

Commission Chamber, City Hall
Millville, New Jersey
October 16, 2007 6:30 P.M.

The Board of Commissioners met in an agenda session with Vice-Mayor Derella presiding. Members present. Derella, Shannon, Parent and Hollingshead. Absent: Quinn.

Vice-Mayor Derella made the statement required by the Open Public Meetings Act of 1975.

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975", was advertised, posted and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting.

The tentative agenda was discussed but no official action was taken.

The City Clerk/Administrator noted the following:

Correspondence from the Greater Millville Chamber of Commerce regarding the Annual Christmas Parade.

The Tax Collector's Report for the month of September 2007 and a Resolution authorizing a professional service contract with Pace and Associates for environmental services in an amount not to exceed \$2,132,801.28.

The aforementioned were added to the agenda.

Commissioner Shannon reported on the continuing Zumba classes and also noted the forthcoming Halloween Pumpkin Extravaganza.

Commissioner Shannon also noted the 2nd Annual Remember Me Candlelight Ceremony and noted you could contact the Recreation Department for participation.

Vice-Mayor Derella asked if any person present wished to be heard regarding questions on agenda items.

There being no further comments the agenda session was adjourned, subject to the call of the chair, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

Commission Chamber, City Hall
Millville, New Jersey
October 16, 2007 7:00 P.M.

The Board of Commissioners met in regular session with Vice-Mayor Derella presiding. Members present. Derella, Shannon, Parent and Hollingshead. Absent: Quinn.

Reverend Myers delivered the invocation followed by the salute to the flag.

Vice-Mayor Derella made the statement required by the Open Public Meetings Act of 1975.

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975", was advertised, posted and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting.

A motion was passed to dispense with the reading of the minutes and to proceed with the regular order of business, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The following bills were ordered paid, when properly certified, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

COPY OF BILLS SEE PAGES

THROUGH

The City Clerk/Administrator read correspondence from Robert J. Pryor Attorney-at-Law representing Cumberland Green Apartments regarding resuming negotiations to resolve providing reimbursement for trash collection expenses since 2003 for the apartment complex.

A motion was passed to receive and file the correspondence and to refer same to the City Attorney, Commissioner of Public Works and Tom Walkup, Assistant Superintendent for coordination of a meeting to discuss said request, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The City Clerk/Administrator read correspondence from the Millville Volunteer Fire Department to appoint Steven G. Kohansky and Steven M. Maychak as Volunteer Firefighters.

A motion was passed to receive file and approve the appointments, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The City Clerk/Administrator read correspondence from Lynda Jones, Land Development Administrator of K. Hovnanian Homes regarding requesting release of escrow funds for Kidejan - Villages at Millville Project as K. Hovnanian will not be proceeding with the development of this site.

A motion was passed to refer the matter to the City Engineer and Treasurer for review of the escrow funds and determination of the appropriate refund, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The City Clerk/Administrator read correspondence from Kim Warker, Planning Director regarding recommendation by the Planning Board for the City to comply with the stipulation contained in the settlement of litigation concerning the NJ Motorsports Park by creating grassland bird habitat for the following areas:

- a) Block 124, Lot 16, 50 acres
- b) Block 52, Lots 80, 83 & 84, approximately 34 acres
- c) Block 136, portion of Lot 1, approximately 130 acres
- d) Pursuing acquisition or a conservation easement on portions of Block 135

A motion was passed to receive, file and approve the recommendations for consideration, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The City Clerk/Administrator read correspondence from Earl Sherrick, Executive Director of the Greater Millville Chamber of Commerce regarding requesting to hold the annual Christmas Parade on Friday, November 23, 2007, with the parade forming at 5:00 p.m. at the Wheaton Plaza, on High Street from Harrison Avenue north to Sharp Street and the parade to begin at 7:00 p.m., at Harrison Avenue and High Street proceeding south to City Hall.

A motion was passed to receive, file and approve the request for the Annual Christmas Parade subject to any conditions set forth by the Traffic Safety Bureau, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

Commissioner Shannon reported on the continuing Zumba Classes and the forthcoming Pumpkin Extravaganza at Corson Park.

Commissioner Shannon also noted the 35th Welcome Home Ceremony honoring returning veteran, Nicholas Vasquez will be held on November 1st at City Hall.

Commissioner Shannon noted this is a bitter sweet Welcome Home Ceremony as Nicholas Vasquez is being redeployed the next day for his 2nd Tour of Duty.

