

Minutes of the Agenda meeting of the Township Committee of the Township of Commercial held on December 18, 2023, at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ.

Those Present:

Mike Vizzard	Mayor
Joseph Klaudi	Committeeman
Thomas Seeley	Solicitor
Nick DiCosmo	Engineer
Heather Miller	Township Clerk
Clint Miller	Public Works Supervisor

Absent: Fletcher Jamison Deputy Mayor

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 Barney Hollinger, Riverfront Consultant, for his report.

Barney Hollinger-

- The Bayshore Council meets Thursday. He hasn't been able to attend other meetings with Meghan.
- He noticed this morning that the sluice gate on Berry, that water was flowing around the pipe. The meadow was full of water. The water isn't going out. It most likely was tidal, there was a lot of wind.

Robert Welch, OEM coordinator-

- His deputies were out during last night's storm. They coordinated with Clint and the Township and the County for the county roads.
- There were several trees and wires down.
- Moderate damage.
- ACE got those without electric back on within a reasonable time considering the number that were out. Still, a few are without electricity.

Mayor Vizzard- Received a notice from ACE. There are still 12 customers out on Parsons Lane.

Clint Miller- stated that the tree was just cleaned up.

Mayor Vizzard- Raymond Dr. still has 4 customers out. An electrician is needed there.

Mayor Vizzard called for the Engineers report.

Nick DiCosmo-

- Riverfront Road Project phase III- Tide gate design is done. The bridge plans have been sent to the county. The full set of plans has been sent to DOT. They are under review. That was all submitted on the 7th. An award extension request was submitted to DOT. That resolution is on the agenda. He doesn't know if the extension is needed. It has been 3 years since the township received that grant. 2 of those years was tied up with permitting. An award needs to be made by the end of February. The extension request is just in case. He hopes to advertise in January and award in February. He hopes to have these jobs done by the end of summer.
- Re-construction of Yock Wock & High- Complete. Working on closing it out.
- Mill & overlay of Main St. – The design is complete. The plans were submitted to the county for their review. The package was submitted to DOT on November 30th. He has received and replied to a few comments. He hopes to have an approval of this job soon. He hopes to advertise in January and award in February. Looking to start in March.
- North Ave Pedestrian Safety Improvements – Design is complete. The package is ready to submit just waiting to see if the county is going to require an inter-local agreement since part of the project is in their right of way. Once he has an answer on that he will submit to DOT for review. Potentially could be advertising in January. He is also putting in a request that the county convert Highland St and North Ave. into a four way stop so it will be a safe pedestrian crossing there.
- 2024 Local Freight Impact Fund- The application was submitted. A resolution is on for review and approval. This will be for the Mill & Overlay of Main St. from Strawberry Ave to the Municipal boarder.
- MS4 grant- Has the proposal ready. We are going to try to have all the fees covered by grant funding.
- Water Project for Laurel Lake- He spoke to Commissioner Albrich last Thursday. He said you had a meeting with him on how to proceed and modify the map that shows the service area and the gap in the service area. He said there was a form that needed to be filled out and he is happy to help with that.

Mayor Vizzard- He was waiting for them to send them the link which they did.

Nick DiCosmo- Tom Seeley also reached out to him on the cannabis ordinance. He brought the zoning map with him. He also had a sample cannabis zoning map that he put together for the city of Absecon. He is happy to create an official overlay zoning map.

Mayor Vizzard said he thought that needed to be discussed further.

Clint Miller wanted to bring to the committee's attention that the township just had Yock Wock paved and some boxes put in. Mayor Vizzard and Clint previously spoke to the county about getting some of the ditches cleaned. Clint acknowledges that we have had a tremendous amount of rain but at the North end of Yock Wock the drainage isn't working because the county ditch is so bad. People's yards were flooded. Clint suggests sending a letter to the county about cleaning the ditches.

There was a brief conversation about where the flooding was occurring and the properties that were affected.

Clint Miller said the county hasn't done a single thing with the ditches in the township for years.

Robert Welch interjected saying at a recent county meeting, they acknowledged they were behind on that and its because it has to go through the mosquito control commission, and they only have one person. They are trying to hire more.

