

Minutes of the Regular meeting of the Township Committee of the Township of Commercial, held on March 21, 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 stated that they are going to go out of order a bit, the County Clerk was in attendance, Celeste Riley. He called on her first in case she had another meeting.

Celste Riley thanked the Mayor, Council, and members of the public. She wants to explain a little about what is going on in the elections. What is happening with the billing. During the Primary, her office handles the elections, but they bill back the expenses to the municipalities. The General election, the County picks up, but the municipalities pick up the Primary. The cost has increased exponentially since 2019. It is because of the vote by mail voters. Also, the legislature decided two years ago it needed district level reporting. There used to be just one ballot for Commercial Township but now there are four. Throughout the County there are 14 different types of ballots for district level reporting. She sent a letter to the mayor at the end of January. There is a grant that she has applied for that will reimburse the county for some of the covered cost. The vote by mail ballots, the vote by mail set-up, emergency ballots and set-up and the provisional ballots and the set-up. You should receive back from the county this year \$4,385. Moving forward, since the grant is supposed to be every year, she will not bill the township for the covered costs and the cost should stabilize. Celeste continued with something of interest, legislature that may pass. You would be able to vote in any of the four polling locations of the township so if you forgot which one, because of the electronic poll books, they could accept you and not turn you away. She believes it will get signed this year before the general election.

Kelly Hoffman, Elections Manager said it may happen even prior to the Primary Election.

Celeste Riley clarified that it is still within your municipality, but you would be able to vote in any district. She continued with the way electronic poll books and early voting have contributed to that change. She stated that Commercial Township has very little participation in

the early voting. Early voting locations are in Millville, Vineland and Bridgeton. During those early voting days, anyone from the county can show up and vote on those machines because of the electronic poll books. The Clerk's office is not in charge of the machines or election day operations, that is the Board of Elections. The Clerk's office is in charge of Ballots, Ballot designs and voting by mail. Primaries are expensive because not only are they producing ballots for the four districts of Commercial but there are Democrat and Republican ballots. Unaffiliated voters, the laws changed last year so if you are a vote by mail and not affiliated with a party, those people will receive a letter from her office saying they cannot mail them a ballot unless you are affiliated with a party. People can go to a polling location and vote on a machine.

Committeeman Vizzard asked if this is an initiative to get rid of the voting districts.

Celeste Riley said she thought they were just trying to make it easier for everyone to vote. There are states that have voting centers. I think what it is trying to do is get rid of all the polling locations. It is difficult to get poll workers and it has become such a burden trying to gear up for election day. It may not be an issue here but the larger municipalities, when they don't have poll workers, show up and it is difficult to get opened on time or find someone to fill in, it is difficult.

Committeeman Vizzard asked if their initiative was to get rid of the voting districts, what about the fire districts.

Celeste Riley said that fire elections can be moved to the general election ballot. She is not billing the township for the fire district elections. She told the Commissioner boards, if they make her, she would but at this point they are not. Because of the way Commercial fire districts are laid out, they are not in concert with the election districts and because of the money involved, it is very difficult to separate them out. She feels that we will always stay separate. The School Board and the Township Committee are both in the General election now.

Mayor Sutton asked for clarification on the unaffiliated voters.

Celeste Riley said she is not allowed to send a ballot to a voter who is unaffiliated with a party for the Primary election.

Mayor Sutton asked how it is getting out to the public.

Celeste Riley, she has mailed them a letter, but it is just the vote by mail voter for unaffiliated. When they get an application from a voter who is unaffiliated, they will call them and explain. Most unaffiliated voters do not want to vote in the Primary. They don't want to pick a party and they know in the General election they can vote for whoever they want to. Some states have open ballot Primaries, but New Jersey has a closed ballot Primary. Celeste asked if anyone in the public had any questions.

Celeste Riley continued by saying she had a Resolution from her office, a resolution of recognition because she missed the township's 150th Anniversary. She looked it up and it was through a chapter law that we became the Township of Commercial in February of 1874 in

which she provided a copy of. She asked the mayor if she could present him with a certificate. Celeste read the resolution allowed to the mayor and attendees. Celeste thanked the Committee for their time and said to call her office if they had any questions.

Mayor Sutton asked the State Police for their report.

The officer stated that nothing has changed in Commercial Township exceeding in all with the exception of Maurice River had more accidents.

- 5 DUI arrests in February.
- A significant accident, both drivers were intoxicated.
- Problems with overdoses with one fatality.
- Update on motor vehicle thefts. It's throughout the area A main building was hit in Philadelphia. Several agencies are continuing to monitor this activity.
- HELO Update. They are continuing to dig in on these activities. They are holding Animal Control Agencies to task with what are their requirements.
- Addressed staffing issues affecting not just his station but statewide. The Port Norris station has a large area of coverage.