Commissioner Shannon also noted the Recreation Department is co-sponsoring the 2nd Annual Remember Me Program honoring Joshua Beebe.

The Municipal Court Report for the month of September, 2007 was ordered received and filed by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

Commissioner Hollingshead noted the forthcoming Loose Leaf Collection will begin November 1st through December 31st and reminded everyone to please rake the leaves to the streets and bagged items would be picked up on regular trash day and to please not put any brush or branches out during this program time period through December 31, 2007.

The Construction Official Fees Report for the month of September, 2007 and the Tax Collectors Report for the month of September 2007 were ordered received and filed, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

The following proposed ordinance was read on first reading:

Ordinance No. 40-2007

An Ordinance to authorize the City of Millville to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank.

Director Shannon moved for the adoption of the proposed ordinance on first reading with final consideration to be given on Monday, November 5, 2007 after due publication as provided by law.

Director Parent seconded the motion.

The motion was passed, by the following vote. Yeas:
Shannon, Parent, Hollingshead and Derella.

The following proposed ordinance was tabled until the next meeting of the Board of Commissioners on Monday, November 5, 2007 at 5:00 p.m.

Ordinance No. 26-2007

An Ordinance approving the Final Financial Plan for the Sport and Entertainment District in the City of Millville Phase I only.

The City Clerk/Administrator noted the City has not received the required letter from the Office of the State Treasurer and the matter should be continued to be tabled.

A motion was made to continue to table Ordinance No. 26-2007 tabled at the October 2, 2007 Commission Meeting until the next meeting of the Board of Commissioners on Monday, November 5, 2007, 5:00 p.m.

Director Parent seconded the motion.

The motion was passed, by the following vote. Yeas:
Shannon, Parent, Hollingshead and Derella.

The following proposed ordinance was read on second and final reading:

Ordinance No. 41-2007

Bond Ordinance authorizing the improvement of 1,500 acres of vacant land on or adjacent to the Millville Municipal Airport and other lands owned by the City for environmental investigation and remediation and to appropriate the Sum of \$3,000,000.00 to pay the cost thereof, to authorize the issuance of Bonds to finance the appropriation and to provide for the issuance of Bond Anticipation Notes in anticipation of the Issuance of Bonds for the following Blocks and Lots:

- a) Block 124, Lot 16
- b) Block 125, Lots 1, 2, 3 and 5
- c) Block 125, Lot 17
- d) Block 136, Lots 1 and 1.01

Commissioner Shannon moved for the adoption of the proposed ordinance on second and final reading.

Director Parent seconded the motion.

Vice-Mayor Derella declared a public hearing open and asked if any person present wished to be heard.

Betty Monteleone: *"Betty Monteleone, Briar Drive. Could you just, like go into a little detail, since it's 3 million dollars that the taxpayers of Millville are going to have to pay back? Would you just go into a little detail to tell us exactly what that entails?"*

Commissioner Shannon: *"The lands that we're talking about are some of the small portions that we have and could not convey*

to the New Jersey Motorsports. This is just sort of a bridge financing until we go all up for the new round of financing and grants from the State of New Jersey."

Betty Monteleone: "So, hopefully we can recoup some of this 3 million dollars..."

Commissioner Shannon: "Yes, as we did with the last 3 million dollar bond. Yes."

Betty Monteleone: "Now, is that also connected with Resolution No. A- 5938 on Page 9 where it says you have a professional service contract with Pace and Associates for \$2,132,000.00?"

Commissioner Shannon: "Correct."

Betty Monteleone: "so, they are connected?"

Commissioner Shannon: "yes."

Betty Monteleone: "So, that \$2,132,000.00 is part of this \$3,000,000.00?"

Commissioner Shannon: "Correct... No, it's coming from that \$3,000,000.00 that's how we're paying for that."

Betty Monteleone: "Okay, because you know it just confused me a little when I read here that you are bonding this 3 million, but over here you're certifying the bonds, but technically you don't have them yet. Am I correct?"

Richard McCarthy: "We're only certifying the portion of it that we do have."

Betty Monteleone: "So, you have the \$2,132,000.00..."

Richard McCarthy: "when we get to that you will see that we're only certifying a portion of the funds that we do have..."

Betty Monteleone: "certification of funds?"

Richard McCarthy: "the certification of funds will be for a much lower amount..."

Betty Monteleone: "lower than you have in your minutes..."

