Minutes of the Agenda meeting of the Township Committee of the Township of Commercial held on August 14, 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

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 called on Robert Welch, OEM, for his report.

Robert Welch- CRS, I spoke with Frank at the Coastal Coalition, he wants to get with you to go over stuff. Meghan said now that she has moved over to FEMA, one of the guys she works with handles all the CRS, so she is going to forward the flood plan ordinance that we have to adopt but I told her we need to look over it first. As soon as I get that I will forward it to Nick. The meeting we had with DEP, I did talk to Meghan about that, I basically told her, we didn’t get the results out of that meeting that we deemed necessary because ever answer they gave us was general and she agreed with me. She was a little upset they didn’t schedule a second meeting with us. She is going to see about doing that for our township. We are still waiting for her to get back to us on the FEMA BRIC meeting, we would like to line that up with our resilience meeting.

Mayor Vizzard- That has been confirmed. That is going to happen.

Robert Welch- Ok, good. She was going to see about doing it during the day, but I don’t know if that was feasible. Ok, last thing. The school project. The school is still waiting on any movement on the road expansion for their corridor there. Do you know any more on that?

Nick DiCosmo- No, we don’t have anything to do with that.

Robert Welch- I know I had put you in contact with them and I know they changed regime; they got a new superintendent. But the Board is still looking for answers.

Nick DiCosmo- I did speak to one of the board members and told them if they needed any help but I never heard.

Robert Welch- I basically told them that the project can’t go forward until they have an engineer come up with what they want and present it to the County. I made that abundantly clear.

Nick DiCosmo- I do want to bring up, I did receive a solicitation letter for the safe routes to school funding so I guess we can look into something if you want to apply maybe we can apply for the remainder of our path. We have time, I don’t think the applications are due until November. There is a mandatory pre-application meeting that I think has to be set up by September 22nd. It’s something to think about. We don’t have to make a decision right now but if that is something we want to do, I can set up the pre-application meeting. We could go for the funding for that. But as far as the school thing, the first round of funding only takes up to the intersection. How we would impact them would probably be a ways down the road.

Robert Welch- Alright. The thing that Heather sent out earlier this week, I think the deadline is this week. Do you need help with that?

Nick DiCosmo- Was that the MS4 stuff?

Robert Welch- Yes.

Nick DiCosmo- No, I just have to sit down and do it.

Robert Welch- Alright, well, if you need any help, just let me know. I’d be glad to help you out. The final thing, you did get my report for the incident on Friday, correct.

Mayor Vizzard- Yes.

Robert Welch- Ok, that’s all I have. Any questions.

Mayor Vizzard- No, thank you Rob. Mayor called for the Engineers report.

Nick DiCosmo- Riverfront Road Project phase III- Our bridge design is completed. All the plans and specs for the tide gate should be done by the end of next week. We should be submitting to the DOT and County for the PS & E bridge review and the County just for their review, so I would expect by next week we will make those official submissions. Then I think we have a 30-day review period. Then we should be on tract advertise and award by sometime in the fall. Construction for that probably won’t happen until Spring. But we should at least be awarding a contract and get the 75% disbursement by the end of the calendar year which I think is what Pam needed to make sure her budget is balanced.

Brown Street & Cobb St., Port Norris – Final disbursement should be issued shortly so I’ll follow up with Pam and make sure she gets that.

Re-construction of Yock Wock & High- We opened bids last week. I submitted a letter of recommendation to award to APS in the amount of $788,600. We budgeted about $807,000 for construction of this so I think we are about 20,000 under budget. So, I think that will be on for official award this week. I will send out for digital signatures this week. APS wants to start work right away so I figure we will set up a pre-construction meeting for Monday. Clint does that work for you.

Clint Miller- This coming Monday, no, I won’t be here.

Nick DiCosmo- So when would you….

Clint Miller- Not until the following week, but it’s ok, I don’t have to be there as long as the material stays with us.

Nick DiCosmo- I guess we could still have the meeting if you want to just jot down some things.

Clint Miller- Fletcher could make the meeting or one of those guys and Chris, I can have him come in.

Nick DiCosmo- Ok, so we will plan tentatively for Monday for whoever wants to be there. I will send an e-mail with a time.

Mill & overlay of Main St. – Tom, has everything been signed and finalized with the shared service agreement.

Tom Seeley- It’s been approved, I’m not sure if the mayor has actually signed it or not. Heather, can you get the mayor to sign that.

Clerk- I’m certain I have already sent the signed contract and resolution over to the county.

Nick DiCosmo- Ok, good. I’m just about done with the final design; I just need to make a few final tweaks. DOT has been averaging about 30 days for review, so I wanted to shoot for September to be able to award. We probably won’t be able to do that now, so we’ll plan to award in October now. Unless DOT does a quick turnaround.