Barney Hollinger stated that one thing he got from the meeting with Meghan was, you don't need a permit to clean those ditches.

Clint Miller- I'd like to see that in writing from the mosquito commission. He has literally been told not to touch them.

Solicitor Seeley- Its not considered wetlands and it's in the right of way.

Mayor Vizzard said he had no problem issuing a letter.

Mayor Vizzard- moved to correspondence.

- Received a land sale request from Brian O'Neill for the purchase of block 24, Lot 4594 which is an undersized lot. Mr. O'Neill is currently in the process of purchasing lots 4586 and 4562 which adjoins this property. He is looking to create a buildable lot. Mr. O'Neill is offering \$500 for this 40 x 100 vacant lot.

Mayor Vizzard said we can put this on for Thursday night.

- Correspondence from Top Shelf NJ, a class 1 cannabis cultivator, a family-owned micro business seeking endorsement to operate at 1921 E. Buckshutem Rd., block 177, lot 3 which is the old Baglio service station at Ferry and Buckshutem Rd.

Mayor Vizzard said that it is his opinion that they do not even entertain this proposal. Committeeman Klaudi agreed.

- The CDC distributed two shared service opportunities offered by the county of Cumberland.

1. Shared service agreement between the county of Cumberland and participating governing bodies within Cumberland County for sharing street cleaning services between government participants.

Mayor Vizzard stated this will help us with the MS4 proposal.

2. Shared services agreement between the Cumberland County and participating governing bodies within Cumberland County for sharing specific mosquito control operations training between governing participants.

Mayor Vizzard said he read through the shared service agreement and quoted a portion that talks about the county holding a permit with DEP that is effective county wide related to ditches and it appears this will allow us to clean them.

Clint Miller said the township doesn't have the resources to do it. They could do the small ones and that was a start.

3. Memorandum from the CFO requesting a salary increase for 2024.

Mayor Vizzard moved on to Resolutions.

1. **Resolution 2023-112** Resolution of the Mayor and Committee of the Township of Commercial reviewing and approving the Township Fire District No. 3 Commissioners Salary for 2024
2. **Resolution 2023-113** Change Order #1 Final for Reconstruction of Yock Wock Road
3. **Resolution 2023-114** A Resolution of the Township of Commercial in Support of the Location and Operation of an Adult-Use Cannabis Retail Facility by Rootly, L.L.C.
4. **Resolution 2023-115** Awarding a One-Year Contract to Shore Animal Control for Animal Control Services in the Amount of \$19,200 for 2024

Mayor Vizzard said he would like to remove this resolution and go out to bid.

5. **Resolution 2023-116** Authorizing the Cancellation or Refund of Property Taxes Due to Approval of 100% Disable Veteran's Application
6. **Resolution 2023-117** Resolution Authorizing the Correction of Assessment and Taxes on Block 116, Lot 9959

7. **Resolution 2023-118** Authorizing the Transfer of Overpayment to Other Tax Years or Refund of Overpayment to Owner, Payer or Their Representative
8. **Resolution 2023-119** Transfer Tax Sale Premium to Current Account
9. **Resolution 2023-120** Resolution Authorizing the Correction of Assessment and Taxes on Block 135, Lot 7034-36
10. **Resolution 2023-121** A Resolution Authorizing the Submission of an Application for Grant Funding and the Execution of a Grant Contract with the New Jersey Department of Transportation Under the Fiscal Year 2024 Local Freight Impact Fund
11. **Resolution 2023-122** Approving Proposal of Remington & Vernick Engineers for 2023/2024 MS4 Compliance Assistance
12. **Resolution 2023-123** Granting Five Year Sandmining Permitting License Covia Solutions Inc., Phase 9, Block 179, Lots 1, 2, 17, 23 & 24
13. **Resolution 2023-124** A Resolution Authorizing Approval to Submit an Award Extension Request for LA-2021 LFIF Commercial Township Port Norris Riverfront Roadway Improvements- Phase 3 to the New Jersey Department of Transportation
14. **Resolution 2023-125** Budget Line-Item Transfer
15. **Resolution 2023-126** Authorizing Commercial Fishery Loan to Michelle Bateman in the Amount of \$7,500 as Recommended by the Commercial Township Fishery Loan Board

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3,

115. Mayor said these resolutions will be on for adoption Thursday night. Except for 2023-

Mayor Vizzard- We have ordinances on for introduction.