Richard McCarthy: "yes."

Betty Monteleone: "Okay, I got you."

There being no further comments Vice-Mayor Derella closed the public comment portion and asked for a roll call on the motion.

The motion was passed, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

The following proposed ordinance was read on second and final reading:

Ordinance No. 42-2007

Bond Ordinance authorizing the funding of a Water Utility Capital Project, replacing Well No. 2, which is more than 60 years old and to appropriate the sum of \$475,000.00 to pay the cost thereof, to authorize the issuance of bonds to finance the appropriation and to provide for the issuance of Bond Anticipation Notes in anticipation of the Issuance of Bonds was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Director Hollingshead moved for the adoption of the proposed Ordinance on second and final reading.

Director Shannon seconded the motion.

Vice-Mayor Derella declared a public hearing open and asked if any person present wished to be heard.

There being no response Vice-Mayor Derella declared the public hearing closed and asked for a roll call on the motion.

The motion was passed, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A-5928 authorizing adjustments to the Tax and Utility Records was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A-5929 approving fireworks display on November 21, 2007, 7:00 p.m. at the Union Lake Park, sponsored by the Millville Board of Education, Millville Senior High School subject to conditions set forth by the Fire Official and receipt of required Certificates of Insurance was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A-5930 authorizing Change Order 1 for contract with Corrosion Control Corporation regarding Removal and replacement of 4 ft Riser Pipe - Orange Street Water Tank, for an additional cost of \$8,500.00 for the replacement of corroded existing 6" diameter overflow pipe located inside the riser column running approximately 125 ft up from the base of the tank was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Director Hollingshead submitted the appropriate certification as to the availability of funds.

Resolution No. A-5931 authorizing 3 agreements for ongoing investigation of environmental issues on City owned lands located at the Municipal Airport on behalf of the City of Millville for the following:

- a) Cost Sharing, Confidentiality and Joint Defense Agreement for Purex Industries, Inc., Dallas Airmotive, Inc. and GE Engine Services UNC Holding I, Inc.
- b) Right of Entry Agreement for Purex Industries, Inc., Dallas Airmotive, Inc. and GE Engine Services UNC Holding I, Inc., under the control of Dallas

Airmotive, Inc. pursuant to Leasehold Agreement with the DRBA

c) Right of Entry Agreement for City owned lands

Resolution No. A- 5931 was adopted, by the following vote.
Yeas: Shannon, Parent, Hollingshead and Derella.

Director Shannon submitted the appropriate certification as to the availability of funds.

Richard McCarthy: *"What we're trying to do here is our environmental attorney's have negotiated arrangements with the 4 parties in interest out there to streamline the testing and the evaluation of the environmental issues out there, so that there's not a duplication of expenses among 4 different parties. They're acting in concert to try to get the entire site fully delineated, so that a course of action that's appropriate for the final cleanup of the property can be conducted accordingly and all of these agreements were put together toward that end. At the same time the various parties are reserving their rights to disagree concerning who may be liable for those particular environmental issues that exist out there. However in the interest of trying to make this the most efficient from a cost standpoint and to evaluate the site, these agreements were negotiated for that purpose."*

Commissioner Derella: *"and all parties agree to one specific vendor that's going to be able to do some of this investigation. Correct, a mutual party?"*

Richard McCarthy: *"Yeah, they will be doing, on various issues they will be doing that as they're going along. Yes. That's part of the agreement. The cost sharing is laid out, by the way, the cost sharing is laid out with respect to the first phase of that and that's what is covered by the agreement. The overall expenses are \$630,000.00. Purex is responsible for 55% of that pursuant to this agreement. The City of Millville 15% and Dallas Airmotive and UNC are responsible for the remaining 30%. So, what it does is enable us to... we stopped testing along time ago to save money that we were spending and presented evidence to DEP to get them to look at this from a global standpoint, rather than on an individual basis. That's what has been done and this is the outgrowth of those, that part of the success in accomplishing that particular aspect of the case."*

Commissioner Derella: *"Did this all come out from our press conference that we had, I believe in December of 2006 regarding Mr. Hutchinson and his update in regards to what was going on to try to make sure the public was aware and that they are in no danger, there's no health issues, but we do have some environmental concerns that we wanted to attack. Correct?"*

Richard McCarthy: *"That's correct."*

Resolution No. A-5932 authorizing Professional Service Contract with Youngblood, Corcoran, Lafferty & Hyberg, P.A. (Gerald Corcoran, Esq.) for legal services in connection with the litigation of Paul R. Porreca v. City of Millville, Superior Court of New Jersey, Cumberland County, Law Division, Docket No. CUM-L-764-07 in an amount not to exceed \$12,000.00 was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Director Shannon submitted the appropriate certification as to the availability of funds.