Mayor Sutton said he attended a meeting with two superior officers that said they were having a problem with Shore Animal Control. Getting them to respond. Has that settled down.

The officer said that he wasn't sure but that is why the binder was created. There are specific pages as to whether they were contacted and if there was a response. All of this is going to be documented. It is not just them but all the animal control agencies. The state police are really being held accountable for this now. The officer stated that he understands that probably within a years' time, every one of them will be trained in this.

The officer asked if there have been any further problems with people who have been released. He is not aware of anything.

The committee said no, nothing they have heard about.

Committeeman Vizzard stated he didn't know why the township has to pay \$45,000 a year in animal control if the state police are going to do it.

The officer stated he wasn't the only one. The officer spoke on a recent situation elsewhere with 11 cats that cost \$11,000.

Committeeman Vizzard stated that animal sheltering is on top of the animal control.

The officer stated they are being held to the task of making sure people are responsible with their animals.

Mayor Sutton told the officer he needed to tell his superiors that can't make more laws with the sheltering. These small towns can't afford it.

The officer said they are doing their job in reference to whether they are summons, warnings and that it's being handled. Something must change in regard to what you're referencing for the time the animals are held. We all know how court goes. Very little is handled in a timely matter in court.

Mayor Sutton asked if anyone from the public had anything for the trooper.

An attendee asked about the acronym HELO.

The officer stated it is the Humane Law Enforcement Officer. It was approximately 6 years ago it became that whatever jurisdiction you are in; it would be 100% in on anything that has to do with your animal. The officer explained that if something wasn't being done right with your animal, they were responsible for that. Each town needs animal control. For example, to remove an animal. That is their primary function is removal. The officer said he felt they were going to get more equipped but didn't know if it would ever get to the point where they would take possession of an animal.

Another attendee asked if there was any initiative to educate the public on what is legal and illegal.

The officer said that there was a rabies clinic coming up and one of his troopers will attend that. The reason in 100% for information and he has some literature he can hand out.

The attendee stated that people that bring their animals to the rabies clinic are probably more responsible, it is the ones that don't go that may not know right from wrong.

The officer stated that as they respond to different situations, they do educate the people and provide them with information. That is the best we can do right now. He is provided all the statues by email. He hasn't tried to go online and look up any specific statues and aske the attendee if she has.

The attendee stated that people aren't going to look that up but that a township initiative could be to give the information out to how people should be treating their animals.

The officer said he could probably have a printout and get it to the township next week. He said that he knows Sgt. Capoferri has already had things updated to the township website. Shelter is probably the biggest thing and weather and access to food and water.

Committeeman Vizzard wanted to follow up by saying that the township website does have information on the website about animal control but to keep in mind there have been lots of changes and it is continuing to change.

Mayor Sutton thanked the officer for coming and moved on to the OEM report.

Robert Welch, OEM-

- Update on another storm for the upcoming weekend. 3 inches of rain expected with winds. There will probably be moderate amounts of flooding. He will work with public works and the county to address any issues.

Mr. Welch addressed committeeman Vizzard saying that he was heading to a county OEM meeting and if he could provide him with contact information concerning the issues at the marina and the bulkhead, he could address that with them.

Committeeman Vizzard said that he had the contact but that it should be handled through the township and not the county.

Mr. Welch suggested that the county could add a little pressure to them.

Committeeman Vizzard declined saying the township needs to handle it.

Mr. Welch said that was all he had at the time.

Mayor Sutton thanked Mr. Welch.

The mayor moved on to approval of meeting minutes.

- Minutes of Special BRIC meeting February 7, 2024
- Minutes of Agenda meeting, February 12, 2024
- Minutes of regular meeting, February 15, 2024

Committeeman Klaudi made a motion to approve and was seconded by Committeeman Vizzard. Roll vote, all in favor.

Mayor Sutton asked for approval for the bill list for the month of March as prepared by the Chief Financial Officer.

A motion was made by Committeeman Vizzard and seconded by Committeeman Klaudi, roll call vote, all in favor.

Mayor called for the Engineers report-

Nick DiCosmo-

- Port Norris Riverfront Road Project phase III- On the agenda for tonight is the recommendation to award a contract to Walter's Marine that consists of replacement of the Miller Ave. bridge and the Berry Ave. tide gate. That contract would be awarded in the amount of \$1,678,000.00. Construction will take place over the summer.
- Reconstruction of Brown St. – Received confirmation from the CFO that all funding was received for this project. This job is complete.