Roadway and Drainage Improvements to Milbourne Dr. & Dennis Lane – We are still waiting on the local infrastructure application. Everything has been received by the DOT and we are just waiting to hear back from them. We should be submitting for their review either this week or next.

Local Aid infrastructure for Milbourne Dr. & Dennis Lane- Still haven’t heard anything. But I know it was in its final review. Hopefully we hear soon.

2024 Municipal Aid Applications- Everything has been taken care of. We typically hear about those in October.

Water & Sewer for Laurel Lake- Still trying to set up that meeting with Millville. Hopefully this week, that would be nice.

Local Recreation Improvement Grant- It’s on my list to submit that revised scope of work so we can reallocate that money for the park on Battle Lane.

Nick DiCosmo- The only other thing is, we are getting closer to the fall so the period for the 2024 Local Freight Impact Fund applications will be opening soon. Clint, any movement on the trucking routes, any thoughts? I know we were looking at Strawberry.

Clint Miller- No, the sand plant I was relying on has slowed way down. They are having a problem with clay. That’s Silvi, I don’t know what they are doing.

Nick DiCosmo- If they aren’t operating at the capacity we thought, I don’t know if we will get anything for Strawberry. We may want to look at another road. I mean we could put counters out now if we had something we were planning on doing.

Clint Miller- Is there a time frame for that.

Nick DiCosmo- I think the application period typically opens in September or October. But the counts that you use just need to be within the year.

Clint Miller- Ok, let me look into that.

Mayor Vizzard- The only thing I can think about is maybe seeing if the county will go into another joint venture on 553 maybe take it down to the sharp bend.

Nick DiCosmo- Yeah, I mean we are kinda running out of township roads. We can build off what we are already doing. I’ll have to look and see how old the counts are for Main St., we may not even need new counts for that. I know that curb is an issue.

Mayor Vizzard- The only other question I have for you is the sluice gate. You said we probably won’t start that until next spring. Is the reason for that materials or is that something we could possibly start end of fall or beginning of winter.

Nick DiCosmo- I guess we could, it would just depend on…..

Clint Miller- Mayor, I would caution that because the whole reason we are in this situation is we did the first sluice gate in the late fall and that’s when we got that hurricane and with all the troubles when have come through, and as far as we have come, I can only imagine that happening again. We have a patch on it right now.

Mayor Vizzard- That’s why I’m worried about it, needing that sluice gate.

Clint Miller- I get it, its just something I caution you on. When we did that, something like 10 years ago, literally they finished the job and like the next day Derecho came through and washed the whole thing out.

Nick DiCosmo- It’s also going to depend on who gets the job and their schedule. Once we are able to award a contract the better, we will know. We do have temporary sheeting to facilitate construction. I mean if they want to start and a storm comes it, it’s their responsibility to maintain what is there. Theoretically, we could start late fall, early winter. We will have a completion date; I don’t think it’s realistic to say it needs to be complete by December 31st. I think the end of next spring would be a fair completion date. The idea is to advertise it as a joint project with the sluice gate and the bridge so maybe they do the sluice gate first. Because there is going to be a time period where they will have to wait to order the precast, like the bridge structure, it’s going to take time to get produced. Maybe while that is getting done, they can work on the sluice.

Clint Miller- The other thing we need to work on is getting in touch with the property owners because that guy is impossible to get in touch with.

Nick DiCosmo- I’ll put something together and I’ll send it to you Tom. Remember we did that with Red Fern? I’ll probably just take that one and tweak it.

Mayor Vizzard- thank you Nick. Next, we have correspondence.

We have a correspondence from Fred Hundt of Mauricetown requesting to be appointed to the land use class IV vacancy.

We also have a correspondence from Elizabeth (Libby) Truitt of Mauricetown requesting to be appointed to the land use Alternate III vacancy.

And we have notification from the NJ DOT that applications are now being accepted for the 2024 Safe Routes to School Program. Applications are due November 17, 2023.

Mayor Vizzard- We have Solicitor Tom Seeley to review correspondence from Commercial Township Board of Education and also, a review of correspondence from Iris Bloomberg regarding Assurance of voluntary compliance.

Tom Seeley- I was contacted by the Board of Education attorney, long story short, they believe that there are some lots at the back of the school that are owned by the school but the title company is showing up that the township may have some claim to these properties so what the school is asking us to do is file a quit claim deed which basically means we aren’t guaranteeing anything but whatever we got in it, we will give it to you, we aren’t objecting to it. Any questions.

Mayor Vizzard- I assume that most of these properties are land locked anyway.

Solicitor Seeley- Yes

Mayor Vizzard- I assume its better to give it to them because no one would buy it. That’s how I feel anyway.

