

Minutes of the Regular meeting of the Township Committee of the Township of Commercial, held on January 18, 2024, at 6:00 P.M., at the Township Hall at 1768 Main Street. Port Norris, NJ

Those Present:

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

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

Mayor Sutton started with reports from Officials.

State Police-

The officer spoke about the new HELO officer. The station is going to get more involved in animal cases. He also talked on the coverage they currently have that is serving the area.

Code Enforcement official asked the office about how he can obtain license plate information. He has one in particular property he is having a problem with. The officer said to contact him after the meeting, and he would discuss it with him.

Committeeman Vizzard asked about the HELO officer. In the past people would call animal control, they would say they cant handle the case to call state police then people call state police and they say they cant do it either. Who do people call when there is an animal problem.

The officer stated that those days are over. Officer Shropshire is the HELO. They will investigate all the calls. People should call 785-0035 which is dispatch. If an animal has to be transported, they will still be working with animal control. In the future they may have the ability to transport. They will be investigating all animal concerns. The officer said he will have everything in writing for the township in about a month.

Committeeman Vizzard stated that the township spent roughly \$60,000 in animal sheltering last year. When will the township have a say about when an animal goes to the shelter. We should have a say if we are paying these kinds of bills.

The officer said you want to know what facilitates an animal going to the shelter.

Mayor Sutton said the ones the cost are the ones that get removed from the properties and a summons is issued and they sit there for 3 months, and we pay for every day.

Committeeman Vizzard stated that something different has to be done.

The officer said he agreed and said he was not aware that was happening.

Committeeman Vizzard said maybe we don't need animal control at all then.

Solicitor Seeley stated by statute the township is required to have animal control.

The officer stated that from what he has learned, this certainly could grow. The goal will be to not seize an animal that they do not have to but they will have to do what is right for the animal. The officer said he understands it is a lot of money and something does need to change.

Mayor Sutton and Committeeman Vizzard thanked the officer.

Mayor Sutton said Barney Hollinger isn't in attendance, he gave his report Tuesday night. Next, we have Robert Welch, OEM.

Mr. Welch stated that he had already updated the committee on the storm that was expected tomorrow. He will be out on patrol and working with public works and the county if there are any issues. The storm they had last week, there was a state of emergency. He provided Heather & Clint with paperwork so if FEMA decides to provide funding, the township can put in for it. He also said he needs to meet with the school board, so they understand that the school is a designated storm shelter/warming station for the township. They were able to open the school, last storm as a warming/charging station but there was a problem at first, but it was handled. He will take it to the new board members and explain it. He is working on an EMAA grant that OEM gets every year for around \$10,000. He plans to use it for upgrades to the public works radios, so they are compatible with the county and fire departments radios that work on a 700/800 frequency.

Mayor Vizzard said we have our Code Enforcement officer here and asked if he had anything to say. Code Enforcement stated he didn't have a report but that he was new to the job and he is working to get the neighborhood cleaned up. If you have an issue, feel free to contact the office and he will take care of it.

The mayor moved on to approval of meeting minutes. Meeting minutes of a special meeting of December 11, 2023, a special meeting of December 18, 2023, the agenda meeting, December 18, 2023, the regular meeting of December 21, 2023, and the reorganization meeting of January 3, 2024. Committeeman Klaudi made a motion to approve and was seconded by Committeeman Vizzard. Roll vote, Committeeman Klaudi and Vizzard approved. Mayor Sutton abstained because he was only present for the reorganization meeting.

Mayor Sutton asked for approval for the bill list for the month of January as prepared by the Chief Financial Officer. A motion was made by Committeeman Vizzard and seconded by

Committeeman Klaudi, roll call vote, Committeeman Klaudi and Vizzard approved. Mayor Sutton abstained.

Mayor called for the Engineers report-

Nick DiCosmo-

- Riverfront Road Project phase III- Miller Ave bridge and the Barry Ave. tide gate design is complete. Received authorization from DOT as well as the county. He is going to send in for advertisement of the bids and hopes to open sometime in February.
- Mill & overlay of Main St. – Yesterday was the bid opening for that project. South State was the low bidder, the bids came in right around his estimate but it was a little higher than the allocation on the county side. There is a deficit of about \$187,000. The county indicated they will cover that funding. They will have to amend their existing resolution and amend the agreement. Unfortunately, before we can have certification of funds we will have to wait for that and can't award the project tonight. It is anticipated that the county will pass that resolution at their February meeting and hopefully award at our February 15th meeting.
- North Ave. Pedestrian Safety Improvements – This project goes around the ballfields and up to the intersection of Highland and Steep Run. The bid will be in the paper on January 25th, and plan to open those bids on February 8th with hopes of also awarding at the February 15th meeting.
- 2024 State Aid, roadway and drainage improvements to Whittier Dr- His proposal is on the agenda tonight for approval and consideration. We received \$340,000 in grant funds from DOT for this project. \$300,000 will be spent on those improvements. Whittier Dr with drainage improvements at Dandelion and Whittier
- Mauricetown Riverfront Park- The mayor asked that we look into the boardwalk funding. Unfortunately, that window closed in October. On Tuesday, Barney gave him a contact at the American Littoral Society. They were not aware of an grant funding that was immediately available but they will keep it on their radar. They do apply to several types of funding for similar projects through out the year so they will be keeping it in mind and we will stay in contact. Nick asked them about converting that to a living stabilized shoreline with rocks, they have done similar projects, they recently completed one in Neptune. He is going to put him in contact with the project manager of that project. He is going to try and get some cost estimates.

