREAS, Frank Carpino's corporate designee is to be formed in conjunction with the purchase of property at 1410 E. Buckshutem Road

WHEREAS, Frank Carpino, previously notified Commercial Township and discussed their intention to apply to the State of New Jersey for a cannabis Retail and Delivery license at property located within the boundaries of Commercial Township; and

WHEREAS, Commercial Township has authorized the type of cannabis license that is being sought by Frank Carpino through Ordinance 2021-606; and

WHEREAS the issuance of a cannabis Retail license and Delivery License to Frank Carpino as corporate designee, will not exceed any limit on the number of cannabis Retail and Delivery licenses allowed by Commercial Township; and

WHEREAS, the Property that will be purchased and utilized by Frank Carpino, corporate designee, for a cannabis Retail and Delivery facility within the borders of Commercial Township is properly zoned for such use and will not require the granting of any zoning variances or zoning changes in order for the cannabis Retail facility to be operational.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of Commercial Township hereby demonstrates its preference for approval by the State of New Jersey Cannabis Regulatory Commission of the application for a cannabis Retail and Delivery license that is to be filed by Frank Carpino, corporate designee.

RESOLUTION 2023-27

Increase of Annual Salary for Township Electrical Inspector, Thompson Maier

WHEREAS Commercial Township employs a part-time Electrical Inspector, Thompson Maier who currently is paid \$6,819.00 annually.

WHEREAS, the number of annual electrical inspections has increased significantly over the last several years.

WHEREAS. in order to pay a competitive salary that is consistent with other Township's that employ Electrical Inspectors, the Township Committee of the Township of Commercial agrees to increase Thompson Maier's annual salary to \$9,318.00.

BE It RESOLVED, by the Township Committee of the Township of Commercial effective 1/1/2023, the Township Electrical Inspector, Thompson Maier's annual salary will increase to \$9,318.00.

I, Heather Miller, Clerk of the Township of Commercial hereby certify that the foregoing resolutions were duly adopted by the Township Committee at their meeting held on January 19, 2023, at the Township Hall, 1768 Main Street in Port Norris, NJ.

Heather Miller, Township Clerk

Mayor asked for a motion to approve Resolutions 2023-19 through 2023-27. Committeeman Jamison made a motion and was seconded by Committeeman Klaudi. Roll call vote, all were in favor.

Mayor Vizzard moved to an introduction of Ordinance.

2023-614

Calendar year 2023

Ordinance to Exceed the Municipal Budget Appropriations Limits and to Establish a Cap Bank

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Committee of the Township of Commercial in the County of Cumberland finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Committee hereby determines that a 1% increase in the budget for said year, amounting to \$ 26,235.26 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Committee of the Township of Commercial, in the County of Cumberland, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Township of Commercial shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 91,823.41, and that the CY 2023 municipal budget for the Township of Commercial be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with the said Director within 5 days after such adoption.

Second reading and adoption is scheduled for February 16, 2023.

Mayor moved to Reports from Officials. Committeeman Jamison and Klaudi had nothing to report.

Mayor Vizzard attended a meeting on January 5th, the NJ Coastal Coalition meeting in Longport. The reason he attended the meeting was to learn more about what they call a CRS which is a Community Ratings System. Its about Resiliency and flooding. If we can get our rating to show that we are making an effort to maintain our resiliency, we can offer better flood insurance to our homeowners. There is no fee to join the coalition. I'd like to request that we join that. You would only pay for classes or seminars. The next meeting is going to be in Margate. That's where they are going to get into this CRS heavily. I plan to attend.

Committeeman Klaudi asked the mayor to let him know when it is and he will try to make it.

Mayor Vizzard- January 26th, I am attending another class at Rutgers University. It's for the climate change resilience training. We need to learn about this because the state is serious

with this stuff. There are going to be grants that we won't get if we haven't done our due diligence in learning about this. On January 25th is our meeting with Meagan Wren.

Quick update on the animal shelter, it seems they are opening their doors. They are allowing us to look at their books and review these charges. I did see, tonight there is a bill for them for \$2,660 for sheltering an animal.

Mayor Vizzard asked Committeeman Klaudi and Jamison how the last meeting went in Millville regarding the water.

Committeeman Klaudi- I haven't heard anything more but I know they applied. I went to both meetings they had, and they formally applied for it and took our letter and acknowledged we support them. I'm not sure what the next step is. We may need to have drawn up a design. He spoke to Doug Alberich, he is there to support us and help us find the money for it.

Nick DiCosmo- When the time comes, we can draw up a simple plan showing the runs of the main.

There was a brief discussion of options for adding sewer lines if possible. At this time, Millville is only looking to extend the water service.

Nick DiCosmo- If the committee would like him too, he can submit a proposal of the distribution system and how it would tie into Millville, he can do that. It would be helpful to have the digital plans from Millville.

Committeeman Klaudi said he would try to get it.

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

Larry Milbourne- How much would it cost to install a road back on Milbourne Drive?

Nick DiCosmo- I believe it was somewhere between \$300,000 and \$350,000. I believe that's what it was for Milbourne and Dennis.

Larry Milbourne- Does that include the drainage?

Nick DiCosmo- I believe there was an allowance to do some sort of drainage.

Larry Milbourne- If you knew then what you know now, would you word it differently?

Nick DiCosmo- I wouldn't have submitted the other application. Knowing our priorities didn't matter.

Larry Milbourne- Is that the only route we can go because I hear you talking about saving money on that bulkhead, \$100,000. I'm just looking at how you could come in another way.

Nick DiCosmo- I think our best bet would be to go for the other funding or we go for next year's state aid. I do think we will get the funding, it's just unfortunate it went this way.

Larry Milbourne- In the meantime, we have potholes and craters back there. Can patch work be done.

Clint Miller- They are out there now working on that. They will get down there.

Nick DiCosmo asked Clint to document any deterioration on the road by taking photos.

Mayor Vizzard asked for a motion to close to the public, Committeeman Klaudi made the motion and was seconded by Committeeman Jamison.

Mayor Vizzard, if there isn't anything else can I get a motion to adjourn. Committeeman Klaudi made the motion and was seconded by Committeeman Klaudi.

Respectfully Submitted,

Heather Miller
Township Clerk