Solicitor Seeley- So it’s a yes.

Mayor Vizzard- It’s a yes from me.

Committeeman Klaudi- yes.

Solicitor Seeley- We are going to have to have some training. This is serious business, it’s gender neutrality training. We all know we were fined because we didn’t have the proper stuff on our website. Heather has changed that already; we have done a lot of things already to comply. In our packet is what they have asked us to do. They were kind enough not to fine us, we worked out a deal where we would do as much as we could in a reasonable amount of time. If you take a look at that and if you have any questions, please forward them to me. But really, it’s going to be a lot of stuff that I guess you could say down in these parts, we are a little less familiar with them. Believe it or not they have had this kind of teaching for over ten years up in North Jersey. It’s new to me and I’m in a field where I’m supposed to be very sensitive to that, but all this stuff is new to me. I’m hoping we can bring ourselves into the present-day technology that goes with the way you treat people. The verbs you use, the pronouns you use and stuff like that. Does anyone have any questions.

Committeeman Jamison- When will this start.

Solicitor Seeley- It’s already started.

Committeeman Jamison- I mean for us.

Solicitor Seeley- Well Heather has already changed the website, posted the posters and we will start training as soon as we can.

Mayor Vizzard- Do we have an executed agreement.

Solicitor Seeley- No not yet.

Mayor Vizzard- so the timeline technically hasn’t started until the agreement is executed.

Solicitor Seeley- Right, so what I would ask is that we give the mayor permission to sign the agreement on Thursday night.

Mayor Vizzard- I have no problem with that if you guys don’t. Once we sign it though, it looks like we have 30 days to provide verification to DCR of written policy, 30 days to provide proof of updated vital records.

Solicitor Seeley- And all those things I’m going to have to monitor and supervise and make sure it’s carried out. A lot of this stuff, thank gosh, their not just making it guess work. There is a lot of stuff that is provided. A lot of the time the state tells you to do something and doesn’t give you a model to follow. There are models we can follow here.

Mayor Vizzard- Then it goes on to tell you what you have to do within 120 days of the agreement. So do you want this on for Thursday night. Mayor asked the solicitor if he had anything else.

Solicitor Seeley- Those are the only two things I had specifically. Unless there are any other questions you guys have.

With no further questions, Mayor moved on to an ordinance for adoption.

Ordinance 2023-619

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 Amending Ordinance 2023-616

Mayor Vizzard- We will pt that on for Thursday night. Next, we have resolutions.

Resolution 2023-81 Change Order #1- Straga Brothers Inc. Municipal Building Renovations in the amount of $24,368.00

Resolution 2023-82 Resolution Requesting Approval of items of Revenue and Appropriations (Insertion of $15,000 for Spotted Lanternfly Grant)

Resolution 2023-83 Resolution Requesting Approval of Items of Revenue and Appropriation (Insertion of $10,000 for DCA Lead Grant Assistance Program)

Resolution 2023-84 Resolution Awarding Contract to Asphalt Paving Systems for the Reconstruction of Yock Wock Road and High Street in the Amount of $788,600.00 through the FY 2022 New Jersey Department of Transportation Local Freight Infrastructure Fund.

Resolution 2023-85 Emergency Resolution- Animal Boarding Fees

Mayor Vizzard- We will put these resolutions on for Thursday night. Ok, we have land sales. There are three land sales scheduled for Thursday’s meeting. Sales have been properly advertised and adjoining owners were notified by certified mail within the required time. We have a sale of block 99, lot 8856, known as 505 Evergreen Rd., size 40 x 100. The opening bid accepted was $500 from Thomas Ritz who is an adjoining owner. We have a sale of block 24, lot 4589 known as 7700 Whittier Dr. size 100 x 100. The opening bid accepted was $$1.500 from Mobile Home Investment. We also have a sale of block 22, lot 4872 known as 338 Cherry Rd., size 120 x 100. The opening bid accepted was $1,500 from Mobile House Investment.

Solicitor Seeley- And the last two are buildable lots Mayor?

Mayor Vizzard- yes. Is it good to put those three sales on for Thursday night?

Committeeman Klaudi & Committeeman Jamison agreed.

Mayor Vizzard- Ok, we were notified today that every public meeting that we have needs to be opened to the public. So, we have a new section added to our agenda meeting which is a public portion. Can I have a motion to open to the public. Committeeman Jamison made the motion and was seconded by Committeeman Klaudi. Do we have anyone here that wishes to address the committee.

Eric Errickson, 9096 Noble St.- My question I think is to you Mr. Seeley. What is the ramifications of this training if you guys weren’t to under go that?

