

Minutes of the Regular meeting of the Township Committee of the Township of Commercial, held on September 21, 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
Heather Miller	Township Clerk
Thomas Seeley	Solicitor
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.

Mayor Vizzard asked the State Police if they had anything to report. An Officer was in attendance. He did not have a specific report to present but was happy to address any concerns. The officer indicated that car stops were down. A new class of officers started the week prior. With a change in computer systems, they will now be able to provide a more specific report with township numbers going forward.

Mayor Vizzard addressed the Officer on behalf of some residents regarding the State Police policy of releasing people who have been brought into the Barracks. There have been reports of people being released and going to nearby homes and breaking in and walking the roads late at night. The people of Mauricetown and Haleyville aren't happy about how this is handled. The Officer said he had not been made aware of any specific incidents, but he would look into it. Mayor Vizzard said that he requested that the territory Commander attend the next township meeting. Mayor Vizzard stated that people are upset that a new barracks is being built and that these people are just being released into Haleyville. Mayor asked what the process is for releasing people. The Officer said normally, people get released to someone but if they are an adult, they can't hold them any longer after being processed. A brief discussion continued about the release process and a couple incidents they have been aware of. The Officer said he would look into it.

Mayor Vizzard moved on to Officials. Barney Hollinger isn't in attendance. Called on Robert Welch, OEM

Robert Welch-

- Robert sent out an e-mail about the upcoming storm expected for the weekend.
- October 4th at approximately 2:20, FEMA will be doing a doing an alert on wireless systems.

- Fire and EMS will be switching over to a new radio system. It has been confirmed and will occur within the next month or two. He wants to bring it to the committee's attention that the public works radio equipment most likely will need to be updated.

Mayor Vizzard- meeting minutes of the agenda meeting August 14, 2023, the regular meeting, August 17, 2023. Mayor asked for a motion to approve. Motion made by Committeeman Klaudi and seconded by Committeeman Jamison. Roll call vote, all were in favor.

Mayor Vizzard- bill list for consideration for the month of September as prepared by the Chief Financial Officer, do I have a motion to approve the bills. Motion was made by Committeeman Jamison, seconded by Committeeman Klaudi, roll call vote, all were in favor.

Mayor Vizzard- Called for the Engineers report.

Nick DiCosmo-

Mayor Vizzard- We have an Ordinance for adoption.

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

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

BE IT ORDAINED, by the Township Committee of the Township of Commercial, County of
Cumberland, New Jersey, as follows:

Section 1: Ordinance 2023-616 is hereby amended to provide as follows:

Funding for the Township Municipal Building to undergo renovations for Covid Mitigation and general upgrade shall increase by \$24,368.00 from \$163,700.00 to \$188,068.00 to accommodate cost of additional cosmetic building renovations not factored into original Ordinance. Amended funds will be appropriated as follows:

ARP Unappropriated Grant Reserve	\$24,368.00
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Section 2: The total amount of amended Ordinance of \$ 188,068.00 is hereby appropriated as follows:

Capital Improvement Fund	\$76,000.00
ARP Unappropriated Grant Reserve	\$112,068.00

Section 3: This Ordinance shall take effect upon publication of notice of final adoption as provided by law on or about August 30, 2023.

AND, BE IT FURTHER RESOLVED, by the Township Committee of the Township Commercial, County of Cumberland, New Jersey

Mayor Vizzard- Do I have a motion and a second to open the meeting to the public. Committeeman Jamison made the motion and was seconded by Committeeman Klaudi.

Mayor Vizzard- Anyone from the public like to address this ordinance? Seeing none, can, I get a motion to close to the public. Motion was made by Committeeman Jamison and seconded by Committeeman Klaudi.

Mayor Vizzard- Can I have a motion and a second to adopt the ordinance. Motion was made by Committeeman Jamison and seconded by Committeeman Klaudi. Roll call vote, all were in favor.

Mayor Vizzard- I think at this time we can go right into the land sales. Mr. Seeley will conduct the land sales.