Mayor Sutton asked Nick to keep his feelers out because if that doesn't work out, we can look into something else. This is something that needs to be addressed.

Mayor Sutton moved on to correspondence.

1. Linda Gentile of Shore Animal Control has provided a year end animal control report for the committee to review. They responded to over 800 calls in 2023.

Mayor Sutton said he reviewed the report and a lot of it is just phone calls, he doesn't see how its response to over 800 calls.

Mayor Sutton moved next to Introduction of Ordinance.

**ORDINANCE 2024-632
CALENDAR YEAR 2024
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND
TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

Second Reading and adoption will be scheduled for February 15, 2024.

Mayor Sutton asked for a motion to adopt. Motion was made by committeeman Klaudi and seconded by Committeeman Vizzard, roll call vote, all were in approval.

Mayor Sutton moved to ordinances for second reading and adoption.

Township of Commercial
ORDINANCE 2023-630
AN ORDINANCE BY THE TOWNSHIP OF COMMERCIAL, COUNTY OF
CUMBERLAND, STAT OF NEW JERSEY, TO AMEND ORDINANCE 2021-606, TO
ALLOW AND REGULATE THE OPERATION OF RECREATIONAL CANNABIS
FACILITIES WITHIN THE TOWNSHIP

COMMERCIAL TOWNSHIP
ORDINANCE 2023-631

AN ORDINANCE AMENDING THE 2021-607 SALARY AND WAGES ORDINANCE OF CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF COMMERCIAL IN THE COUNTY OF CUMBERLAND PROVIDING THE TERMS OF PAYMENT THEREOF AND REPEALING ORDINANCE INCONSISTANT HEREWITH

BE IT ORDAINED by the Township Committee of the Township of Commercial in the County of Cumberland, State of New Jersey

SECTION 1. That the annual salaries and hourly wages of the officials hereinafter named shall be fixed as follows:

Chief Financial Officer

\$36,000 Per Year

Mayor Sutton asked for a motion to open for public comment on ordinances 2023-630 and 2023-631. Committeeman Vizzard and the motion and was seconded by committeeman Klaudi.

Libby Truitt, Mauricetown – She has questions about the ordinance 2023-630. She would like to thank the committee for updating the ordinance and getting some crucial parts added. She questions page two paragraph one. Where it says VB, any retail business must be located in a village business district and more specifically located within the VB zones located along Main Street and Buckshutem Road to the intersection of county route Ferry Rd. Her question is that Ferry Road is not in the VB zone. How can it be put in the ordinance that it will be approved down to Ferry Rd. She thinks it should stop at the end of the zone which she believes is around Lowry's. Her second question is same thing, paragraph two, where it says cultivator and manufacturer establishments are to be located in agricultural districts in light industrial districts only. More specifically to those zones located along Buckshutem Road to the intersection of Ferry Road and also along North Avenue, county route 633. Proper zoning requirements must be approved by the land use board. She has a couple of questions there. The ordinance is silent regarding wholesale and distributor licenses. We have approved all four but those two aren't addressed. Also, can a farm have a manufacturing facility. If you have a farm, can you put up a manufacturing plant. Lastly, farms are being isolated to Buckshutem road and North Avenue. What if there are farms in other parts of Commercial Township that may be interested in growing. They are being shut out. The state law reads that if it is silent, all four of these licenses can happen on commercial or industrial zoned properties. She is not sure we can allow a farm to turn into a manufacturing site.

Solicitor Seeley stated that it is a land use question. All of this needs to go before land use for approval.

Libby Truitt- She wonders if it should even be in this ordinance. The limitations and the erroneous part about Ferry Road being VB.

Committeeman Vizzard- He would like to answer as much of this as possible because he put a lot of time into this. To include everything that Ms. Truitt has suggested. His train of thought when trying to amend all these things was. He stopped at Ferry Road because he wanted to keep everything out of Mauricetown. He was also under the impression from what everyone was telling him, you can go to the zoning board and ask to have the zoning changed. It could be changed to village business, and you would have the right to do that. That's why he didn't want to say it had to stay up by Lalli's. It could go down as far as Ferry Road as long as you go to the land use board and request to have the zoning changed. If they say no, so be it. He didn't want to not put that in there because you are allowed to do that.

Libby Truitt- Would you have to do that anywhere.

Committeeman Vizzard said no it was the recommendation of the land use solicitor that we be specific as to where we would allow it. Not just allow it everywhere. It was also suggested by someone else that it be kept on the main roads. Not on back roads, not by schools, the main drags which are county roads.

Solicitor Seeley told Ms. Truitt that everything that she had provided was very useful.

Committeeman Vizzard stated that that is why he addressed everything that he addressed that way.

Libby Truitt- Her though, is that if someone wants to go to land use and get their zoning changed, to open a store...

Committeeman Vizzard said it will not be allowed because there is only allowed two in the township. That is in the ordinance. Only one manufacturing facility is allowed.

Libby Truitt- By limiting a manufacturer, to not be in a commercial zone, it is being allowed on farm and....

Committeeman Vizzard- Again that was recommended by the land use solicitor.

Libby Truitt- It knocks out all the commercial zones.

Committeeman Vizzard- said yes, we are, you are correct.

