

Minutes of the Agenda meeting of the Township Committee of the Township of Commercial held on March 13, 2023, at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ.

Those Present:

Mike Vizzard	Mayor
Fletcher Jamison	Deputy Mayor
Joseph Klaudi	Committeeman
Thomas Seeley	Solicitor
Nick DiCosmo	Engineer
Gabrielle Horseman	Deputy Clerk

Absent:	Heather Miller	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 in full compliance of the Open Public Meeting Act.

Mayor Vizzard – Asked Barney Hollinger for his report.

Barney Hollinger – On 2/16, there was a meeting with Bayshore Council. They discussed channel dredging. It's going to start sometime in September or October. It was supposed to be sooner but there has been some issue with the contracts. 9% of the design is done, they are going to go to 7 feet. Northwest reach and new dike are going to go out to bid for work over on the Maurice River side to take the material from. Fortescue sewer plant has their permits signed and they are going out to bid. PACT, nothing new on them. ALS has received a grant from the state for about 5 million dollars to do the next part of their project which is the Northwest reach. They need somewhere around 8 and 10 million to complete that project. Rutgers is doing a project over in Maurice River Township they are doing it with the Delaware Estuary. There is a grant they have for ½ a million dollars to install (inaudible) and shell bags. ALS had another meeting about the mouth of the river. One thing that came up that was interesting from the time that they started to develop the design for basket flats and the time they actually started the project, they lost another 200 feet of bank. There was an interesting meeting today with climate change vulnerability assessors. 40% of the funding must go to under served communities which is Commercial Township. The vulnerability assessment is required by the state plan. We have to establish a resiliency team. The one thing I would ask for today is the Township has now what is called a node and it covers just basically waterfront. Bivalve down to Shellpile. Being in that node is like being or having a village designation. On any grants for down in that area that should be marked on any of the paperwork that is filled out, it should be marked that we have that designation down in that area.

Mayor Vizzard said before the Engineers report, Tom has to leave early, and I want him to tell us about the best practices, non-binary problem we have with the marriage applications.

Solicitor Seeley- I had a very productive conversation with the head of the NJ Law Against Discrimination. We got violated because even though the state sent out marriage licenses to be either male or female, about 5 years ago they changed under the NJLAD which is a statutory legislature passage, they included different classes of people that are protected under the NJLAD. I got to tell you that having been an attorney for 15 years or so practicing this type of law, I am very confused. I spoke to the head of the state, and she understood that. I explained to her and not only you guys, you guys are younger than most of the municipalities that I represent that are committeeman. Just getting used to Lesbian, Gay and stuff like that is a little bit difficult to understand. I went through with the woman from the state, while she was very strict, just so you know, we were fined, \$1,000 and it could be up to \$20,000 for the next fine because we are not up to date with our NJLAD training which I was giving up until about 5 years ago. Since then, a lot of things have changed and I can't get into it all now because like I said, I need more training in it but it goes under the fact that there is non-binary individuals. There are people that are born a certain sex that identify as a different sex and that actually express themselves as a different sex. I know especially down in these parts; we weren't given very good advance notice on how to change all this. They didn't give us any training materials, but I talked to this woman for 45 minutes, we had a zoom meeting and one of the things we are going to have to do is...she said she would work with us on the fines. I had a good conversation, but I don't want to say she isn't going to fine us at all, but I think from what she took from me, as far as our willingness to cooperate, I could probably pretty confidently say, no fines, but I'm not going to say that. We have a lot of work and training to do because it is beyond anything that I ever experienced, and I am a LAD attorney. But nobody comes to me from down this way with these types of complaints. This is one of the more confusing languages that I've found in the best practices. People who's gender identity is different than their sex assigned at birth fall under the umbrella of transgender identity. So, your born with a penis, but you don't feel like you were born with a penis. Some individual's identity with a gender identity that is the opposite of their sex. So, your born with a penis but you feel like you are a woman. Others identify with neither. Both or somewhere in between, female or male, many use the word non-binary to describe their identity. I've read this just to explain to you, she understood. I asked her, I said you're the first person that I have ever had an e-mail from that said she/her. The bottom line is, we are responsible for training everybody and setting up policy and procedures that addresses all these issues. She has agreed to give me access to training. I told her if it's statewide why don't you just tell us what we have to do. Give us the form and we'll adopt it. She said she would look into that, but we have to respond to why we think we should not be fined which is what I'm going to do, I've already done that, I set the meeting up right away. I will take care of this; I just need the OK to go forward.