Solicitor Seeley- If there is anyone here, present tonight or has submitted a bid for property, I'm sure they are familiar that the proper advertisements were submitted two times, one on August the 4th and the 11th in the paper of local circulation that the land sale would be conducted tonight, August 17, 2023, at the Commercial Township meeting building at 6:00, you see it's 6:05. For record purposes, the conditions of the sale as they always are and as they were published, is that the property they receive is by quick claim deed only, we do not guarantee title, we are not a title insurance company. We do title searches when we do our foreclosures. Are foreclosures are found to be in conformance with the courts, but we are not an insurance company. So, we advise you to order title insurance if you plan to make substantial investments or regardless of what you plan on doing with the property. I'd like to ask if there are any questions about that. Ok, so you understand you should order title insurance, we are suggesting you do that. Second is tonight you are expected to put down 20% of the sales price of the bid you put forward and is accepted by the committee. There will also be a \$400 conveyance fee added to the total of that. Any questions on that. Ok, if there are no questions, we will start with the land sale. The committee did receive a bid from Mobile House Investments and has put a bid of \$1,500 for block 24, lot 4589-4593 known as 7700 Whittier Dr and the size of the property is 100 x 100 vacant property lot and it is buildable. The township has entertained the \$1,500 bid and here we are at the public auction. We will open with the \$1,500 bid.

A bid of \$1,600 was offered. After several bids, the final bid offered was \$5,500.

Solicitor Seeley- The next property was also introduced by Mobile House Investment again for a \$1,500 bid. Block 22, lot 4872-4877 known as 338 Cherry Rd. and this is also a buildable lot at 120 x 100 vacant property. The starting bid is \$1,500.

A bid of \$2,000 was offered. After several bids, the final bid offered was \$3,000.

Solicitor Seeley- The next property is 505 Evergreen Rd., and this is in the amount of \$500. It is block 99, lot 8856-8857 known as 505 Evergreen Rd. and it is a 40 x 100 vacant lot

which is not buildable, so it has to be offered to an adjoining owner. Mr. Ritz offered \$500. Is anyone else here interested in bidding on this property? With none, the bid stayed at Mr. Ritz's offer of \$500.

Solicitor Seeley- Now that we have sold these properties for \$5,500, \$3,000, and \$500, I will turn it over for the committee's acceptance.

Mayor Vizzard- Do I have a motion to accept bid #1 at \$5,500, bid #2 in the amount of \$3,000 and bid #3 in the amount of \$500. Committeeman Jamison made the motion and was seconded by Committeeman Klaudi. Roll call, all were in favor.

Solicitor Seeley- For the record are there any questions with regard to anything I said regarding the land sale that just took place.

Mr. Ritz- Are the properties marked out already.

Solicitor Seeley- You have to get your own survey. There is probably old pins in the ground. They usually go with metal detectors. If you know someone with a metal detector you may be able to find them yourself. But if you want an absolute defined property line, you will need to get a survey.

Mayor asked Mr. Seeley to wait on the paperwork until after the public portion.

Mayor Vizzard- We are going to drop back now and go to the Engineers report.

Nick DiCosmo-

Port Norris River front Phase III Project- Ready to submit bridge plans to the County. Just had to make a few tweaks.

Reconstruction of Yock Wock and High St.- Work is underway. They will start pulverizing the road this coming week with grading to follow.

Mill and overlay of Main St. – Reviewing the final plans.

Mauricetown Waterfront Park- Going to look into the living shoreline option. Stabilizing the bank, removing the bulkhead and constructing a living shoreline. Will be reaching out to ALS for additional information.

Pedestrian Safety Improvements, North Ave.- Proceeding with design.

Local Aid infrastructure application for the reconstruction of Milbourne Lane and Dennis lane- Still no update.

Laurel Lake water and sewer- Will wait to see what the public comments will be next month.

Local Recreation grant – Changing the scope from the Mauricetown park to a park on Battle Lane. Will wait to hear from the State on the proposed change of scope.

Mayor Vizzard- Very good, Thank you.

Mayor Vizzard had two questions.

- Asked for an update on the walking path. Nick said the plans were close to being final. There was one thing that came up, a stone/dirt driveway to enter the ballfields. That may get paved up to the building, Nick felt the money was available.
- Asked what the large pile of topsoil was at the point at North & Yock Wock. Nick wasn't aware of it but was going to check it after the meeting but is assuming it must be from the Yock Wock project.

Mayor Vizzard moved to correspondence.

1. Received a request for land sale of property from Mobile House Investment. Offer was made of \$1,500 each for the following 3 properties.
 - 1439 Spring Garden Road. Block 152, lot 32. Property is 120 x 100, buildable by size.
 - 339 Quail Rd. Block 107, lot 8477. Property is 120 x 100, buildable by size.
 - 344 Gooseberry Rd. Block 26, lot 4295 and block 26, lot 4293 combined to make property size of 140 x 100. Buildable by size.

The Clerk stated that she spoke with Natalia at Mobile House, and she is happy to add the 40 x 100 lot to her original request making the lot size 140 x 100.