Solicitor Seeley- What brought this to the Committees attention is, the state did like a randomized survey of municipalities and what happened, is Commercial Township unfortunately, didn’t change its marriage policies, so what you have to have as far as you application for marriage, it can’t just be male and female. It has to be male, female and non-binary. Ours didn’t have that. And that’s it and different municipalities didn’t have that. They threatened to fine us and that’s thousands of dollars. The NJ law against discrimination is the statutory provision in NJ that protects certain classes of people. When I started practicing law 25 years ago it was gender, age, handicap. Now it includes them, they, her, him, so I guess if we don’t comply with their plan, we can be fined, per day.

Eric Errickson- So they make it so you can’t do business unless you do what they ….

Solicitor Seeley interjected- Now wait a minute, just to be fair, it is the law. So, whether you like it or not, it’s like if the speed limit is 25 somewhere and you think it’s ridiculous, and you think you can do 50, the speed limit is still 25. We don’t have a choice. The committee doesn’t really have a choice whether they agree with it or not. They have a choice as to whether they get fined or not. I don’t want to say they are not in agreement with what the law is, what I’m saying is we had to be in agreement with it.

Eric Errickson- Yeah, Trenton is forcing it down our throats. That’s the bottom line.

Solicitor Seeley- I am just going to say, I want to make sure our committee is doing what the legislature wants.

Eric Errickson- I understand. I do have another question. You were talking about trucking; I’m assuming that’s the issue at the wharf. Where they were taking the trucks and the sand and putting it on the barges. Are you talking about re-routing trucks? I didn’t quite understand what was going on with that.

Mayor Vizzard- What I was proposing, was working with the county to extend what we are doing out here on Main St. out closer to the plant at the bend to try and slow the trucks down. Put the county has to work with us on that.

Eric Errickson- You know the issue I have in Mauricetown. I was just wondering is any of these things or ideas can help our situation with Unimin in Mauricetown.

Mayor Vizzard- Yeah, I don’t see why we couldn’t encompass something with that. I don’t know exactly what yet. See they are all county roads, and we would need county assistance.

Eric Errickson- Right, I’m just saying down the road, if I could get with Justo and the county and you and come up with a plan.

Mayor Vizzard- Yes that is all doable, we can look at that.

Eric Errickson- One other question, you said something about a marker or counter or something?

Nick DiCosmo- The DOT has a local freight program, specifically for the trucking routes and you have to have counts that show you have trucks, like tri-axle trucks that account for at least 10% of your vehicle traffic. In order to be eligible for that grant, you have to have proof of that, so we put the counters out. That’s how we have gotten the grants recently.

Eric Errickson- I know it’s a different issue but it’s still in the township. Same thing with Unimin, we can actually find out and get verify how many trucks are coming into town. That’s way I was asking, possibly an idea. Ok, that’s all, thanks.

Mayor Vizzard- Anyone else from the public. With none, Committeeman Jamison made a motion to close to the public and was seconded by committeeman Klaudi. Ok, reports from officials, do guys have anything you’d like to report.

Committeeman’s Jamison and Klaudi had nothing to report.

Mayor Vizzard- I have two things. I want to thank Heather very much for the work she has put in, putting these minutes together, especially the 3-hour meeting we had last month, she spent her whole weekend trying to get done. (All the committeeman thanked the clerk for her time spent). The other thing is do we have a dollar amount for this dog issue we are having in the township. Isn’t it something like $23,000?

Clerk- Yes, at this point and we don’t know what the next bill will be.

Mayor Vizzard- Probably something like $17,000.

Clerk- The dogs were finally relinquished, so it shouldn’t be as much as the first two quarters. And that cost is just for boarding the animals, it’s not animal control.

Mayor Vizzard- Is there anything we can do that anyone knows of to stop this from happening again. Can we tell animal control not to take the animals to the shelter.

Clerk- I think in both instances we have had; the police stepped in and took the animals because of abuse, and I don’t think there is anything we can do about that.

Mayor Vizzard- And there we are again at somebody else’s mercy.

Solicitor Seeley- That can’t go against the actual owners.

Mayor Vizzard- We could have a judgement put against them but if they don’t have the money, they aren’t going to pay.

Clint Miller- Are they the ones that got the dogs back?

Clerk- No, the dogs finally got relinquished by the judge but after all that time and all that money, three of them were put down.

Mayor Vizzard- I think we should put a letter together just for that purpose. You mean we paid 2 ½ months for 3 dogs that just got put down?

Committeeman Jamison- That’s just totally taking advantage of us.

Mayor Vizzard- Alright I don’t want to keep going with this. Mayor asked for a motion and second to adjourn the meeting, the motion was moved and meeting adjourned.

Respectfully submitted,

Heather Miller, Township Clerk