Libby Truitt- She thinks for commercial businesses, that is where we would want them to be.

Committeeman Vizzard said that is not along a main road. He is only trying to do what everyone wanted.

Libby Truitt stated that a commercial could be in an industrial park.

Committeeman Vizzard stated he was fine with that, but you were not. You wanted it along a main rd.

Libby Truitt said that what was being talked about was retail at the time and that it was for village business zones on Buckshutem Road and Main Street. It wasn't to be extended down to Ferry Road because it was to be the VB zone on Buckshutem Rd.

Committeeman Vizzard stated that you can change the zone to VB. He didn't want to limit that.

Libby Truitt- By putting in the ordinance, the intent is to leave it so a retail store could be on Ferry Road assuming they got proper zoning. The manufacturing end of it, she wonders if we want that on a farm. And why would we only want it on Buckshutem Road. Why not on a farm on North Avenue up towards Dividing Creek.

Solicitor Seeley- asked Ms. Truitt if she was confusing cultivation with manufacturing.

Libby Truitt indicated that they are two different things.

Committeeman Vizzard stated they both fall under the same category as far as where they will be allowed.

Libby Truitt- As far as manufacturing, she doesn't think you can have that on a farm so why is it even being put in there.

Solicitor Seeley- It has to go through land use board.

Libby Truitt- She says she understands that so why is on the ordinance.

Committeeman Vizzard stated because that is what he was asked to do.

Solicitor Seeley stated that they tried to prepare the ordinance to fit within what was heard from the township. Like Mike said he put a lot of time into it, he put a lot of time into it as well as she did and that is appreciated. We don't expect to be perfect. They tried to address all the questions that came up by the residents. Thank goodness you only have a couple things.

Libby Truitt- She is just concerned about giving farms the green light to be manufacturing. She doesn't believe that is the nature of farming.

Solicitor Seeley said he didn't believe that was the intent.

Libby Truitt- Doesn't know why it is in there.

Committeeman Vizzard said, lets take the fact that its cannabis out, if someone wanted to come here and build a factory on a farm, they would still need to go to land use board for approval. Just because it is a farm, doesn't mean you can't put a cannabis facility there. They would need to change the zoning. He kept it along the main roads, like everyone wanted, rather than someone putting a cannabis facility down by the river.

Libby Truitt- asked what about other farmers that may want to start growing cannabis.

Committeeman Vizzard- They can't without having a cannabis license, without having the proper zoning.

Libby Truitt- We have unlimited cultivators.

Solicitor Seely- asked if she understood, these facilities are completely enclosed.

Libby Truitt says she understands they are 63,000 sq. ft. growing facilities.

Solicitor Seeley said it's like a prison for trying to keep people from accessing it.

Committeeman Vizzard stated that his biggest thing is infrastructure. We don't have the infrastructure to support more than one anyway.

Libby Truitt said that a manufacturing facility will need a building.

Solicitor Seeley said his understanding is the manufacturing is a lot different than retail. The retail receive it from the manufacturing.

Libby Truitt corrected Mr. Seeley by saying it would come from the wholesalers to the retailers.

Solicitor Seely said manufacturing would be processing.

Libby Truitt stated that growing is growing, and they pick it at the growing facility. Then it goes in that raw form to a manufacturer and processes it where it needs lots of light and power. For cultivation you need electricity. For manufacturing, you would need it any more than manufacturing in any factory.

Solicitor Seeley said you would need sewer.

Ms. Truitt agreed. Then stated from there it would go to a wholesaler, which isn't anywhere in the ordinance. From a wholesaler it goes to a distributor which she believes is a fleet of vehicles to distribute. Wholesale and distributor licenses were not even addressed in this ordinance.

Committeeman Vizzard stated that he wishes he had all his paperwork so he could answer these questions. There is a reason why they were not addressed specifically. If you have a production facility, those other categories fall under the production.

Libby Truitt stated that would probably be the manufacturing that defaults to wholesale and distribution.

Committeeman Vizzard stated that he didn't have the exact wording in front of him.

Libby Truitt- She is just concerned that we are going to allow big, huge growing facilities....

Solicitor Seeley said you have to remember how many we are allowing.

Libby Truitt- said cultivators, I don't know.

Solicitor Seeley said he didn't mean to be harsh on her semantics but you're not talking facilities all over the place. It would be one.

Libby Truitt wanted to know where it says only one cultivator.

Committeeman Vizzard said it is the same idea he spoke of earlier, once you regulate the growing facility, they become the cultivator, the manufacture, the wholesaler. They all have the same license. It's all the same under one umbrella.

Libby Truitt asked if it only states one is allowed.

Committeeman Vizzard said it does say that. One allowed and two retail stores.

Libby Truitt said you are assuming that the cultivator is going to have the umbrella of everything.

Committeeman Vizzard said that is what the state says, he is not assuming anything.

Libby Truitt stated that she thinks you can just be a cultivator.

Committeeman Vizzard stated that than a wholesaler can't be here. We will only allow one, that's it.

Libby Truitt asked if these limitations are in here.

Solicitor Seeley stated that this supplements the state.

Libby Truitt asked if the state only allows one.

Committeeman Vizzard said they don't, we are only allowing one. That's what was recommended at the land use board.

Libby Truitt said she didn't believe that was discussed at the land use board. That she will have to look at the minutes. Ms. Truitt took time to review the ordinance further. Pointed out she sees where it says only two retailers. Then continued by stating that at some point they may want to grow this outside and that it just hasn't reached that point yet.