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

2. Received a request for land sale of property from Kevin Nocon. The offer was made of \$1,000 for 351 Dandelion Rd., block 24, lot 4562. The property is undersized, and Mr. Nocon owns the adjoining property which is in need of a new septic system.

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

Mayor Vizzard- An Ordinance for Introduction. Second reading is scheduled for October 19th.

**TOWNSHIP OF COMMERCIAL
ORDINANCE NO. 2023-620
AN ORDINANCE OF THE TOWNSHIP OF COMMERCIAL,
COUNTY OF CUMBERLAND, STATE OF NEW JERSEY,
AMENDING ORDINANCE 2007-487 DEVELOPMENT AND REGULATION**

**ORDINANCE ADDING ARTICLE XVIII, SECTION 18
CONCERNING LEAD-BASED PAINT INSPECTIONS**

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are now required to inspect every single-family, two-family, and multiple rental dwelling located within the municipality at tenant turnover for lead-based paint hazards; and

WHEREAS, it is in the best interests of the residents of the Township of Commercial to amend the Township Code at this time to require inspections for lead-based paint in residential rental dwellings to conform to New Jersey State law;

WHEREAS, the Township wishes through this Ordinance to establish Article XVIII, Section 18 “Lead-Based Paint Inspections” of the Township Code in order to serve the best interests of the Township and its residents.

NOW THEREFORE BE IT ORDAINED by the Committee of the Township of Commercial, in the County of Cumberland and State of New Jersey that:

ARTICLE XVIII “Lead-Based Paint Inspections.” is hereby added to the Code of the Township of Commercial and shall read as follows:

Chapter 18 Lead-Based Paint Inspections.

§ 18.1 Definitions.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Lead-based Paint Hazard - Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

Tenant turnover - The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

§18.2 Inspections.

A. A lead evaluation contractor retained by the Township shall inspect every single-family, two-family, or multiple rental dwelling located in the Township of Commercial for lead-based paint hazards through visual assessment and dust wipe sampling in accordance with N.J.S.A. 52:27D-437.1 et seq.

B. In lieu of having the dwelling inspected by the Township's lead evaluator, a dwelling owner or landlord may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to perform the lead-based paint inspection in accordance with N.J.S.A. 52:27D-437.1 et seq.

C. In accordance with N.J.S.A. 52:27D-437.16(c), a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

(1) Has been certified to be free of lead-based paint;

(2) Was constructed after 1978;

(3) Is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.);

(4) Is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or

(5) Has a valid lead-safe certification.

D. The owner, landlord, and/or agent of every single-family, two-family, or multiple rental dwelling unit offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier.

E. If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the lead-based paint hazard using lead abatement or lead-based control methods in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Township's lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists.

F. If no lead-based paint hazards are identified, then the Township's lead evaluator shall certify the dwelling as lead-safe on a form prescribed by the Department of Community Affairs, which shall be valid for two (2) years.

G. Pursuant to N.J.S.A. 52:27D-437.16(e), property owners shall:

- (1) Provide evidence of valid lead-safe certification and the most recent tenant turnover at the time of the cyclical inspection
- (2) Provide evidence of a valid lead-safe certification obtained pursuant to this Section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to 18.2 section of this Chapter.
- (3) Maintain records of lead-safe certification, which shall include name(s) of the unit tenant(s), if inspection was conducted during a period of tenancy.

H. Fees.

- (1) The fee for a visual inspection and dust wipe sampling inspection performed by the Township's lead evaluation contractor shall be \$300 for a one (1) bedroom unit and an additional \$25 for each bedroom thereafter. If a dust wipe fails, it shall cost an additional \$125, plus \$20 per wipe for a subsequent test.
- (2) In accordance with N.J.S.A. 52:27D-437.16(h), an additional fee of \$20 per dwelling unit inspected by the Township's lead evaluation contractor or the owner's private lead evaluation contractor shall be addressed for the purpose of the Lead Hazard Control Assistance Act, unless the owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of \$20. The fees collected pursuant to this subsection shall be deposited into the Lead Hazard Control Assistance Fund.
- (3) In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit.

§18.3 Violations.

Penalties for violation of article XVIII shall be as follows:

- A. If a property owner has failed to conduct the required inspection or initiate any remediation as required by N.J.S.A. 52:27D-437.1 et seq. the owner shall have 30 days to cure the violation.
- B. If a property owner fails to cure the violation after 30 days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. If any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective;

SECTION 3. If any ordinances or parts thereof are in conflict with the provisions of this Ordinance those provisions shall be repealed to the extent of such conflict.