- Mill & overlay of Main St. – This project has already begun. It started last week. So far South State has completed one pipe crossing. They had to come off the job the 1st part of the week but will be back tomorrow until the end.
- North Ave. Pedestrian Safety Improvements – Also on for tonight is the award of the contract to Landburg Construction in the amount of \$222,500.00 and what will be awarded is alternate bid 1 which will include one loop of the pedestrian path around the main baseball field then up to the intersection and the ADA curb ramps and crossing at the intersection of Highland St. and North Ave.
- FY 2024 Municipal Aid, Roadway & Drainage improvement to Whittier Dr. – The survey is scheduled and should be completed in early April.
- Potential Water & Sewer improvements- Working on the plan for the MS4 work.
- There are a couple grants he has been investigating in the port infrastructure program. He sent an email earlier today to see what category the Mauricetown park may fall under. The application was extended to April 8th. Hopefully, we can get something in there. That is through Cory Bookers office. There is also a port infrastructure grant he looked into. There is a webinar on March 28th he will tune into to get more information.

Committeeman Vizzard said he will also tune in.

Mayor Sutton moved on to correspondence.

1. Land sale request from Jay Hendricks. Request to purchase block 138, lot 7690 known as 325 Mulberry Rd., lot size is 40 x 100. Land is vacant adjoining property to his property at 317 Mulberry Rd. He is offering \$500.

Mayor Sutton turned it over to the Solicitor. The solicitor stated that the committee needed to decide if they were going to accept this as a minimum bid for this property. If that is the case, the property can go up for sale at public auction starting at that minimum bid.

Committeeman Vizzard said it is a 40 x 100 which is undersized and adjoining his property.

The clerk confirmed, yes.

Committeeman Vizzard said yes, I think it is fine and made a motion to accept the offer.

Solicitor Seeley stated just for the public's knowledge, everyone adjacent to this property will be notified that the property is up for auction, and everyone has an opportunity to bid on it as well.

The clerk asked if there was a second on the motion. Committeeman Klaudi seconded the motion. Roll call vote, all were in favor.

2. Land sale request from Robert Loth. Request to purchase block 79, lot 1634 known as 3850 Battle Ln. There is a small home on the property which he desires to fix up. He is offering \$10,000. Lot size is approx. 140 x 100.

Mayor Sutton said that he feels they hold off on this one. Go out and take a look at it.

Committeeman Vizzard said he already looked at it and feels that \$10,000 is a fair offer.

Committeeman Klaudi agreed and said it was in bad shape.

Solicitor Selley reminded the committee that it is a beginning bid and could go up.

Mayor Sutton said he didn't have a chance to go in it.

Committeeman Vizzard said he didn't need to go in.

Mayor Sutton said the clerk pulled up pictures from when it was for sale at 87,000.

Committeeman Vizzard said that didn't mean anything.

Mayor Sutton said he still felt that they needed to take a look at it before trying to sell it.

Committeeman Vizzard said we are not real estate agents. We are trying to get these properties back on the tax rolls. If someone is willing to pay \$10,000 for the property, we should accept it. Let the residents bid on it not us dictate it. If they bid on it and go up to 20-30 thousand for it, let them do that.

Mayor Sutton but we can up the minimum bid.

Committeeman Vizzard said we have to get these properties back on the tax rolls. My motion is to accept the \$10,000 offer and put it out to bid to the residents.

Solicitor Seeley said it would be published.

Committeeman Klaudi seconded the motion.

Solicitor Seeley said just the audience knows, anyone in the area or internet will be told there is a house in commercial township that is going up for bid starting at \$10,000.

The clerk said she would do roll call. Committeeman Vizzard and Klaudi approved, Mayor Sutton voted no. Stating that they had not seen the inside.

Mayor Sutton moved to Resolutions.

**Township of Commercial
RESOLUTION 2024-33**

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE
UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S**

**“Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment
Decisions Under Title VII of the Civil Rights Act of 1964”**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," *as amended*, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Committee of the Township of Commercial, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

**TOWNSHIP OF COMMERCIAL
RESOLUTION NO. 2024-34
RESOLUTION TO INTRODUCE THE 2024 MUNICIPAL BUDGET**

BE IT RESOLVED, that the following statement of revenues and appropriations shall constitute the Local Municipal Budget for the year 2024;

BE IT FURTHER RESOLVED, that the said budget be published in the South Jersey Times edition of April 4, 2024 as follows:

A hearing on the budget and tax resolution will be held at the Municipal Building on the 18th day of April 2024 at 6:00 o'clock p.m., at which time and place objections to said budget and tax resolution of the Township of Commercial for the year 2024 may be presented by taxpayers or other interested persons.