Ordinance 2023-630

An Ordinance by the Township of Commercial, County of Cumberland, County of Cumberland, State of New Jersey, to Amend Ordinance 2021-606 to Allow and Regulate the Operation of Recreational Cannabis Facilities within the Township

Solicitor Seeley- This is a comprehensive. We may slit this up among the cannabis ordinance and the actual development ordinance.

Mayor Vizzard- To elaborate more. We have a letter from the land use attorney, making recommendations. I also have several pages here of recommendations from Libby Truitt. A resend who went out of her way to put together a nice list. There is nothing wrong with any of these recommendations. I thank her for that.

Barney Hollinger spoke up and said there is a problem with some of the things Libby put together. She didn't put the part in that says, if you put an ordinance in now, you would have had to do it way back. So possible person who comes in would have the option to use the old one or the new one. The other thing is any industrial zoned property in the township, you have no control over them. You have 2. One you don't have to worry about because the county has that. The other is on North Ave. where Dave Tribbett used to live. You can't stop anything in an industrial zone. Take a look at it. It's on the state website. Libby put a lot of that stuff together and I read exactly what she said but she didn't read the opening statement. That if you didn't have an ordinance in effect in August of 2021, they are allowed to go back and use the old ordinance.

Tom Seeley said it still has to pass Land Use approval.

Barney Hollinger- They still have to go through that, but you can't make it any stricter than what was already in effect.

Solicitor Seeley- I think what the mayor found was that a lot of the land use regulations are stricter than what is being recommended for some of these other things. It's a lot to go through.

Barney Hollinger said she did do a good job.

There was further discussion as to where the other industrial zone was on North Ave for clarification and the designation of Village Business for cannabis and where those zones are located.

Mayor Vizzard said we will get the ordinance finalized and make it match the zoning map.

Solicitor Seeley suggested that if it isn't ready for Thursday, we may have to put it off until next month. We have to get it right. Me need to determine what has to go on the cannabis ordinance and what has to go on the land use development ordinance. It wouldn't differentiate

but it's just a matter of where it needs to go. Some of the information pertains to taxation and it doesn't pertain to land use.

Barney Hollinger- One of the things Libby has was on signs. You can't change it from what was already in effect.

Solicitor Seeley stated that is already regulated in our current land use ordinance. What the mayor pointed out is that a lot of it is more stringent than what you would find in the amendments. We are looking more at lighting, stuff you would have necessarily planned for such as odor, containment in regard to cultivation and manufacturing.

Mayor Vizzard said we have Ordinances for second reading and Adoption.

1. **Ordinance 2023-622- Illicit Connection Ordinance:**
An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by Commercial Township, so as to protect public health, safety and welfare, and to prescribe for failure to comply.
2. **Ordinance 2023-623- Improper Disposal of Waste Ordinance**
An ordinance to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by Commercial Township, so as to protect public health, safety, and welfare, and to prescribe for the failure to comply.
3. **Ordinance 2023-624- Litter Control**
An Ordinance to establish requirements to control littering in Commercial Township, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
4. **Ordinance 2023-625- Pet Waste**
An Ordinance to establish requirements for the proper disposal of pet solid waste in Commercial Township, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.
5. **Ordinance 2023-626- Private Storm Drain Inlet Retrofitting**
An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatable (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm water system(s) operated by the Commercial Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.
6. **Ordinance 2023-627- Wildlife Feeding Ordinance**

An Ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Commercial Township, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

7. Ordinance 2023-628- Yard Waste Collection Program

An ordinance to establish a yard waste collection and disposal program in Commercial Township, so as to protect health, safety and welfare, and to prescribe penalties for failure to comply.

8. Ordinance 2023-629- Privately Owned Salt Storage

An ordinance to prevent stored salt and other de-icing materials from being exposed to stormwater.

Mayor Vizzard- All these ordinances have to do with the MS4.