SECTION 4. This Ordinance shall take effect upon passage and publication in accordance within applicable law.

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

Mayor Vizzard moved on to Resolutions.

RESOLUTION 2023-86b
Approving Tri-County Sportsman National Dual Sport Hammer Run
Saturday, November 4, 2023, and Sunday, November 6, 2023

WHEREAS, Tri County Sportsmen Motorcycle Club Inc., has asked for permission to have their Annual 2023 Tri-County Sportsmen National Dual Sport Hammer Run across existing roads, trails that cross Commercial Township property on Saturday, November 4th and Sunday, November 5th, 2023, and

WHEREAS, General Liability Insurance has been provided by American Motorcyclist Association in the amount of two million dollars and all participating motorcyclists are required to have a valid registration, insurance, and motorcycle license.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial that Tri-County Sportsman Motorcycle Club Inc., is approved to have their National Dual Hammer Run on November 4th and 5th, 2023 and resolution and insurance will be forwarded to Karen Montana, Cumberland County Road Department.

RESOLUTION 2023-87
Approval of Closing of Memorial Avenue from Main Street to Yock Wock Road for
Events of Community Day on October 14, 2023

WHEREAS, October 14, 2023, the Commercial Township Recreation Committee will by host to 3rd annual Community Day Event; and

WHEREAS, in order to accommodate the participating vendors, food trucks, activities, Memorial Avenue will be closed to thru traffic from Main Street to Yock Wock Road.

BE IT RESOLVED by the Township Committee of Township of Commercial that for the safety of the public to enjoy activities of the Commercial township Community Day on October 14, 2023, the aforementioned closure is approved.

RESOLUTION 2023-88

**Authorizing the Cancellation or Refund of Property Taxes Due to Approval
of 100% Disabled Veteran's Application**

WHEREAS, on August 9, 2023, 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 John S. Pompper, Jr. for Block 56, Lot 7504 located at 1501 Lakeshore Drive and,

WHEREAS, after proper review of the application and all supporting documentation by the Tax Assessor it was determined that Mr. Pompper 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 June 27, 2023. Said exemption approval was retroactive to the VA approval date of April 23, 2023. The prorated amount of 2023 to collect is \$872.91 with \$1,973.65 to be cancelled.

THEREFORE, BE IT RESOLVED, the Tax Collector is authorized to cancel the 4th quarter of 2023 in the amount of \$720.05, refund the overpayment of \$1,253.60 paid by the owner's mortgage company and cancel the first half of 2024 in the amount of \$1,423.28.

**RESOLUTION 2023-89
Authorize Electronic Tax Sale**

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sale pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Governmental Services has approved NJ Tax Lien buyers, thus creating the environment for a more complex tax sale process, and

WHEREAS, the Township of Commercial wishes to participate in an electronic tax sale.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Commercial, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit the same to the Director of the Division of Local Government Services if necessary.

**RESOLUTION 2023-90
AUTHORIZING THE TRANSFER OF OVERPAYMENT TO OTHER TAX YEARS OR
REFUND OF OVERPAYMENT TO OWNER, PAYER OR THEIR REPRESENTATIVE**

WHEREAS, it was discovered after downloading the 2023 MOD IV, receiving a County Board of Taxation appeal judgement and/or during the preparation of the tax bills that there were several overpayments existing on numerous line items. The 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 pursuant to a successful appeal filed with the County Board of Taxation lowering said assessments, and

WHEREAS, pursuant to statute, said overpayments will need to be refunded to the owner, person who made payment or their representative. With said overpayments exceeding \$10.00, approved 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.

<u>Block</u>	<u>Lot</u>	<u>Owner</u>	<u>Year</u>	<u>Amount</u>	<u>Reason</u>
65	7384	Percy Harmon	3 rd /2023	\$1,340.56	Duplicate Payment Refund Corelogic
119	9622	Wayne & Sylvia Williams	3 rd /2023	\$22.14	Duplicate Payment Refund Corelogic
104	10165	Norman Schlenger	3 rd /2023	\$944.45	Duplicate Payment Refund Corelogic

**COMMERCIAL TOWNSHIP
CUMBERLAND COUNTY
NEW JERSEY**

**RESOLUTION RECOGNIZING JUNE AS LGBTQIA+ PRIDE MONTH IN THE
TOWNSHIP OF COMMERCIAL**

RESOLUTION NO. 2023-91

BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland that:

WHEREAS, LGBTQIA+ is an acronym that brings together many different genders and sexual identities who often face marginalization across society; and

WHEREAS, the acronym stands for lesbian, gay, bisexual, transgender, queer, questioning, intersex, and asexual and the plus holds space for the expanding and new understanding of different parts of the very diverse sexual identities; and

WHEREAS, the first four letters of the acronym were used in the 1990's, but recent years there has been an increase to awareness of the need to be inclusive of other sexual identities to offer better representation; and

WHEREAS, the acronym is used to represent a diverse range of sexualities and gender identities, referring to anyone who is transgender and/or same/ similar gender attracted; and

WHEREAS, a persons gender identity does not necessarily correspond to their sex assigned at birth or with their gender expression and is important to understand that gender is not in a sex, as sex is biological, while gender is influenced by, cultural, and environmental factors; and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Commercial, County of Cumberland, State of New Jersey, that the LGBTQIA+ acronym serves as an important purpose, not only is it designed to be more inclusive but it also represents the self-identities of people who are transgender and /or similar gender attracted

BE IT FINALLY RESOLVED, that the Township of Commercial recognizes the important purpose of recognizing the LGBTQIA+ community and therefore hereby adopts June as LGBTQIA+ Pride Month in the Township of Commercial.

**COMMERCIAL TOWNSHIP
CUMBERLAND COUNTY
NEW JERSEY**

**RESOLUTION ADOPTING THE NEW JERSEY WORKPLACE GENDER
TRANSITION GUIDELINES FOR COMMERCIAL TOWNSHIP AS A SUPPLEMENT
TO THE EXISTING POLICIES AND PROCEDURES**

RESOLUTION NO. 2023-92

BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland, State of New Jersey that:

WHEREAS, the State of New Jersey does not discriminate on the basis of sex, gender, sexual orientation, gender identity, gender expression, or other protected characteristics; and

WHEREAS, Commercial Township joins the State of New Jersey in its guidelines not to discriminate on the basis of sex, gender, sexual orientation, gender identity, gender expression, or other protected characteristics; and

WHEREAS, these guidelines are designed to create a safe and productive workplace environment for all employees in the Township of Commercial; and

WHEREAS, these guidelines are intended to address some of the needs of transitioning, transgender, gender non conformant, gender nonbinary employees in the Township of Commercial workplace, and answer any questions that may arise about how to protect the rights of such employees; and

WHEREAS, the guidelines do not anticipate every situation that may occur with respect to employees who are transitioning, and the need of each employee must be assessed on a case by case basis; and

WHEREAS, in all cases, the goals are to ensure the safety, comfort, and health of such employees, to maximize workplace integration and minimize stigmatization; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Commercial, County of Cumberland, State of New Jersey, hereby adopts the State of New Jersey, workplace gender transition guidelines to supplement its current existing policies and procedures.

**COMMERCIAL TOWNSHIP
CUMBERLAND COUNTY
NEW JERSEY**

**RESOLUTION RECOGNIZING NOVEMBER 20TH AS TRANSGENDER DAY OF
REMEMBRANCE**

RESOLUTION NO. 2023-93

BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland that

WHEREAS, The Transgender Day of Remembrance, also known as the International Transgender Day of Remembrance, has been observed annually from its inception on November 20th to memorialize those who have been murdered as a result of transphobia; and

WHEREAS, the day was founded to draw attention to the continued violence directed toward transgender people; and

WHEREAS, Transgender Day of Remembrance was founded in 1999 by a small group, to memorialize the murder of black transgender women in Massachusetts and San Francisco; and

WHEREAS, Transgender Day of Remembrance continued to be observed annually on November 20th, the anniversary of these women's murder; and

WHEREAS, the Township of Commercial County of Cumberland State of New Jersey believe that it is important to observe the violence directed towards the transgender and violence towards same; and

NOW, THEREFORE, BE IT RESOLVED by the Township of Commercial, County of Cumberland, State of New Jersey, hereby recognizes November 20th of each year as the Transgender Day of Remembrance.