Additional information for accessing the public meeting can be found on the Township website <https://commercialtwp.com/>

Summary of General Section of Budget

Current Fund

Municipal Purposes within "CAPS" \$2,817,863.61

Municipal Purposes excluded from "CAPS":

Operations 762,930.50

Capital Improvements 25,000.00

Municipal Debt Service 190,375.60

Deferred Charges 40,000.00

Transferred to Board of Education 6,676.00

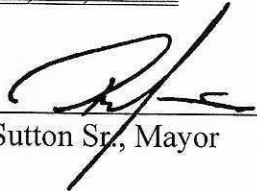
Reserve for Uncollected Taxes 586,463.24

Total General Appropriations 4,429,308.95

Less: Anticipated Revenues 2,575,876.57

Local Tax for Municipal Purposes
Amount to be Raised by Taxation

\$1,853,432.38



Ronald Sutton Sr., Mayor

**Township of Commercial
RESOLUTION 2024-35**

Awarding a Nine Month Contract to Shore Animal Control for Animal Control Services in An Amount Of \$13,500 For 2024

WHEREAS, the Township of Commercial went out to bid for Animal Control Services on March 13, 2024, where one bid was received.

WHEREAS, the bid received was from Shore Animal Control of Tuckahoe, NJ for the remail 9 months of 2024 with two (2) one-year options for renewal.

BE IT RESOLVED by the Township Committee of the Township of Commercial that a contract be awarded to Shore Animal Control for Animal Control Services, PO Box 597 Tuckahoe, NJ 08250 for a period of nine months in the amount of \$13,500 for remainder of 2024 with the option to extend for 2025 at \$1,500 per month and 2026 at \$1,600 a month.

As required by NJSA 40A:4-57 and NJAC 5:30-14.5, I, Pamela Humphries, Chief Financial Officer of the Township of Commercial, have ascertained that there will be made available sufficient uncommitted appropriations in the 2024 Township Municipal Budget to award a contract to:

Shore Animal Control for Animal Control Services for the year 2024 in an amount not to exceed \$13,500. Funds for certification are therefore being made available and certified against the following appropriations Account Numbers:

Account Number

Amount

**TOWNSHIP OF COMMERCIAL
RESOLUTION 2024-36
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 2024 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.

Block	Lot	Owner	Year	Amount	Reason
163	923	Jessica Watson	1st/24	\$1,009.76	Paid Twice-Overpaid Refund Corelogic
112	6643	Julia Siena	1 ⁵¹ / ₂₄	\$822.61	Paid Twice-Overpaid Refund Corelogic
97	11015	John Gilman/Tammy Overstreet	1st/24	\$727.18	Paid Twice-Overpaid Refund Corelogic

**RESOLUTION 2024-37
A RESOLUTION OF THE TOWNSHIP OF COMMERCIAL AWARDDING A CANNABIS
RETAILER LICENSE TO ROOTLY, LLC**

WHEREAS, adult use of cannabis is authorized in the State of New Jersey, for adult use sales pursuant to the recent passage of the New Jersey Regulatory, Enforcement Assistance, and Marketplace Modernization Act ("CREAMMA") (referred to as the "New Jersey Cannabis Laws"),

WHEREAS, the Township of Commercial, County of Cumberland, State of New Jersey, Ordinance No, 2023-630, which permits the operation and regulations of Recreational Cannabis facilities within the Township of Commercial; and

WHEREAS, Rootly, LLC has identified a property located at 1410 E. Buckshutem Road, Millville, New Jersey 08332, which is located in the Cannabis Zone, wherein Rootly, LLC would look to operate a dispensary adult-use consumers dispensary; and

WHEREAS, The Township of Commercial has already issued Rootly, LLC a resolution supporting the location and operation of its proposed adult-use cannabis retail facility; and

WHEREAS, the Township of Commercial has undertaken the licensing process pursuant to Section 2023-630 of the municipal ordinance thereof and has received an application for a Cannabis Retailer License as defined therein, from Rootly, LLC; and

WHEREAS, the Committee of the Township of Commercial desires to award one (1) cannabis retailer license to Rootly, LLC under the terms and conditions of N.J.S.A. 25:61-31, et seq., N.J.S.A.C. 17:30-1, et seq., and Section 2023-630 of the Commercial Township municipal code;

WHEREAS, the Township of Commercial still requires site plan review for Rootly's, LLC proposed location at 1410 E. Buckshutem Road, Millville, New Jersey 08332; and

NOW THEREFORE BE IT RESOLVED, by the Township of Commercial, County of Cumberland, State of New Jersey as follows:

1. One (1) Cannabis Retailer License is hereby awarded to Rootly, LLC.
2. The Township clerk of the Township of Commercial shall Issue a class 5 retail license to Rootly, LLC pursuant to Section No. 2023-630 of the municipal code thereof upon the completion of all other statutory, regulatory, and municipal requirements.
3. The Township requires site plan review for Rootly, LLC's proposed location at 1410 E. Buckshutem Road, Millville, New Jersey 08332.
4. The Township Clerk shall provide a certified copy of this resolution to Rootly, LLC's appropriate representative.
5. This resolution shall take effect immediately.

**Township of Commercial
Resolution 2024-38**

Approving Annual Laurel Lake Triathlon Sprint on July 27, 2024

BE IT RESOLVED that the Commercial Township Committee approves the 9th Annual Laurel Lake Triathlon Sprint, Bike and Run Course for July 27, 2024, on Commercial Township and the City of Millville Roads.