Mayor Vizzard said he didn't have a problem and asked the other members if they did. No one objected.

Solicitor Seeley- It's very confusing. Anybody that has specific questions?

Mayor Vizzard- I have one, Is the state actively going through each municipality websites?

Solicitor Seeley – Here is what happened. It started out with the Hispanic population. Have you married any Hispanics in the township?

Mayor Vizzard- Hispanics no, Lesbians yes.

Solicitor Seeley- Ok because Lesbians can say she or he. The problem is, if you're a male and you identify as a female and your transgender, you can say she. But if you're a male that identifies as a male you have to say him/his instead of male. The whole basis behind this is to not make people feel cornered. So, they don't have to pick something they can't pick. I'll get to everything else later on. We will go over the curriculum exactly how the state wants. As far as fire house talk and shop talk, we are going to have to have training to explain.

Mayor Vizzard- I'm all for that, I think it's a good thing.

Solicitor Seeley – When I used to do the training here before, it has changed unbelievably.

Mayor Vizzard – I just want it to be know that my whole problem with this whole situation was there was no warning, there was no pick-up the phone, calling saying you need to fix your website. Nothing but an e-amil saying you are being fined.

Solicitor Seeley – Supposedly there was, and I confronted the representative I talked to, I explained to her where we are from. I told the woman I'm an attorney that represents NJLAD, I've had over 50 in my lifetime, cases that were based on NJLAD. I've never gone as far as to looking into this gender-neutral stuff because nobody comes to me with that. Usually, it's race, religion, sex. This is a whole other world that I need to learn more about in order to teach other people and come up with the policy and procedures. She seems willing to help. She was tough, she said ignorance of the law is no excuse.

Committeeman Jamison- If we have two gay people that marry, now with this new law can they come back?

Solicitor Seeley- No, as long as they have a category, it's ok. If it's a man marrying a man and they wright down male, male there is no problem. The problem becomes when someone is born a female and identifies as a male. But there is a difference between identifying and expressing. You could say I'm a male, and dress like a female and you're two different things. But, lets move on, I had a very productive conversation, I've got all kinds of materials. Down here, we are 10 years behind. I asked her, because she signs with, she/her, I said I am very embarrassed because this is what I do, when was the first time you saw she/her. She said 10 years ago.

Mayor Vizzard- I also want to point out it really isn't a gay/lesbian issue. Even straight couples have to state how they want to be addressed.

Solicitor Seeley- It's basically perception and identity. So, there's how you are born, you know what the doctors say then there's what you identify as and then there's your perception.

You could identify as a male and perceive yourself as a female. Which means that you act and dress as a female but identify as a male. Obviously, that is confusing. It's going to take me more training to try and get an understanding of that. Because of the lack in time, I'm not going to continue on.

Mayor Vizzard Thanked Tom and asked for the Engineers report.

Nick DiCosmo- Port Norris Riverfront phase III, the Miller Ave. bridge, and the Barry Ave. tide gate. Everything is submitted. We are posted in the DEP bulletin starting on March 1st with a 30-day public comment period. At the end of that, if there are no comments, we will have fulfilled all permitting requirements. I expect that the DEP permit should be issued by April 17th as originally indicated. We are working on the final design for the bridge and tide gate. We plan on a summer start date.

Reconstruction of Brown St. – The final change order and the final payment is on the agenda for approval this week. We ended up coming in about \$2,000 under the original contract amount.

Yock Wock – No update. We are still pushing for Spring/Summer construction.