Resolution No. A-5933 authorizing agreement to comply with the stipulation contained in the settlement of litigation concerning the New Jersey Motorsports Park by creating a grassland bird habitat was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Dr. Kim Warker: "Just by way of explanation. One of the conditions of the settlement we did reach with various environmental groups in regards to the New Jersey Motorsports Lawsuit, which was with the Planning Board was to actually create this area of grassland habitat, one hundred acres contiguous to the airport if we could find it. If we could not find land contiguous to the airport owned by the City of Millville, then we did have an agreement that we could use other parcels that were not contiguous. What the City did to maintain our portion of this agreement was to work directly with the consultant known as Amy Greene, Environmental Consultants, which has a very good reputation throughout the state and with the New Jersey Department of Environmental Protection. They worked with us to look at areas where we could designate this habitat. Our original plan, which was originally recommended by Amy Greene was to use the apron areas at the end of the runways, because the grassland species are not the type of birds that get caught up into engines or anything like that. They stay low in the grass and they actually very much like those areas, because they are mowed and maintained, which is the habitat that they like. This was very successful at the Atlantic City Airport. However, in the course of working to achieve that at the ends of our runways, FAA released a memo, in which they would no longer permit that to happen. They would no longer allow bird habitat at the edges of the runways. That kind of threw us back a few steps, so what we did was identify land that is either across the street or contiguous to the airport. There are actually three different parcels, but they total well over the one hundred acres that we were required to do in the agreement and the agreement wanted that stipulated by October 31st. So, as a way of keeping to the conditions of the agreement we have proposed these areas be designated. We would like opportunity to actually speak with the Audubon Society, Citizens United and some others who were involved with this, just to get their concurrence on this. That's not required as part of the stipulation, but we have notified them, I notified Carter Strickland about this, who is their representative and informally showed this plan to members of The Citizens United a few weeks ago. So, we would like to go forward with this and I think if we find in discussions that, you know, maybe there's a better alternative or the possibility of using that piece known as the triangle that's currently owned by Hanson, which would actually represent great bird habitat. If that ever became available we would like the opportunity to use that land as well. But, right now we think we have complied with all of the conditions of the agreement. These are lands that are currently owned by the City of Millville, so we are not taking any further land off the tax roles. We are taking land out of the realm of development and I think that's important, particularly for the environmentalist in that this will be land that will not be developed, it will be preserved permanently in perpetuity. So, while it's not coming off the tax roles, it's already off the tax roles. We are able to put it on our open-space inventory and in those ways I feel strongly that we've met the stipulation

in the agreement."

Resolution No. A-5934 authorizing cancellation of accounts/ contracts regarding General Capital Encumbrances in the amount of \$39,275.55 and Sewer Capital Encumbrances in the amount of \$100,000.00 was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A-5935 designating John Krause, Treasurer as the interim official authorized to receive and disburse funds in accordance with Article XIV, 2-51, 2-52, 2-53, 2-54, 2-55 and 2-56 was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Commissioner Derella: *"I would like to comment and first of all congratulate Ron Charlesworth in his longstanding career with the City of Millville. He served the citizens of the City very well. His experience and the relationships he's developed over the years with the DCA and the State of New Jersey will be very hard to replace. We will move forward and he will be sorely missed and again we wish him the best in his retirement."*

Resolution No. A-5936 authorizing temporary emergency appropriation amending the FY2008 Temporary Budget due to the need to enter into a contract for professional services and to meet certain debt requirement needs and no adequate provision has been made in the SFY2008 temporary appropriations was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A-5937 authorizing Lease Agreement between the City of Millville and Flowertime Developers, LLC regarding access to the following 4 sites owned by the City of Millville to conduct necessary tests to determine the suitability of the property as a site for the location of a public drinking well to satisfy the water allocation requirements of Flowertime Developers, LLC General Development Plan as set forth by the Millville Planning Board, Resolution No. 08-2007

- a) Orange Street, Block 574, Lots 22 & 23
- b) Geissinger Avenue, Block 494, Lot 3
- c) Dividing Creek Road, Block 136, Lot 1
- d) Clover Lane, Block 515, Lot 15

Resolution No. A- 5937 was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Resolution No. A- 5938 authorizing Professional Services Contract with Pace and Associates, Inc., to perform professional engineering environmental services on lands owned by the City including the Municipal Airport and adjacent lands in an amount not to exceed \$2,132,801.28 was adopted, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Director Hollingshead submitted the appropriate certification as to the availability of funds.