BE IT FURTHER RESOLVED that a Certificate of Liability Insurance has been provided.

BE IT FURTHER RESOLVED that sprint is held in honor of William Laubengeyer and sponsored by DQ Events 316 Crestwood Avenue, Haddonfield, NJ.

BE IT FURTHER RESOLVED that this resolution and application will be forwarded to the Cumberland County Road Department for final approval.

**TOWNSHIP OF COMMERCIAL
RESOLUTION 2024-39**

Awarding Contract to Landberg Construction, LLC for the FY2023 NJDOT Municipal Aid Program, North Avenue Pedestrian Safety Improvements in the amount of \$222,545.85 for Alternate Bid 1

WHEREAS, the Township of Commercial accepted bids for the reconstruction of the North Avenue Pedestrian Safety Improvements Project on March 14, 2024, at 11:00 a.m. Two (2) bid(s) were received and reviewed by Engineer for completeness; and

WHEREAS, in accordance with the Local Public Contracts Law NJSA 40A: 11-1, et. Seq., the contract is normally awarded to the lowest responsible bidder.

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Commercial hereby awards a contract to Landberg Construction, LLC for the Alternate 1 bid in the amount of \$222,545.85 for the North Avenue Pedestrian Safety Improvements Project in Haleyville, NJ, if approved by municipal solicitor and certificate of funding by Chief Financial Officer.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified funding for contract awarded to Landberg Construction, LLC in the amount of \$222,545.85 from the following accounts:

G- 02-41-875-000	2023 NJDOT Grant- North Ave. Ped. Safety Imp.		
Balance in Account	\$ 252,650.00		
		Amount to be Certified	\$ 222,545.85
Remaining Balance	\$ 30,104.45		
Total Amount Certified			<u>\$222,545.85</u>

**TOWNSHIP OF COMMERCIAL
RESOLUTION 2024-40**

RESOLUTION AMENDING RESOLUTION 2023-72 AUTHORIZING AN AMENDMENT TO THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF CUMBERLAND FOR RESURFACING OF A COUNTY OWNED ROADWAY (CR 553 MAIN STREET FROM OGDEN STREET TO STRAWBERRY AVENUE) WITHIN COMMERCIAL TOWNSHIP (ADDITIONAL \$185,000 COUNTY CONTRIBUTION)

WHEREAS, on July 20, 2022, this Committee adopted Resolution 2023-72 authorizing a Shared Service Agreement between Commercial Township and Cumberland County dated July 20, 2023, concerning the resurfacing of a County owned roadway (CR 553 Main Street from Ogden Street to Strawberry Avenue) within Commercial Township; and

WHEREAS, Commercial Township received bids on their FY 2022 Local Freight Impact Fund (LFIF) Mill & Overlay of Main Street (CR 553) on January 17, 2024. The lowest, responsive bid came in at \$1,477,541.35; and

WHEREAS, Resolution 2023-72 reflects that Cumberland County will contribute \$550,000 and a shortfall has occurred.

NOW THEREFORE, Resolution 2023-72 requires an amendment to correct that the additional amount of County contribution to be made in order to award the bid is \$185,000; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of Commercial Township that Resolution 2023-72 is hereby amended, and a copy of this Resolution shall be forwarded to the Division of Local Government Services.

**TOWNSHIP OF COMMERCIAL
RESOLUTION 2024-41
RESOLUTION AUTHORIZING AN AMENDMENT TO THE SHARED
SERVICES AGREEMENT WITH CUMBERLAND COUNTY
CONCERNING THE REPLACEMENT OF A COUNTY OWNED BRIDGE
ON MILLER AVENUE WITHIN COMMERCIAL TOWNSHIP
(ADDITIONAL COUNTY CONTRIBUTION OF \$50,000)**

WHEREAS, on January 20, 2022, this Committee of Commercial Township adopted Resolution 2022-33 authorizing a Shared Services Agreement concerning the replacement of tidal gates and the reconstruction of the County owned minor bridge carrying Miller Avenue over a tidal ditch within Commercial Township (the "Project"); and

WHEREAS, pursuant to the Shared Services Agreement dated January 20, 2022 Commercial Township applied for and received \$1.3 million in funding for this Project from the NJDOT 2021 Local Freight Impact Fund (LFIF) grant to pay a portion of the costs for this Project and the County agreed to pay \$570,000 toward the Project; and

WHEREAS, Commercial Township received bids for the Project and presently has approximately \$949,200 remaining for construction leaving a shortfall of approximately \$50,000; and

WHEREAS, an additional County contribution of \$50,000 is required to award the bid; and

WHEREAS, pursuant to Paragraph 5 of the Agreement, in the event the parties agree they are willing to contribute additional funding, then the Agreement shall be supplemented as to additional amounts.