Mill and Overlay of Main St. – The end of last week we were finally able to get DOT approval, the County was but I was working with DOT and provided documents needed. The County got approval to use certain DOT funds they wanted to use to cover cost for construction, and design of Main Street since it is their road. Spoke to the County Engineer today, he is working on the interlocal agreement. Tom, you will be hearing from the County Solicitor soon. It's going to be a carbon copy of what we did with Miller Ave. Design has been started. I wanted to talk about traffic calming on Main St. I know there is issues with speeding. I know the County is on board for some kind of striping or whatever we are going to do. I just wanted to bring it up to see what the Committee thought. My initial idea is just before you get to Strawberry, You have a fog line, the white strip on the edge, it stops at Strawberry and out there I think it delineates a 12 foot lane so what I would like to do is carry that fog line all the way into town and strip the lane to 10 feet. It's proven that when you shrink your lanes down, people are going to drive slower. The County is on board with doing an 11- or 10-foot lane. 10 is a little narrow but the more narrow the lane, people should go slower. Right now, a good portion of Main street is actually passing, it has the broken yellow line, it shouldn't be so we are going to get rid of that. It will be a double yellow down the middle. The county is on board with it, I think they will have to pass a resolution on it. Also, we are going to bring the curb ramps up to ADA compliance and we are going to strip the crosswalks crossing Main St. What the County would prefer when we do that, the piano key striping. The more we have on the road with the striping, it will not seem like a highway. I think all of this will help. One thing I wanted to run by you, It's not prohibited parking, but there's not designated parking, What are your thoughts on that.

Mayor Vizzard- the only place I see people parking is like in front of Dino's.

Committeeman Jamison- I think there is probably a few other areas.

Nick DiCosmo- We aren't going to designate parking, but they will still be able to do it but some areas may be tight. I do think it's a good attempt at slowing people down. We can also put big letters, "slow 25" if you want. In the future maybe we could put rumble strips but I think this is a good place to start. I'm looking at summer/fall construction for this project.

Mayor Vizzard- How about solar powered speed signs.

Nick DiCosmo- I can look into that.

North Avenue Pedestrian Improvements – I have the proposal on the agenda for review and consideration. We can get started with surveying, the field area and up to the intersection. We can get working on the design and that will be phase one. If we apply next year, that would be phase two and we can take it to the school.

Gas Company Paving in Laurel Lake – It's supposed to resume on the 20th which is this coming Monday. We will have an inspector out for that.

2023 Local Impact Fund – Nothing on that, I check every week.

Local Recreational Improvement Grant- No word on this yet.

Laurel Lake Water and Sanitary sewer – I also have that proposal on for approval tonight. We'll get started to try and get that meeting scheduled hopefully by next month.

MS4 – I will send the survey to you. I could do it but maybe we could look at it together. It looks like they are going to proceed with the unfunded mandate. I did put together a cost estimate but its preliminary, I want to go over it with Clint because there's a line of some Clint would do and other stuff we would do. There is like 25 things on this list. A lot of it is reporting and inspecting. Two big things I would note, the street sweeper, we know that's a big cost. That cost is anywhere from \$50 to \$100,000. The maintenance of that and sweeping one every 4 months. That may require hiring someone and we would need to get into the cost of that. Then there is the possibility this could be done through a shared service agreement with the County so there are different ways of looking at it. The other big cost would be the mapping of the infrastructure. Creating a digital map that is geo referenced to every inlet pipe and outfall so that's another substantial cost.

Mayor Vizzard – They are now offering grants towards this but it's a one time grant. That's not going to help the municipality years from now. We have to pay for all this.

Conversation ensued regarding some of the requirements that would be required under the tier A assignment.

Mayor Vizzard moved to correspondence.

Correspondence received from Walter Lovenick of 7093 James Moore Rd. He states that he has been hunting on township property for 30 years and is now seeking permission from the township to hunt this property. The location is 1295 North Ave., across from the school.

Mayor Vizzard asked if this should go on for Thursday.

Solicitor Seeley said one you grant permission you put your taking liability. If he's been doing it, he should have kept his mouth shut.

Mayor Vizzard- Evidently he is putting it out there because someone is giving him a hard time.

Solicitor Seeley- One you give him permission for one, you're giving him preferential treatment and number two, if he or anyone that goes with him gets hurt, it's our liability.

Mayor Vizzard- Ok, we will put it on for Thursday.

Correspondence from Stormwater Compliance. This firm is offering assistance in transitioning from tier B to tier A classification. They have developed a program to help in the transition at minimal cost. If interested in their services, they would like to have a meeting to discuss our needs.