Mayor Vizzard- Land Sales, Solicitor Seeley will conduct all sales.

Adjoining owners have been notified by certified mail. Sales were advertised two times, 12/13/23 & 12/20/23. The minimum bids were accepted at the October 19, 2023, meeting. A deed will be prepared when the balance is paid in full.

- 20% down the night of sale, balance in 30 days
- \$400 fee for legal services

1. Bid received from Larry DePalma in the amount of \$1,500 for
 - Block 26, lots 4252 (4252, 4253) known as 309 Fern Rd.,
 - Block 26, lots 4247 (4247-4251) known as 7515 Magnolia Rd.
 - Block 26, lots 4245 (4245,4246) known as 7511 Magnolia Rd.All vacant properties to be combined as one buildable by size lot of 180 x 100.
2. Bid received from Larry DePalma in the amount of \$1,500 for
 - Block 27, Lot 4161 (4161-4165) known as 7410 Whittier D.Vacant property buildable by size of 120 x 100.
3. Bid received from Larry DePalma in the amount of \$1,500 for
 - Block 107, lot 8441 (8441, 8442) known as 316 Robin Rd.
 - Block 107, lot 8443 (8443-8446) known as 320 Robin Rd.All vacant properties to be combined as one buildable by size lot of 120 x 100.
4. Bid received from Larry DePalma in the amount of \$1,500 for
 - Block 121, lot 9448 (9448-9452) known as 428 Palm Rd.
 - Block 121, lot 9453 (9453-9455) known as 440 Palm Rd.All vacant properties to be combined as one buildable by size lot 160 x 100.

Mayor Vizzard asked if there were any other considerations.

Mayor Vizzard-

1. As it was alluded to earlier, I went to a meeting at the Cumberland Development Corporation. Doug Albrich was there; he provided the link for trying to get this water infrastructure investment plan assistance request form which I have. We need to tell them what kind of assistance we are looking for and what our plans are for the water.
2. Heather has been working very hard on this BRIC funding and it looks like we are well on our way to getting a \$100,000 grant to work toward getting our BRIC certifications. I would like to read one thing, "I am thrilled to share after a herculean effort by the team, commercial township successfully submitted BRIC Building Code Up application on FEMA Go before the deadline of Friday, December 15th. Heather Sparks, Commercial Township Clerk, was a hero as were Sean Nelson and Robyn Williams who worked very hard with next to no time to get this identified". So congratulations, thank you Heather, I think this will be a very good thing for the township.
3. CS Regional Court, I went to a meeting with the regional courts, as it turns out, for 2023 analysis. In 2021 there were 1,642 caseloads for Commercial Township. In 2022 there were 977. In 2023 there was only 850. We got \$60,207 dollars back. Every single municipality, the caseloads have gone down because the state police's hands have been tied on who they are aloud to pull over, how many tickets they can give out, who they will go to court with and what these judges can do. Unfortunately, that's the way it's going for now. Hopefully, in 2024, the state will change that. We were the fourth highest municipality within this group of the regional court system to get back money. Deerfield Township had 1,749 cases, they got back \$102,000. Upper Deerfield had 3,089 cases, they got back \$189,000. It goes by the percentage of cases are heard and each municipality gets back their share.

Barney Hollinger asked if that includes the townships zoning.

Mayor Vizzard said yes it includes everything that went in front of the courts. With that being said, I still think its good for the township. Hopefully, 2024 gets better.

Mayor Vizzard asked for a motion and second to open the meeting to the public. Motion was made by committeeman Klaudi & seconded by Mayor Vizzard. Mayor Asked if anyone from the public wished to address the committee.

Mayor Vizzard- With no one from the public, A motion was made by Committeeman Klaudi to close to the public, seconded by Mayor Vizzard.

Mayor Vizzard- Reports of Officials, I see nothing further to report. Other than we have a fantastic tree out there and I think our community night went well. It was a nice laser show, a good turnout considering the rain.

Clint Miller- You should see all the people that stop to take pictures of that tree.

A motion and second was moved and the meeting was adjourned.

Respectfully submitted,

Heather Miller, Township Clerk