WHEREAS, the Parties are desirous of amending Resolution 2022-33 and executing an Amended Shared Service Agreement to include an additional County contribution of \$50,000; and

NOW, THEREFORE, BE IT RESOLVED, by the Committee of Commercial Township that Resolution 2022-33 is hereby amended and that a copy of this Resolution shall be forwarded to the Division of Local Government Services.

RESOLUTION 2024-42

Awarding Contract to Walter Marine Construction for the FY2021 NJDOT Local Freight Infrastructure Fund Port Norris Riverfront Roadway Improvements, Phase III in the amount of \$1,678,015.60 for the Base Bid.

WHEREAS, the Township of Commercial accepted bids for the replacement of tidal gates and reconstruction of the Miller Avenue Bridge on February 16, 2024, at 11:00 a.m. Three (3) bid(s) were received and reviewed by Engineer for completeness; and

WHEREAS, in accordance with the Local Public Contracts Law NJSA 40A: 11-1, et. Seq., the contract is normally awarded to the lowest responsible bidder.

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Commercial hereby awards a contract to Walters Marine Construction for the base bid in the amount of \$1,678,015.60 for the Port Norris Riverfront Roadway Improvements, Phase III, if approved by municipal solicitor and certificate of funding by Chief Financial Officer.

BE IT FURTHER RESOLVED that the Chief Financial Officer has certified funding for contract awarded to Walters Marine Construction in the amount of \$1,678,015.60 from the following accounts:

C-04-55-947-000 FY2021 NJDOT LFIF Grant- Engineering Fees	\$1,300,000.00 -\$ 240,000.00	
Amount Certified		\$ 1,060,000.00
Balance in Account	\$ -0-	
C-04-55-947-100 Shared Services with County	\$ 620,000.00	
Amount Certified		\$ 618,015.60
Balance in Account	\$ 1,984.40	
Total Amount to be Certified		<u>\$ 1,678,015.60</u>

RESOLUTION 2024-43

A RESOLUTION CERTIFYING SUBMISSION OF EXPENDITURES FOR RECYCLING ENHANCEMENT ACT

WHEREAS, The Recycling Enhancement act, P.L. 2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection or provides for regular solid waste collection service under a contract awarded pursuant to "Local Public Contracts Law," the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycle program.

NOW THEREFORE BE IT RESOLVED by the Committee of the Township of Commercial that Commercial Township hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, chapter 311, in 2023 in the amount of \$ 7,727.46. Documentation supporting this submission is available at 1768 Main Street, Port Norris N.J. 08349 and shall be maintained for no less than five years from this date.

Tax Calculation Certified By: *Pamela Humphries*
Pamela Humphries, Chief Financial Officer

TOWNSHIP OF COMMERCIAL
Resolution 2024-44
Authorizing Shared Service Agreement to Provide
Services of Certified Recycling Coordinator as Review
and Certification Agent Regarding Annual Recycling
Tonnage Report for Downe Township

WHEREAS, the Township of Downe Township desired to enter into a Shared Service Agreement with Commercial Township allowing the municipality to provide services as their Certified Recycling Coordinator; and

WHEREAS, pursuant to the terms of the Shared Service Agreement between the township and the Municipality listed below, will provide payment of specified monies in exchange for specified certified recycling coordinator services being performed by Commercial Township's certified staff; and

WHEREAS, said Shared Service Agreement are permitted under the Statutes pursuant to N.J.S.A. 40A:11-1. Et seq., N.J.S.A. 18A-11, et seq. and Interlocal Service Act (N.J.S.A. 40:8A-1. Et seq.) a local unit may enter into a contract with any other local unit to provide such services and shall require that the contract must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial as follows:

- 1) The Township hereby authorizes the Township Mayor and Clerk to execute individual Shared Service Agreements for services of a certified recycling report in accordance with New Jersey Law and Regulations, with the following municipality.

Downe Township, 288 Main Street, Newport NJ 08345

- 2) Notice of this action shall be printed once in the South Jersey Times, a newspaper of general circulation in the Township.

TOWNSHIP OF COMMERCIAL
Resolution 2024-45
Moving Joshua Hoffman to the Vacant Position of Forman
In the Public Works Department

WHEREAS, Joshua Hoffman, was hired to the Public Works Department on April 8, 2013, as a labor C. On July 22, 2013, was moved into the Laborer B/Truck Driver position; and

WHEREAS, Joshua Hoffman has shown initiative to learn and has gained knowledge of the public works day to day operations; and

WHEREAS, the position of Forman has been vacant for many years and a need to fill the position has arisen with the anticipated retirement of the current manager within the next five years.