**COMMERCIAL TOWNSHIP
CUMBERLAND COUNTY
NEW JERSEY**

RESOLUTION TO ENTER INTO THE ASSURANCE OF VOLUNTARY COMPLIANCE (AVC) WITH THE STATE OF NEW JERSEY DIVISION ON CIVIL RIGHTS

RESOLUTION NO. 2023-94

BE IT RESOLVED, by the Township Committee of the Township of Commercial, County of Cumberland State of New Jersey that:

WHEREAS, the DCR opened an investigative inquiry on the Township of Commercial's postage of marriage application form which failed to contain a "undesignated/nonbinary" "gender options" for applicants; and

WHEREAS, the DCR confirms that the Townships online marriage application form restricted licenses to applicants that identify as female or male and considers; and

WHEREAS, based on these findings the DCR considered the Township of Commercial to be in violation of the NJ LAD prohibition of discrimination on the basis of sex, gender, sexual orientation, gender identity, and gender expression; and

WHEREAS, DCR have responded and have reached an amicable resolution to the matter with the Township of Commercial, to conclude this matter without the need for further investigative or enforcement action, and the parties having consented to this assurance of voluntary compliance agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Township of Commercial, County of Cumberland, State of New Jersey, hereby voluntarily enters into the administrative action assurance of voluntary compliance with the New Jersey Law Against Discrimination N.J.S.A. 10:5-1 50.

FORM OF RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION

NJS 40A:4-87

RESOLUTION 2023-95

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Committee of the Township of Commercial in the County of Cumberland, New Jersey, hereby requests the Director of the

Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2023 in the sum of \$ 10,400.00 which is now available from 2023 NJ DCA Lead Grant Assistance Program in the amount of \$ 10,400.00.

BE IT FURTHER RESOLVED, that the like sum of \$ 10,400.00 is hereby appropriated under the caption 2023 NJ DCA Lead Grant Assistance Program; and

BE IT FURTHER RESOLVED that the above is the result of funds from the 2023 NJ DCA Lead Grant Assistance Program in the amount of \$ 10,400.00.

RESOLUTION 2023-96

RESOLUTION AUTHORIZING THE TOWNSHIP OF COMMERCIAL TO AWARD A NON-FAIR AND OPEN CONTRACT TO BAY HILL ENVIRONMENTAL FOR LEAD ASSESSMENT SERVICES FROM SEPTEMBER 22, 2023 – SEPTEMBER 21, 2024

WHEREAS, the Township of Commercial has need of lead assessment services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 from September 22, 2023 – September 21, 2024; and

WHEREAS, Bay Hill Environmental owns and operates certified lead evaluation contracting business at, 2060 Fairfax Avenue, Cherry Hill, NJ 08003; and

WHEREAS, Bay Hill Environmental has completed and Submitted Political Contribution Disclosure form in accordance with P.L. 2005, c 271 and all other documents required by the Township of Commercial Purchasing Department; and

WHEREAS, the fees are as follows (see attached):

Number of Bedrooms in Unit	Price
1 Bedroom	\$300
2 Bedroom	\$325
3 Bedroom	\$350
4 Bedroom	\$375
Etc.	+\$25 for each bedroom
Return Trip fee w/dust wipes	\$125 + \$20 per wipe

BE IT RESOLVED by the Township Committee of the Township of Commercial that the funds for this project will be available through 2023 NJ DCA Lead Grant Assistance Program in the amount of \$10,400.00 and is approved and certification of chief financial officer is contained in this resolution.

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

2023 Lead Grant Assistance Program

Present Balance in Account	\$10,400.00
Amount Certified	\$ 6,600.00
Remaining Balance in Account	\$ 3,800.00

Total Amount to be Certified:

\$ 6,600.00

NOW, THEREFORE, BE IT RESOLVED, by the Township of Commercial that the Mayor and Township Clerk are authorized to execute a Non-Fair and Open the contract for Lead Assessment Services for the aforementioned fees when deemed necessary from September 22, 2023 – September 21, 2024; and

BE IT FURTHER RESOLVED, that the original resolution and contract, including any attachments, shall be filed in the office of the Municipal Clerk.

RESOLUTION 2023-97

**Approving A Solicitor's Permit For Holly Arthur To
Sell Buddy Rows BBQ & Mickey D's Soul Food from Food Truck**

WHEREAS, Holly Arthur, 1598 North Avenue, Port Norris, NJ has filed an application with the Township Committee for a solicitor's permit: and

WHEREAS, Ms. Arthur will offer Buddy Row's BBQ and Mickey D's Soul Food products from food truck throughout Commercial Township streets; therefore

BE IT RESOLVED by the Township Committee of the Township of Commercial that a Solicitors Permit will be issued to Ms. Holly Arthur, 1598 North Avenue, Port Norris, NJ for a period of 90 days, with option to renew license for an additional 90 days, in order to sell Buddy Row's BBQ and Mickey D's Soul Food to residents of Commercial Township.