Committeeman Vizzard stated that would have to be addressed by every municipality in the state.

Libby Truitt asked where in the ordinance it only states he limit on the one. Her concern is the way it reads, it's as if it says if you are a farm on Buckshutem road, where on Buckshutem isn't spelled out, it just says if you are agricultural, or a light industrial zoning district located along county route 670 to the intersection of county route 728. Is that coming down or coming up.

Committeeman Vizzard maybe I wasn't specific enough.

Solicitor Seeley stated that if you really feel that this doesn't address all the specifics, then maybe we need to go back. The problem is we are never going to address everything.

Libby Truitt thinks that we need to take more time to say we want Ferry Road to be our industrial site and that it is only limited to one if that is the intent. She would hate to see a farmer in Port Norris unable to grow cannabis because it is not in the ordinance. Maybe they would want to grow it outside and not have a big, huge industrial plant. You can grow it outside. A second thought is that manufacturing, someone will need to go get a zoning change, so why do we even say it can be approved for farmland.

Solicitor Seeley- Why are we saying anything? This is brand new.

Libby Truitt stated she thinks it needs to be dug into further.

Solicitor Seeley- We can't just sit back and wait.

Libby Truitt says she understands.

Solicitor Seeley said we have a lot of people who are investing a lot of money right now. They will take the spot, or they will move on. If we don't adopt an ordinance, then we are losing out on that revenue. We can always amend this again.

Libby Truitt said it could be amended again but she is just bringing this up. She just questions saying a farm can be a manufacturer. She doesn't know if that is correct and if it should be in there.

Solicitor Seeley stated that if we run into issues that stem from what she is saying, it can be amended again. This is very new. They have dug into this, and a lot of work was put into it. A lot of it was borrowed from attorneys that have advised the state.

Libby Truitt says again she understands but that she feels it needs to be worked on.

Solicitor Seeley stated do you know how many amendments were probably made in regard to allowing alcohol. This is an evolving industry. Please just allow us to put our first foot forward so we can get someone in the municipality.

Libby Truitt said Well, these are my concerns.

Committeeman Vizzard said that he will re-write the boundaries. His intent was to go from the municipal line in Laurel Lake to Ferry Road. I thought everyone would understand that since it is not allowed in Mauricetown.

Libby Truitt stated that she was going to read it over carefully because she wants to make sure it is limited to one.

Solicitor Seeley stated just remember if we wait too long, we are going to miss the boat.

Libby Truitt said we aren't going to miss the boat. These big facilities are not allowed to go around us. In Egg Harbor Township it has to go in an industrial park. Maybe that's something

to think about. Designating an industrial zone. Setting property aside, getting the infrastructure to lure them in. I realize that is costly and we probably don't have the funds to do that.

Several people speaking over each other.

Solicitor Seeley stated that's a stretch. But we do have a retailer.

Libby Truitt said a retailer is different, that's a store.

Solicitor Seeley said why can't we set up an ordinance as suggested by many of the public. You wanted s to have an ordinance that spelled stuff out. If we didn't spell it out properly, we will find out, we can spell it out properly in the future. We are not going to get everything right on the first draft.

Committeeman Vizzard said he thought he did.

Libby Truitt said she thinks they should attempt to. Why keep going back.

Solicitor Seeley stated that's the nature of the law, the law evolves.

Libby Truitt stated from a legal standpoint it does say, if you have a farm, you can manufacture on that farm.

Solicitor Seeley said with land use approval.

Libby Truitt Said she doesn't understand why it even has to be in there.

Solicitor Seeley said we wanted to put something together to have a backbone to give guidance. Not that you are banned from doing this but we wanted to produce something. As you said before, we had nothing right? So now we have something.

Libby Truitt said if you were to correct this and it was to have a second reading at the next meeting, would that deter...

Solicitor Seeley said it is his suggestion and it will be up to the committee, that this is a good beginning by borrowing from a lot of different minds and municipalities. Give us a chance to see how it goes. If there are problems, we can always make amendments like with all other laws.

Committeeman Vizzard said we don't have to pass this tonight. He said he will amend it to the borders that Ms. Truitt wants, He thought it was understood that it would be from Laurel Lake to Ferry Road, because we aren't allowed in Mauricetown. He said he didn't explain that so he will explain that. Where it talks about the agricultural and farms along Buckshutem Road, the last sentence says that proper zoning change requirements must be approved. I'm not saying it can be done on a farm because it can't, it has to have zoning changes, but there are no other

properties along Buckshutem road zoned village business. They are farms and agriculture. Same thing on North Avenue.

Libby Truitt said maybe we should be open to Main Street.

Committeeman Vizzard said we can, but that's not what everyone wanted.

Libby Truitt said we didn't really discuss that.

Committeeman Vizzard said yes, we did. It was suggested by the land use solicitor that we were going to keep it just on those roads. As far as having an outdoor facility, I for one don't want an outdoor facility and I don't think we would even approve an outdoor facility. He doesn't even think it is allowed.

Solicitor Seeley said he didn't think that would even be beneficial to the facility.

Committeeman Vizzard said if a facility is built, its going to be a secure, indoor facility. It will be secure; it is not a nursery.

Libby Truitt said OK, I just wanted to bring up my concerns.