THEREFORE, BE IT RESOLVED that Joshua Hoffman's title will change from Laborer B/Truck Driver to Laborer A/Equipment Operator/Public Works Forman Position as of April 1, 2024, whereas in order his salary to correspond with the current Union Contract his salary will increase \$551.67 for 2024.

THEREFORE, BE IT FURTHER RESOLVED by the Township Committee of the Township of Commercial that effective April 1, 2024, that Joshua Hoffman will have a title change and hold the position of Public Works Forman with a salary increase of \$551.67 for the year of 2024.

RESOLUTION 2024-46
2023 COMMERCIAL TOWNSHIP TONNAGE GRANT
APPLICATION RESOLUTION

WHEREAS, The Mandatory Source Separation and Recycling Act, P.L. 1987, c has established a recycling fund from which tonnage grant may be to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the 2022 Recycling Tonnage Grant will memorize the commitment of this municipality to recycle and to indicate the asset of the Committee of the Township of Commercial to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, Such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Committee of the Township of Commercial that hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection by Heather Miller, CRP of Commercial Township.

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purpose of recycling.

**TOWNSHIP OF COMMERCIAL
RESOLUTION 2024-47**

Authorizing Commercial Township to Accept Letter of Intent and Enter into a Lease Option Agreement with Tattleaux Solar Group to Develop, Construct and Operate a Community Solar Project.

WHEREAS, the Township of Commercial has been presented a Letter of Intent and Lease Option Agreement from Tattleaux Solar Group and;

WHEREAS, Tattleaux Solar desires to Develop, Construct and Operate a Community Solar Project of 3.0 megawatts-dc on approximately 15 acres of the former township landfill on Snow Hill Rd.

WHEREAS, the project would provide large discounts on clean solar electricity to approximately 750 Commercial Township Residents and Commercial staff for 30 to 40 years.

WHEREAS, Tattleaux' s project development and construction work include performing all required landfill, site preparation, interconnection and related construction work based on the project's budget. In addition, Tattleaux would provide solar job training and education programs, grants and donations to Commercial Township and its residents.

WHEREAS, Tattleaux has also agreed to build a gate at the Township Convenience center and install an electric car charger on a location mutually agreed upon.

WHEREAS, Tattleaux projects and programs entail zero cost and zero liability to Commercial Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Commercial that the Committee agrees to all the terms and conditions of the Letter of Intent and Lease Option Agreement as set forth.

CERTIFICATION

I, Heather Miller, Clerk of the Township of Commercial Township hereby certify that the foregoing are true and accurate copies of resolutions adopted by the committee at the regular meeting of March 21, 2024, at 6:00 P.M., at the Township Hall, 1768 Main Street, Port Norris, NJ



Heather Miller, Township Clerk

Clint Miller spoke up saying he made a mistake in regard to Josh; he was looking at the 2023 contract figure and there would be a \$500 increase in salary. That's my mistake. He spoke to the CFO; she didn't see any problem because it is a small amount. We can table this until month if the resolution is incorrect.

The clerk said the resolution does reflect the increase, so it is up to the committee if they want to accept it or not.

Committeeman Vizzard said the only other question he has is what is resolution 2024-44 about.

The clerk stated that every municipality is required to file a tonnage report every year, but it must be done by someone who is a licensed recycling coordinator, so she is doing it as shared service for them for \$250.

Committeeman Vizzard said he was good with it but just wanted to be sure what that was about.

Clint Miller asked the committee if they were ok with Josh's resolution. The committee agreed they were.

Committeeman Klaudi made a motion to adopt resolutions 2024-33 through 2024-46. Committeeman Vizzard seconded. Roll call vote, all were in favor.

Mayor moved on to an ordinance for introduction.

**TOWNSHIP OF COMMERCIAL
ORDINANCE NO. 2024-633
AN ORDINANCE OF THE TOWNSHIP OF COMMERCIAL,
COUNTY OF CUMBERLAND, STATE OF NEW JERSEY,**

**AMENDING ORDINANCE 2007-487 DEVELOPMENT AND REGULATION
ORDINANCE AMENDING ARTICLE VII, SECTION C, ITEM 3
REDUCING SET BACK FOR PERMINENTLY INSTALLED GENERATORS**

WHEREAS, The Commercial Township Development Ordinance, Article VII, Section C., Item 3, currently reads that the minimum setback for a permanently installed emergency power generator shall be 100 feet from the nearest property line if not installed within a structure or partial structure and 50 feet if installed within a shelter.

WHEREAS, it has been determined by the Township Construction Official that this is excessive and should be reduced.

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 VII, Section C. Item 3 be changed to read as follows.