The City Clerk/Administrator noted a verbal report concerning the Street Patching and Utility Opening Repairs- 2007 would be forthcoming and the matter would have a recommendation submitted at the next Commission Meeting on Monday, November 5, 2007.

A motion was passed to receive and file the verbal report, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

A motion was made to authorize Deed of Easement with Atlantic City Electric to install electric poles regarding Block 557, Lot 1, 7 Lilac Avenue, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

A motion was made to authorize a Special Event Permit on Public Lands Application for A Bewitching Evening in the Arts District October 31, 2007, 5:00 p.m. to 9:00 p.m., sponsored by the Millville Development Corporation to be located at the Glasstown Arts District, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

A motion was made to authorize the City Clerk to advertise for bids for the following:

- a) 750,000 Gallon Elevated Water Storage Facility with said bids to be returned to the Purchasing Board on Tuesday, November 20, 2007 at 10:00 a.m.
- b) Construction of an Airport Industrial Park Road Extension with said bids to be returned to the Purchasing Board on Tuesday, October 30, 2007 at 10:00 a.m.

The motion was passed, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Commissioner Derella: *"This tower will be located on Buckshutem Road. All the parties that were involved in regards to making this happen for site selection with the DRBA, the FAA and the City of Millville, the towers, the water storage is expected to be 30-35 feet higher than the other ones in the City and the goal will be to help increase water pressure on the Westside of the town and overall it will have a positive affect on the entire system."*

Bingo and Raffle Licenses on behalf of the following:

- a) Bingo License 202 on behalf of St. Mary Magdalen Church, each Friday beginning January 4, 2008 through December 26, 2008
- b) Raffle License 827 on behalf of St. Mary Magdalen Church, off premise 50/50 Cash to be held on December 16, 2007
- c) Raffle License 828 on behalf of St. Mary Magdalen Church, pull tabs beginning January 1, 2008 through December 31, 2008
- d) Raffle License 829 on behalf of NRA Foundation NJ State Fund Committee, on premise prize raffle to be held on November 3, 2007.

The aforementioned Bingo and Raffle Licenses were ordered, received, filed and the proper officials authorized to execute same, by the following vote. Yeas: Shannon, Parent, Hollingshead and Derella.

Vice-Mayor Derella stated we have now reached the public comment portion of our meeting. Anyone who would like to address the commission, please go to the podium, state your

name, and address your concerns. Please limit your comments to approximately 5 minutes:

Betty Monteleone: "Betty Monteleone, Briar Drive, I want to go back to the last City Commission Meeting, because after I got up and spoke a lot of people seemed to think that I'm against High Street and that I don't support them. Trust me, I probably want High Street to do better than even the people who have their businesses there. My main reason for wanting High Street to survive and to do great is I want it to start bringing in money, because I don't want to see the people in Millville have to continue to support it. I don't like seeing my own taxes go up and I don't like seeing 20 million dollars spent in a block that we have to pay a portion of and other taxpayers in the County, State and Federal. So, my reasons for wanting High Street to survive and to do great is not because I have a business there or I'm going to get money or I'm going to get something out of it personally. It's just that if it survives and if it does great and businesses booms we won't have to support it, so the perception they had is totally all wrong. I do know a little bit about retail. A little bit. I remember ten years ago, when Boscov's opened everybody said, oh the mall, the mall, Value City, it's going out of business. Ten years later that mall is doing great. Boscov's did not harm no other store. It brought the traffic in to make the other stores succeed. This past weekend I spent three days in a lovely little town in Pennsylvania. In that town there's a Gap, there is a Starbucks, there is a Crabtree and Evelyn. They do not hurt that town, they bring the traffic in to do the business and the little shops and the personally owned shops that is in that town. So, more stores are not always bad, if you get the traffic you will get the customers. This town is booming on a Sunday, the stores are open. You cannot expect to close your store at 2:00 in the afternoon on a Saturday and survive and neither should the taxpayers have to support you when you think your business is a pleasurable thing. I wish Mr. Quinn was here tonight, because one of the examples he brought up was the O.K. Watch Shop and the photo place and of course the stores on High Street that's been there for years. If you look back on it, the reason they have survived and you too, Mr. Shannon in your business, is because you put your own hard work, sweat and hours and money into those businesses. People who do not do that and have somebody propping them up every time they trip a little is not going to survive in their business and people who do not want competition is not going to survive in their business. So, trust me, I want High Street to survive. I have one more question while I'm up here. I just noticed that Main Street USA is coming and they're bringing people on buses and they're having dinner at Winfield's. Does anybody know who's picking up the tab on this trip for dinners? Are we, the taxpayers here in Millville?"