Committeeman Vizzard said he will re-do the boundaries, in fact, he will contact Ms. Truitt and go over it with her because he is only doing this one more time.

Mayor Sutton asked if there was anyone else on the cannabis.

William Henderson, Main St. Port Norris- He is listening to all these different areas where this stuff can be approved, and he doesn't understand why he has the only industrial property in the entire township, he doesn't understand how he is outside of this loop. Why doesn't he have the ability to be in on this.

Committeeman Vizzard said he just explained it.

William Henderson said I am on a main rd.

Committeeman Vizzard said your not really on a main road, you are at the end of a main road. He didn't think it was a good spot for it anyway. It is along this main road and Buckshutem Road. These are the only two roads that were recommended to me by the land use solicitor.

William Henderson said but he has industrial zoning.

Committeeman Vizzard said but we did not include industrial zonings for that. There is also a smaller industrial zone along North Avenue and that wasn't included either.

Mr. Henderson asked where that property was. Several people from the room tried to explain. Someone said the old Tribbitt place.

Mr. Henderson said very well, that was his concern. Thank you.

Mayor Sutton said he had something to add. It says about \$15,000 licensing a year. That it expires on December 31st every year. But on the other line it says we will give them until February to renew their license. Then it says there is only a \$50 penalty and if it is 2 months it would be \$75. He feels it is a loophole. No other licensing allows you to go beyond the expiration to renew. He suggests that December 31st the license expires, and if they haven't renewed by then, they should be closed temporarily until it is renewed. In addition, he suggests the \$50 fine be \$200 and if it goes two months that should be \$400.

Solicitor Seeley said if we are making changes, we can look at that.

Committeeman Vizzard said he would look at that. He felt that they wouldn't renew it if it wasn't done by the 31st.

Mayor Sutton said but it doesn't say that.

Committeeman Vizzard said he wouldn't even bother with the fines. It needs to be renewed by the 31st, that's it. He will look at that.

Mayor Sutton said he was not involved in this ordinance at all.

Libby Truitt had another question. She thinks "we" should reconsider Main Street in Port Norris because there are farms down there and light industrial. By being silent, who is to say someone doesn't want to open a facility on Main Street. She just wants it on the record that Main Street should be considered.

Mayor Sutton asked for a motion to close to public portion. A motion was made by Committeeman Klaudi and seconded by Committeeman Vizzard.

Mayor Sutton asked if there was a motion to accept ordinance 2023-630. No

Mayor Sutton asked for a motion to approve ordinance 2023-631. A motion was made by Committeeman Vizzard and seconded by Committeeman Klaudi. Committeemen Vizzard and Klaudi voted to approve. Mayor Vizzard abstained.

Committeeman Vizzard said for the record, Ordinance 2023-630 will be tabled and re-done.

Mayor Sutton moved on to resolutions.

RESOLUTION # 2024-19

LIST OF UNCOLLECTIBLE TAXES

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

<u>Block Lot</u>	<u>Assessed Owner</u>	<u>Year(s)</u>	<u>Amount</u>	<u>Reason</u>
50 6212	Steven Torres	2023 Added Adjusted 2024	\$553.34	Exempt Vet

**RESOLUTION # 2024-20
CORRECTION OF RESOLUTION #2023-116**

WHEREAS, on December 21, 2023, Resolution #2023-116 was adopted to correct the assessment on Block 116, Lot 9959, assessed to Edwin Soto. It was determined that there was a typo regarding the tax adjustment on that resolution.

NOW, THEREFORE BE IT RESOLVED, that the Township Committee approves the following correction to Resolution #2023-116.

<u>Block/Lot</u>	<u>Original Asst</u>	<u>Adjusted Asst</u>	<u>Difference</u>	<u>Year</u>	<u>Tax Adjustment</u>
116/9959	\$63,900	\$14,400	\$49,500	2023	\$1,461.71
					2024 \$732.35

RESOLUTION # 2024-21

**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 judgment 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 or 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, approval 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 Lot</u>	<u>Owner</u>	<u>Year</u>	<u>Amount</u>	<u>Reason</u>
212 4	21st Associates	Recording Fee	\$55.00	Tax Office Error Refund Lienholder Capital Lien Group

**RESOLUTION # 2024-22
RESOLUTION TRANSFER INTEREST TO CURRENT ACCOUNT**

WHEREAS, the Tax Sale Premium Account accrues interest monthly at an average rate of 2%. As of December 31, 2023, \$3,354.97 had accrued in interest for 2023 and needs to be transferred to the Current Account, and

THEREFORE, BE IT RESOLVED the Township Committee approves the transfer of \$3,354.97 from the Tax Sale Premium Account to the Current Account.

**RESOLUTION 2024-23
Authorizing Contract to Riggins Inc., For Purchase of
Gasoline and Diesel Fuel Under Cumberland County
Purchasing Pricing System #64-CCCPS**

WHEREAS, Commercial Township is a member of the Cumberland County Purchasing Pricing System #64-CCCPS; and

WHEREAS, the Cumberland County Purchasing Pricing System went out to bid for a new contract, for Supplying and Delivering Gasoline and Diesel Fuel for the County of Cumberland and for Participating Members of the Cumberland County Cooperative Contract Pricing System

WHEREAS Riggins, Inc. was awarded the contract from January 1, 2024, to December 13, 2025, at the price of \$.168/gallon for gasoline, 87 Octane and \$.195/gallon for Diesel Fuel (on-road)

BE IT RESOLVED by the Township Committee of the Township of Commercial that the township will notify Riggins, Inc., and make a request that they allow us to enter a contract for the purchase of Gasoline at and Diesel Fuel effective through Cumberland County Contract #64-CCCPS; and

BE IT FURTHER RESOLVED that Riggins Inc., has offered the Township of Commercial the opportunity to participate in Cumberland County Contract # 64-CCCPS January 1, 2024, to December 31, 2025, in accordance with Cumberland County Purchasing Pricing System #64-CCCPS.