Mayor Vizzard- Do we want to entertain this offer or let Nick do his thing?

Committeeman Klaudi- I say we stick to Nick and the League.

Committeeman Jamison said, yes lets stay with Nick.

Mayor Vizzard- Then we don't need this for Thursday.

There is a request for letter of support for CU Maurice River's Wetland restoration project proposal for the wetlands along the Manumuskin River's western shoreline.

Mayor Vizzard- I already signed it and we will give it to the Environmental Commission.

We received an invitation to all employees and elected officials from the Atlantic County JIF for the annual Safety Breakfast to be held at the Merighi's Savoy Inn on March 23, 2023 at 8:30 AM. RSVP to Gabby if you would like to attend.

Mayor Vizzard and Committeeman Jamison said they would be attending but Committeeman Klaudi can't attend.

Correspondence from Remington & Vernick requesting final payment certificate #2 to be considered for reconstruction of Brown Street in the amount of \$ 9,912.15 to Asphalt Paving Systems.

Mayor Vizzard- We have an Ordinance for second reading and adoption.

Ordinance 2023-615

An Ordinance of the Township of Commercial, County of Cumberland, New Jersey, providing for the use of funds for the Township Municipal Building to Undergo Renovations for Covid Mitigation and General Upgrade.

Mayor Vizzard -This will be for Thursday night. Now we have Resolutions.

1. Resolution 2023-33 Authorizing A Green Team Advisory Committee
2. Resolution 2023-34 2022 Commercial Township Tonnage Grant Application Resolution
3. Resolution 2023-35 A Resolution Certifying Submission of Expenditures for Recycling Enhancement Act
4. Resolution 2023-36 Awarding Contract for Building Renovations to Straga Brothers in the Amount of \$133,700.00
5. Resolution 2023-37 Adopting Policy and Procedure for Demolitions and Unsafe Structures
6. Resolution 2023-38 Governor's Council on Alcoholism and Drug Abuse Fiscal Grant Cycle October 2024- - June 2025
7. Resolution 2023-39 Approving Proposal of Remington & Vernick Engineers For 2023 NJDOT Municipal Aid Program North Avenue Pedestrian Safety Improvements- Phase 1

Mayor Vizzard- Told Nick once the drawings were available, he would like to meet with the public and the school. The school knows nothing about this.

8. Resolution 2023-40 Approving Proposal of Remington & Vernick Engineers For 2023 NJEIT Application Support for Laurel Lake Water and Sewer.
9. Resolution 2023-41 Introduction The 2023 Municipal Budget
10. Resolution 2023-42 Vacate A Judgment of Foreclosure for Block 26, Lot 4272, 4273 & 4274
11. Resolution 2023-43 Change Order #1 Reconstruction of Brown Street

Mayor Vizzard – Approval of the fire budget would be with a reduction of \$1,000 for fuel. That will be for Thursday night.

Mayor Vizzard – We have a land sale. Mr. Seeley will conduct the sale. Adjoining owners have been notified by certified mail. Advertised two times, March 3rd & March 10th. A deed will be prepared when the balance is paid in full. A bid was received from Natalya of Mobile Home Investment, in the amount of \$2,500 for block 99. Lot 8851, known as 524 Fern Rd., size 116 x 200 Irr. Vacant property. Lot is buildable by size. The minimum bid was accepted at the January 19, 2023 meeting.

Mayor Vizzard- Does anyone have anything to report?

Committeeman Jamison and Klaudi had nothing to report.

Mayor Vizzard – To further elaborate on what Barney was talking about, we need to create a resiliency committee. I don't know if you guys are interested in being on it but I'm going to be on it. Mayor is going to ask Pam to be on it because they need someone involved in finance so she should be involved. I'm going to ask Robert Welch because he is OEM. Barneys on it and I'm going to ask Clint and the Environmental Commission or Green Team. That's all I have I just wanted to make that know we needed this committee, I promised to have that done by the 23rd of March.

Mayor asked if anyone had anything else, with nothing a motion and second moved to adjourn the meeting.

Respectfully submitted,

Heather Miller, Township Clerk