Lew Thompson: "No, that's not correct."

Commissioner Derella: "Dr. Warker."

Commissioner Shannon: "I don't think they're going to Winfield's either, I think they're just having it catered at the Renaissance Center..."

Betty Monteleone: "Hey, I read the article in the paper today and they said they were having..."

Dr. Kim Warker: "that's a very positive thing in that the entire National Convention is coming to Philadelphia and out of all of the people that have competed for a slot, as they do in any convention there are side trips you can take as part of that convention. So, the registrants of the National Main Street Convention will check off what side trip they want to take, they'll pay their fee for the bus and everything else to the National Main Street Folks and everything they do here will be paid for through their registration fee. The other thing, while I'm here, any of those stores you mentioned are more than welcome to set up in our downtown. We're not there yet. We don't have the kind of numbers and demographics that they look for, but there is nothing that would prohibit Crabtree and Evelyn or Gap or anybody else to set up shop in our downtown. So, we would welcome that and actually our goal is to get to a point where they would look at us and want to come. The 20 million dollars that we speak of, that is not money that was given to businesses. That is a sum total of all of the public improvements we have done in the downtown..."

Betty Monteleone: "I understand that..."

Dr. Kim Warker: "not just on High Street, but on Buck Street and Waltman Park, along all of our parks there, creating the parking lots, so over 15 years that is the amount of money, most of it UEZ Funds or State and Federal Grants that have been provided there and almost all to the penny of the money we provided as grants or loans to new business has come from grants that the City has received."

Betty Monteleone: "Well, there's Green Acres money also and matching funds and there's a lot of different... I realize that, that there's a lot of different money, but there is no free money in this country. She says they're all welcome, but if everybody remembers when I mentioned the Starbucks, everybody's like oh, they want to put the Tea House out of business. I thought the Ordinance was to..."

Commissioner Shannon: "just..."

Betty Monteleone: "Wait just a minute, don't let me lose my train of thought, I thought the Ordinance was to stop those type of business from coming and that was the impression everybody gave me. But, the Tea House don't serve coffee and I wouldn't worry about it putting it out of business, so what were you going to say?"

Commissioner Shannon: "My comment was, I was not... that was my comment... When you speak, you sort of like stare at me for some reason..."

Betty Monteleone: "that's because you're so good looking..."

Commissioner Shannon: "I want to answer you at that time when you asked that question, I was trying to protect the mom and pops. Okay. So, Starbucks can be located down there. But, do I want to see a Starbucks in my downtown? I didn't. I sort of like that mom and pop, you know, the Looking Glass idea, you know, somebody that actually owns it. I like that..."

Betty Monteleone: "trust me, it doesn't take away the business..."

Commissioner Shannon: "So, that was my comment, I just wanted to correct that..."

Betty Monteleone: "Right, I don't look at you... I guess maybe because you're right in front of the, maybe we should move this away, I can look this way from now on. How's that? I do hope the Mayor's okay, I miss him being here..."

Vice-Mayor Derella: "He's just a little under the weather, but he'll be back very shortly..."

Betty Monteleone: "Where ever he's at I send him my regards."

Vice-Mayor Derella: "I also wanted to comment. During that open public hearing in regards to the Ordinance for downtown, it was said several times that any of those businesses have the opportunity to apply for a variance against that and be able to come before the Planning and Zoning Boards to have that approved."

Richard Myers: "Richard Myers, 11 Crescent Boulevard. Can you just clarify for me Resolution No. A- 5932 in regards to the lawsuit by Paul Porreca? Can you tell me what that lawsuit is about?"