The Minimum setback for a permanently installed emergency power generator shall be 10 feet from the nearest property line if not installed within a structure or partial structure and 10 feet if installed within a shelter.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Moved By: Klaudi

Seconded By: Vizzard

	In Favor	Against	Abstain	Absent
Sutton, R	X			
Klaudi, J	X			
Vizzard, M	X			

Attest:



Heather Miller, Township Clerk

Introduction: March 21, 2024
Publication: March 28, 2024
Second Reading: April 18, 2024
Adoption:
Publication:

Mayor Sutton asked for an explanation of the ordinance. The clerk explained that the current ordinance says the setback says 100 ft and it is being changed to 10 ft. per the construction official.

Committeeman Vizzard said he thinks it was a typo.

Committeeman Klaudi made the motion to adopt and was seconded by committeeman Vizzard. Roll call vote, all were in favor.

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

Mayor Sutton asked anyone who wished to speak, to come forward and state their name.

Kevin Young, Social Working for Commercial Township Schools and Karri Zeleniak, Vice Principle of Commercial township School. Mr. Young stated that the reason he was there was he is now part-time for Commercial Township School, and he would like to start a flag football league and not just flag football but other sport activities. He would like to know how to gain access to use the field over by the ballfields. Many years ago, he worked there and had flag football. The issue he is having now is that he is not representing an organization, but he is willing to support the kids with this activity. He doesn't have insurance to cover the field, but he has all the equipment. He just needs permission to use the field and if there is any way to get it insured so he can use it.

Mayor Sutton stated he didn't think there was anyone using the field now.

Committeeman Vizzard said no one is using the little league field but there is a field behind the community center that is being used by the state police. He feels that if the school will provide insurance to the township, they can use the field.

Mr. Young expressed that he is not doing it as a representative of the school. It's not school based. This would be after school and on weekends. He wants to establish something so that when the school isn't in operation, these kids have something to do.

Solicitor Seeley wanted to say that he remembers Mr. Young from years ago and that he has done many good things for the town.

Committeeman Vizzard said he remembers too and has spoken to him before. I just want to make sure the town is protected.

Solicitor Selley said he knows his dedication to the township is sincere but, if the township allows you to use their property, and somebody gets hurt, then the township is liable, and the citizens have to pay for that liability. As a representative from the school is there any way you can do a rider insurance policy. We have on the agenda tonight, there is a group doing a tri-Athlon and they get short term insurance to use Commercial Township and they add us on as a rider to their policy. I you could go to the school and ask to have Commercial Township added as a rider. An additional insured, for this field.

Kerri Zeleniak- It seems to her that every township that she has lived in has a recreation department, with things for the kids to do. How do we make that happen if we want to make a township sport team or recreation department.

Mayor Sutton said we used to have that, but they stopped because of the computers and cell phones, they stopped playing.

Committeeman Vizzard asked the clerk if she knew if there was insurance for that ball field now. The clerk stated that the properties are covered.

Committeeman Vizzard stated we must have something. What I'm getting at is will that cover the kids playing on that field.

Mayor Sutton asked if these would be kids from other towns. Mr. Young said Commercial Township kids from the school.

The Clerk said she could reach out to the agent to find out what kind of coverage there is.

Kerri Zeleniak said that she just wants to know how to make it happen. She would like to see something outside of school because the school policy says if you get in trouble, you can play, and it is all of those kids that he sees as a social worker that need a positive role figure and need sports. That's why we really want to see it as something in the town. The kids used to have these things and I think we need to get back to that.

Committeeman Vizzard said the other thing is if this happens, someone will have to maintain these fields. The township public works are stretched thin.

Clint Miller said we do have a field up there that was built for soccer years ago and it's not been touched. He said they have kept it brush hogged but to say it's been kept as soccer field ready, no.

Mr. Young said just keep the grass cut is all they would need. They can do the lines and mark outs.

Committeeman Vizzard said he just wanted to bring that up, so everyone knew.

Mayor Sutton said they would be in full support for that. The clerk will check on the coverage. Mayor asked Vizzard who was using the field.

Committeeman Vizzard said the State police are using the other ball field to play baseball. They have all their insurance.

Mr. Young said the soccer field is the field they wanted to use so its good that no one is using it.

Committeeman Vizzard said they may just need to help maintain it. Mr. Young and Ms. Zeleniak were in agreement and didn't see that as a problem.

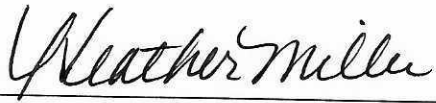
Mayor Sutton asked for a motion to close to the public. A motion was made by committeeman Klaudi and seconded by committeeman Vizzard.

Mayor Sutton asked the committee if they had anything additional for consideration.

Committeeman Vizzard said it just wanted to reiterate what he said on Monday, The 150th anniversary dinner was a fantastic time, if you came out, thank you. If you didn't come out, you missed a great time.

Mayor asked for a motion to adjourn. Committeeman Vizzard made the motion and was seconded by committeeman Klaudi. The meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "Heather Miller". The signature is written in black ink and is positioned above a horizontal line.

Heather Miller, Township Clerk