RESOLUTION 2024-24
Approving Membership in the Cumberland Development Corp.

BE IT RESOLVED, by the Township Committee of the Township of Commercial that enrollment into the Cumberland Development Corp., has been unanimously approved by the governing body for 2024 at a membership fee of \$3,122.00 to be paid quarterly at \$780.50 for a term of one year commencing January 1, 2024, to December 31, 2024. The funds will be made available in the 2024 Municipal Budget as provided by the Chief Financial Officer in the Certification of Funds.

2024 Administrative O/E Professional Services	
4-01-20-100-029	\$3,122.00
• These funds are to be appropriated in the 2024 Municipal Budget	

RESOLUTION 2024-25
Approving Raffle License Applications of The Citizens United to Protect the Maurice River and its Tributaries, For Year 2024

BE IT RESOLVED by the Township Committee of the Township of Commercial that the application of the Citizens United to Protect the Maurice River and Its Tributaries organization to conduct Raffles during the year 2024 is approved to allow its members to purchase general operating expenses and fund educational programming from the proceeds.

BE IT FURTHER RESOLVED that all applications shall be forwarded to the State of New Jersey Legalized Games of Chance Control Commission for final approval prior to license being issued.

RESOLUTION 2024-26
Approving Salary Increase for CFO To \$36,000 for 2024

BE IT RESOLVED by the Township Committee of the Township of Commercial that the salary of the Chief Financial Officer be increased to \$36,000 for 2024 retroactive to January 1, 2024.

BE IT FURTHER RESOLVED that this salary falls within the amended Ordinance 2023-631 Salary Scale year 2024.

RESOLUTION 2024-27
Approving Proposal of Remington & Vernick Engineers
For Professional Engineering Design and Construction Phase Services for FY 2024 NJDOT
Municipal Aid Program

WHEREAS, Commercial Township was awarded \$340,476.00 for the NJDOT FY 2024 Municipal Aid Program for Roadway and Drainage Improvements to Whittier Dr. and;

WHEREAS, the NJDOT FY 2024 Municipal Aid Program for Roadway and Drainage Improvements to Whittier Dr. in the amount of \$340,476.00 will be anticipated in the 2024 Municipal Budget and the 2024 Municipal Budget Match for the NJDOT FY 2024 Municipal Aid Program for Roadway and Drainage Improvements to Whittier Dr. in the amount of \$18,000.00 and:

BE IT RESOLVED by the Township Committee of the Township of Commercial that Proposal of Remington & Vernick Engineers for Professional Engineering Design and Construction Phase Services for the FY NJDOT 2024 Municipal Aid Program

BE IT FURTHER RESOLVED, the NJDOT FY2024 Municipal Aid Program is approved for \$55,000.00 by the chief financial officer with funding coming from the following accounts:

Line Item:				
2024 NJDOT Grant for Whittier Dr.	4-01-41-865-450	Balance:	\$	340,476.00
	Certify		\$	27,000.00
	Remaining Balance		\$	313,476.00

Line Item:				
2024 NJDOT Grant for Whittier Dr.	4-01-41-865-451	Balance:	\$	18,000.00
Match	Certify		\$	18,000.00

Remaining Balance \$ -0-

Total Amount Certified **\$ 55,000.00**

**RESOLUTION 2024-28
Executive Session**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances: and

WHEREAS, this public body is of the opinion that such circumstances presently exist and

WHEREAS, the Governing Body wishes to discuss:

Material pertaining to a specific individual which disclosed would constitute an unwarranted invasion of the individuals privacy.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

NOW, THEREFORE BE IT RESOLVED, that the public be excluded from this meeting.

BE IT FURTHER RESOLVED by the Township Committee to go into executive session immediately following the regular meeting to discuss.

**RESOLUTION 2024-29
BUDGET LINE-ITEM TRANSFER**

BE IT RESOLVED by the Township Committee of the Township of Commercial that the following budgetary transfers be made to avoid over-expenditures in the 2023 Municipal Budget as requested by the Chief Financial Officer.

<u>Line-Item</u>	<u>Amount</u>
From:	
Tax Title Lien Coordinator	\$2,300.00
TOTAL	\$2,300.00

<u>Line-Item</u>	<u>Amount</u>
To:	

Streetlights	\$1,700.00	
Legal Services	\$ 600.00	
TOTAL		\$2,300.00

RESOLUTION 2024-30
Increasing Part Time Position of Daniel Chelius To
Full Time Position for Code Enforcement Effective February 5, 2024

WHEREAS, Daniel Chelius, Part Time Code Enforcement Officer was hired on August 7, 2023 for 20 hours a week; and

WHEREAS, the township has a need for additional surveillance and enforcement of code violations within the township due to severity of increased violations; and

WHEREAS, The Chief Financial Officer certifies that the following funds will be raised in the 2024 municipal budget.