BE IT FURTHER RESOLVED that permit will be for 90 days, commencing September 21, 2023, to December 20, 2023.

RESOLUTION 2023-98

Approving Salary Increase for Building Sub-Code Officer To \$10,000

BE IT RESOLVED by the Township Committee of the Township of Commercial that the salary of the Building Sub-Code Official be increased to \$10,000 commencing on October 1, 2023.

BE IT FURTHER RESOLVED that this salary falls within the 2021 Salary Scale Ordinance for Year 2023.

RESOLUTION 2023-99

RESCINDING RESOLUTION 2023-85

**Appointment To Commercial Township
Land Use Board Class IV Position & Alternate I Position**

WHEREAS, at the Regular meeting of the Township of Commercial held on August 17, 2023, the Township Committee adopted Resolution 2023-85 appointing Frederick Hundt to the vacant position of Land Use Board Class IV position.

WHEREAS, At the Land Use Board Meeting held on August 23, 2023, the Land Use Members requested that Matthew Wheatly who currently sits in the Alternate I position be moved into the vacant Class IV position.

WHEREAS, Matthew Wheatley has held the Alternate I position since 2020, and has maintained a good attendance record.

BE IT RESOLVED by the Township Committee of the Township of Commercial that Matthew Wheatly moves up from position of Alternate I to Position of Class IV position to fulfill the remaining term expiring December 31, 2025.

BE IT FURTHER RESOLVED that Frederick Hundt of 9534 Noble Street, Mauricetown, NJ, be appointed to the Alternate I position for the remaining term expiring December 31, 2023.

Mayor Vizzard asked for a motion and second to approve Resolutions 2023-86 through 2023-99.

Committeeman Jamison made a motion to approve resolutions 86-99.

Mayor Vizzard said, "Before we go any further, Tom, I have two questions for you. Assurance of Voluntary Compliance, there was nothing voluntary about this". I feel the township is going to sign it, because we have to.

Solicitor Seeley- Understood, for the record.

Mayor Vizzard- Where it says here that we voluntarily are going to sign this. "This Agreement is entered into by each party freely and voluntarily and with full knowledge and understanding of the obligation and duties imposed by this agreement", This isn't voluntary, they are forcing us to do this.

Solicitor Seeley- For the record, they are forcing us by penalty.

Mayor Vizzard- Correct. Yes.

Solicitor Seeley- We could say we don't want to do it. But it would cost the taxpayers of Commercial Township a thousand dollars a day or as much as they want.

Mayor Vizzard- That's not my point.

Solicitor Seeley- I agree with what you are saying.

Mayor Vizzard- That's not my point. I want that statement removed. I want it taken out of the agreement. We are not doing this voluntarily. We are being forced to do this.

Solicitor Seeley- You don't want me to say you are being forced to do it.

Mayor Vizzard- I don't care how you say it, we are being forced to do it.

Solicitor Seeley- Ok, let me get this straight.

Mayor Vizzard- Take that line out.

Solicitor Seeley- Alright.

Mayor Vizzard- We are going to do it, we are going to adhere to their requirements, we are going to do what they want us to do but it's not voluntary.

Solicitor Seeley- That's understood but just for the record, because you feel it's better to cooperate with the law and not have the municipality fined a \$1,000 a day because that would be very detrimental to the taxpayers of Commercial Township.

Mayor Vizzard- That's correct, it would be. The second point I'd like to make. I'm comfortable except for the restrooms the way they are. Some way or another, I need an agreement from them that they are going to help us reconstruct these bathrooms so that only one person at a time can go into the bathrooms. It needs to be done that way. They are forcing us to do this, we will do it, but we are looking for financial assistance from them to help us reconstruct the bathrooms so that one person at a time goes into those bathrooms and they can lock the door.

Solicitor Seeley- So it's not in the agreement. If it's in the guidelines, not in the agreement, then we aren't agreeing to do that. It's in the guidelines, then it's not a requirement in the agreement. They are asking everyone in the state to do it.

Mayor Vizzard- But that doesn't solve the fact that I only want one person going in the bathroom. My thought is, in the ladies' room, a toilet would need to be taken out and a urinal installed. Both of those bathrooms would be multi-gender bathrooms.

Solicitor Seeley- That would be for everyone in the state.

Mayor Vizzard- I don't care about the whole state, I'm worried about Commercial Township.

Solicitor Seeley- I understand what you are saying.

Mayor Vizzard- I want to be able to lock each bathroom. One person at a time goes in. You can't have a man and a woman in the bathroom at the same time.