Housing Code Enforcement Salary Full-time 4-01-20-200-011	\$ 23,887.00
Health Benefits 4-01-23-220-000	\$ 40,812.00

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial that effective February 5, 2024, that Daniel Chelius is hired as a full-time employee as Code Enforcement Officer at the rate of \$23.02 an hour, 40 hours a week. The hours for employment will be from 7:00 am to 3:30pm.

RESOLUTION 2024-31
Authorizing the Hiring of a Part Time Code Enforcement Officer

WHEREAS, the township has had an increased occurrence of code violations resulting in problem areas in the township that reduces value, sanitation concerns and appeal to Buyers, Sellers and Residents of the township; and

WHEREAS, a need for an additional part-time Code Enforcement Officer may be necessary in 2024.

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial for Budgetary purposes, the township may hire a Part Time Code Enforcement Officer at \$16.00 hour for 20-25 hours week.

CERTIFICATION

I, Heather Miller, Clerk of the Township of Commercial hereby certify that the foregoing resolutions were duly adopted by the committee at Regular meeting held on January 18, 2024, at 6:00 P.M., at the Township Hall, Conference Room, 1768 Main Street, Port Norris, NJ

Heather Miller, Township Clerk

Mayor Sutton asked for a motion to approve resolutions 2024-19 through 2024-31. A motion was made by Committeeman Vizzard on the condition that they would not move on 2024-31 for at least 3 months. Committeeman Klaudi seconded that motion.

Roll call vote.

- Committeeman Vizzard approved all resolutions.
- Committeeman Klaudi approved all resolutions.
- Mayor Sutton approved of all resolutions with exception to resolution 2024-26 in which he abstained.

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

Larry Heath, Milbourne Dr. Port Norris- Mr. Heath asked if Milbourne Drive was on the schedule to be repaved this year.

Nick DiCosmo stated that an application was applied for back in June and that we haven't heard word on it yet. He has followed up several times. He had been told they would hear by the end of the year, but they did not.

Fred Hundt, Mauricetown- He is there to represent the Board of Fire Commissioners for fire district 2. He spoke to the committee a couple, three, four months ago about, and specifically to the mayor, about the rescue squad situation. He would like to know where we stand with it and if anything has been done. He continually gets lip service that they are continually saying that the township is talking to Pam to see about coming up with funding to help the rescue squad out in Laure Lake. He said it is a big concern, and he will speak for his district, it is a big concern this ambulatory service could stop at any time and leave us without an ambulance. It would be a burden on the township to come up with a solution for the ambulance situation. He said based on instruction from Mike, he spoke to the hospital, Inspira, they wouldn't sit down and negotiate anything with him for the township. He was trying to get some rough ideas. They are talking ¾ of a million dollars for one ambulance to be manned in Commercial Township 24/7, around the clock. That does not include the cost of a new ambulance if we had to purchase a new ambulance. They are upwards of about \$300,000 dollars. He is just curious if anything has been done, if there has been any discussions with Pam or Laurel Lake. Anytime he has spoken to Laurel Lake, including the people running the rigs, they think the township is working on something. He doesn't know if anyone is or not, He doesn't want to put anyone on the spot, He just wants to bring it to everyone's attention. He is very concerned about the rescue squad. He said another thing, in the interim of this, he spoke to the mayor of Downe and the mayor of Maurice River, they both believe their contracts this year with Inspira are running out. We don't have a contract with Inspira because we use Laurel Lake. Cedarville is struggling too with the volunteers and the rescue squad in Cedarville. He just wants to point out we have issues with rescue squads, and it is very important to this community. He would like to suggest that the

committee put out a feeler with Maurice River, Commercial, Downe and possibly Lawrence township and coming up with a regionalized ambulance service. Four township's managing 2 ambulances. We can't do it alone. We may get a solution from Laurel Lake but in the meantime, if Laurel Lake tells us 3 months from now, we have 90-days, and we are done, we are going to be scrambling to figure out what we are going to do for ambulance service. He is just putting it out there and making everyone aware of it. He wants to refresh from when it was talked about back in October. It's going to be a big expense for somebody. Mauricetown can't afford it. Mauricetown fire commissioners has been paying Laurel Lake \$8,000 a year for service. It is going to be an issue and as he said to Mike before, he understands that getting income in here like with the cannabis, it would help this township out. He understands all that, we need some income. In the meantime, he just wanted to refresh everyone's memory that this rescue squad situation isn't going to go away without some input into it.

Committeeman Vizzard said he could answer it. Pam is requesting paperwork from the Laurel Lake rescue squad; we need to see their financials. We need to see an annual log of all their checks. It needs to be audited. Not just for him but for the residents of this township. Where did the money go? We have to find out where they mismanaged. Were they just not collecting enough. You're talking \$700,000. The township is not going to be able to give you \$700,000. If we have to increase taxes for this, its going to be an increase for the next 20 years because we have a cap and can only do a 2% hike. There isn't any budgeted money to give to them. That is why he was leaning toward the funds from the marijuana. He thought this was going to be strengthened out 6 months ago. You are right, we are taking some time here, he wants them audited, their books need to be audited and find out where the taxpayers' dollars went. Every fire district takes money from the taxpayers. He needs to be able to prove where the money went. For years that rescue squad has been operating and it has been paying for itself as it goes from the taxpayer's dollars. Now all of a sudden there is a big deficit, and they are going to shut down the business. I realize they got some calls cut back from Inspira but that happened several years ago. Changes in how they function should have happened several years ago. Beside all that, He feels that this committee has to justify to the residents of this township why we are in this position with the rescue squad. Why the rescue squad is in this position and what we are going to do to fix it. Unfortunately, we don't have the money to give them. He did talk to them, he asked them if there were grants, they could go for so they could keep going until we get this all straightened out. He thinks a great idea to be able to use the funds from the cannabis to help offset the funds for the rescue squad. He feels we really need that rescue squad. His Dad had a heart attack, and they were there in two minutes. He doesn't want to see it go away but he can not live with giving away \$700,000 and knowing what happen to it to begin with.

Fred Hundt said Thank you.

Mayor Sutton asked if there was a time limit to get that paperwork back.

Committeeman Vizzard said it was requested several times and he can't remember the guy's name that took over....

Robert Welch said Ken Wilson.

Committeeman Vizzard said OK, Ken Wilson, he is no longer doing it.

Robert Welch said that he is still the acting administrator/Captain.

Committeeman Vizzard said that he is being told he is no longer doing it, someone else is. He doesn't know anything. We can't do anything until we get that proper paperwork and get it audited. That is all they need to do is send us the paperwork.

Fletcher Jamison- To follow up on what Mike was saying, he personally spoke to Inspira, Laurel Lake rescue squad was offered more jobs to offset a lot of their cost and they have refused to take the jobs. As far as auditing their books, there is definitely a lot of stuff that needs to be checked into.

Debi Hollinger, Port Norris- Her question is on the light industrial areas. Does the state allow it in light industrial areas? She asked Libby Truitt if she knew.

Libby Truitt said she would have to find out. She said by default the stat allows cannabis businesses other than retail in commercial or industrial zones.

Debi Hollinger said so if the state allows it and we don't put it in there, we may end up with a lawsuit. Industrial should be put in there too. Main Street is a main drag. If the state allows it, we may be up for a lawsuit.

Committeeman Vizzard said the state has said the municipality can decide where it is allowed. We as a municipality can dictate where we will have these businesses.

Debi Hollinger said but if the state allows it, someone could bring that up.

Committeeman Vizzard said, yes, they can. We will not have any lawsuits. We are allowed to dictate where we will allow cannabis businesses.

Nick DiCosmo said that other municipalities are doing the same.

Debi Hollinger said if your going to change it, just put it in there, make it broad and it will still need to go before land use board.

Committeeman Vizzard said he was thinking about that. He was going to tell Bill, before we close to the public that he would look into make changes to the light industrial. It is a good point and the whole idea was to regulate it in certain areas.

Debi Hollinger said she understands and knows why he did it.

Committeeman Vizzard- But now he is being told to open it to other areas. He doesn't remember who it was, but somebody didn't want it on North Ave., the old Tibbitt property.

Debi Hollinger- of course there's always going to be someone that doesn't want it somewhere, Mauricetown doesn't want in in Mauricetown.

Committeeman Vizzard said that's why I said no light industrial.

Debi Hollinger said but then it's not fair the industrial at the end of the road though.

Committeeman Vizzard said he gets it and if everyone is in agreement with it, he doesn't mind changing it. He is just trying to do what everyone wants.

Debi Hollinger- I know you are, I just don't want to see the township in a lawsuit either.

Committeeman Vizzard- that part I know won't happen.

Leslie Brydon, Brown St. Port Norris- She hates to complain but her neighbor is a hoarder. She is tired of looking at her trash. She has been dealing with it since September of 2022. As a matter of fact, it was before that because she talked to David Dean about it.

Mayor Sutton said that's the man to talk to right there, pointing out the code enforcement office who was present.

Dan Chelius asked her for the address.

Leslie Brydon said 6830 Brown Street. She said you can't just look at the front, you have to go around and look at the back of it and she gave Dan permission to come on her property to take a look.

Mayor Sutton told her; he will take care of it.

Mayor Sutton said is there anyone else. Seeing none, asked for a motion to close to the public. A motion was made by Committeeman Vizzard and seconded by Committeeman Klaudi.

Committeeman Vizzard made the motion and was seconded by Committeeman Klaudi to go into executive session.

Mayor Sutton- We are now closed to the public. At this time, we are going to go into executive session. We will need everyone to leave the room. You can wait out in the foyer and if you want to come back in to hear what happens, you can come back in after the executive session.

When the meeting was set to reconvene, Clint Miller went out and invited anyone waiting outside to re-join the meeting.

Mayor Sutton asked for a motion to re-open the public meeting. A motion was made by Committeeman Vizzard and seconded by Committeeman Klaudi.

Solicitor Seeley gave an overview of what was discussed in the executive session stating that what was discussed mainly the abandoned properties in the township and what they are going to do to try and clean up the township and come up with a plan. They are going to deal with some of the squatter issues and the eye sores to the township. Any questions.

Debi Hollinger asked if that was going to include squatters that are renovating without permits.

Solicitor Seeley said it would pertain to everything. If you know of a situation like that.

Debi Hollinger said, yeah, go by the Palomino and you will see. You will see it on North Ave.

Mayor Sutton asked if there was any further comment, and with nothing, asked for a motion to adjourn. Committeeman Vizzard made the motion and second by Committeeman Klaudi. The meeting was adjourned.

Respectfully submitted,



Heather Miller, Township Clerk