Solicitor Seeley- Ok, let's keep that out of this agreement.

Mayor Vizzard- I don't need it to be apart of the agreement.

Solicitor Seeley- You're putting it on the record.

Mayor Vizzard- I'm putting it on the record. I want them to help us financially. Not do the whole thing, I understand we have an obligation.

Solicitor Seeley- I will take it under my guidance. As a recommendation from the committee, I will inquire as to the financial support to provide for a gender natural bathroom in Commercial Township.

Mayor Vizzard- That's my only two things.

Solicitor Seeley- I think, if we can just get through this agreement....

Mayor Vizzard- Ok, as long as you cross out that line about it being voluntary, we can get through the agreement.

Solicitor Seeley- Alright.

Mayor Vizzard- I just want them to know, this is not voluntary on our part. We did not go to them and say please let us sign this agreement. We didn't ask them that, they are telling us we have to.

Solicitor Seeley- Well, they are telling us we have to, or we will be fined.

Mayor Vizzard- Right, but no matter how you look at it, it's still not voluntary.

Solicitor Seeley- I got you, but for the record, I understand that, A lot of this stuff is very controversial.

Mayor Vizzard- I'm trying not to make it controversial. I'm trying to do the best I can for the residents. I feel like that's what this committee needs to do.

Solicitor Seeley- I don't disagree.

Mayor Vizzard- I don't want to draw it all out, that's just my feelings on that. As long as these guys are good with it, we can go ahead and adopt the agreement as long as that line is taken out and we can let them know we need some financial assistance to fix the restrooms.

Solicitor Seeley- I'm sure you're not the smallest town to be hit with this. I mean Greenwich only has one full-time employee.

Mayor Vizzard- They are going to have to look at it too and hopefully, we are setting a precedence and see what we can do for the townships around us.

Solicitor Seeley- Ok, I understand, and I appreciate your guidance and command, and try to get the state to understand what we are asking for.

Mayor Vizzard- Thank you, I appreciate it. Ok, do I have a second for resolutions 2023-86 through 2023-99.

Committeeman Klaudi- I have a question. If there are a couple specific resolutions I want to vote no on, how do we work that.

Solicitor Seeley- Just say what ones you want to vote no on.

Committeeman Klaudi- I will second but I vote no to 91 through 93.

The Clerk aske the mayor if he was going to second 91 through 93.

Mayor Vizzard- I will second all resolutions, 86 through 99.

The Clerk called roll call.

Committeeman Klaudi voted yes to resolutions 2023-86 to 2023-90, 2023-94 to 202399. Voted NO to 2023-91, 2023-92, 2023-93.

Committeeman Jamison – Yes on 2023-86 to 2023-99

Mayor Vizzard- Yes.

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

Mayor Vizzard- Seeing no one in the public, asked for a motion to close meeting to the public. Committeeman Klaudi made the motion and was seconded by Committeeman Jamison.

Mayor Vizzard asked if there were any other considerations.

Committeeman Klaudi- I did call the health department about water reports in the lake area. I talked to Noah. He is going to generate some reports. He said he could supply any records but could generate some reports that will show us some hot spots with contaminants. That should help us. I should have that in a couple days.

Mayor Vizzard- How did that meeting go with Millville.

Committeeman Klaudi- Our meeting was a week or so ago. They are ready to move, they are just waiting on us to decide if we are going to be on board.

Nick DiCosmo- I think we want to proceed we are just waiting on the public.

Committeeman Klaudi- Right, next month we are going to invite the public to comment and then we will decide.

Nick DiCosmo- I definitely think it's good to talk to the public.

Committeeman Jamison- Yes, we definitely want to do that.

Committeeman Klaudi- Right, we have to have the public behind it. I don't think it needs to go on the ballot.

Mayor Vizzard- No, I think for now, we will just let the public know what we are looking at.

Committeeman Klaudi- Its two items we want to invite the public for.

Mayor Vizzard- Yes, the water and the state trooper barracks. The only other thing I have, our new employee Dan Chelius, the code enforcement officer, is doing a wonderful job.

Committeeman Klaudi- Absolutely.

Mayor Vizzard- I just wanted to shout that out right now, he is doing a great job. It is not going unnoticed.

Committeeman Klaudi- He is doing a great job.

Mayor Vizzard- Ok, can I have a motion to adjourn. A motion was made by committeeman Jamison and seconded by committeeman Klaudi.

Respectfully Submitted,



Heather Miller, Township Clerk