Richard McCarthy: "Yes, there's three subject matters involved. The first subject matter deals with the abatements and the position the City took through resolutions on those abatements. The second has to do with the Sun Bank contract, which administered our loans with the City, including UEZ loans, but not limited to just UEZ loans. The third had to do with Cellular Facilities, but there's really only one Cellular Tower and I think that's been acknowledged. I think the complaint referred to two or three, but in actuality there's only one that we normally would have to had appear before the Planning Board. The others are on water tanks, which are treated differently."

Richard Myers: "Okay. So, what was done tonight then was \$12,000.00 of taxpayers money was allocated to defend against this lawsuit. Is that correct?"

Richard McCarthy: "that's what the professional service contract is to hire an attorney to handle the litigation, yes."

Richard Myers: "and this suit is from the very person who stands up here all the time and talks about spending taxpayers money foolishly?"

Richard McCarthy: "Well, I don't think you need me to answer that."

Vice-Mayor Derella: "this suit was brought by Mr. Porreca, yes."

Commissioner Parent: "I think it's also, since, you know, I know we're dropping a lot of names, but yes that is part of the agenda this evening. But, I think it's important to point out that it is not from Millville First from my understanding, this is from an individual himself who filed suit. This is not, from my understanding, unless I am wrong, was not a movement by the Millville First Organization or Association, whatever they

call themselves. This is a personal lawsuit that he has filed. Am I correct?"

Richard McCarthy: "It's a resident taxpayer suit."

Richard Myers: "Okay, thank you."

John Redden: "John Redden, Sharp Street in Millville. In the past my reports to this Commission usually pertain to the activities of the Millville Rescue Squad. But, tonight I'm here simply as a lifetime resident and longtime taxpayer and that's probably due to my active participation within the community that I've recently been approached by many friends and relatives who are grilling me about our property taxes and what we pay and why is it so high. So, in an effort to try to explain the property tax crisis as best I could I started by breaking down the different taxes that we pay in our property tax bill and the perception amongst my peers was that, since they pay their tax bill directly to the City of Millville that this commission had complete control over the property taxes. Once I began breaking it down in detail I found the results to be somewhat astonishing and I just want to share this detail with my peers. I used my property, which just happened to break down into simple numbers assessed at 180,000, my taxes are \$6,000.00 a year. After the nice property tax relief rebate I got back I actually only paid \$5,200.00, which makes a very easy number, \$100.00 a week. So, I started analyzing where this \$100.00 a week go. Well, I found out that \$40.00 a week of it goes to the City of Millville. So, this governing body has control of \$40.00 of that \$100.00. The other \$60.00 a week goes directly to the County and the School Board. So, I started looking around to see and said well, let me see, do I think that I get \$40.00 worth of service from the City. I started doing some searching and I think that between all of the family events and block parties that Liz Nicke puts together and the sports activities that my kids could participate in when they grew up in the area, anyone of the 8 public parks that I could take my granddaughter to enjoy or the public swimming or if my friend invites me to go fishing, it's very convenient and safe to launch the boat at one of the two public boat ramps. All the riverfront activities and special events all of which cost me nothing and not to say that when the Wawa boom boxes start making noise across from my house I call the police and they come out there and give me peace and quiet. When lightning hit my house and we called the Fire Department they were there very quickly and when we had a medical emergency in my house and we dialed 911 the squad came quickly. And also the home trash pick up that I get each and every week just by taking it to the curb and a couple of times a year that they pick up my leaves. So, I became reasonably comfortable that I think, although I wish that it was \$20.00 a week, I think I get \$40.00 a week worth of services. The other \$60.00 a week I can't account for. I know about 2/3rd's of that goes right to the County and I'm not sure what tangible services I get from the County. I know when I go to the County Fair I pay to get in. My daughter goes to Cumberland County College and she pays tuition and I had a family member at the Cumberland Manor and they paid the fee for that and when I go to the County Clerk's Office they charge me for everything I get and when I go to the County Landfill I pay tipping fees. So, I'm not sure. I know that there's many people that are dedicating countless hours and a lot of energy into guarding how my tax dollars are spent and I appreciate this effort and I applaud the mission, however I think I'd appreciate it greater if they tell me where my \$60.00

per week is being spent, because I'm reasonably content with the \$40.00 a week that I spend. It kind of sums up that it seems like everybody's keeping the horses in the barn by watching the barn door and the back gate might be wide open. Maybe somebody needs to go close that back gate. In closing I just say that in the midst of challenging economic times on behalf of myself and my peers I want to thank you for the hard work and efforts that you take to maintain the continuity of the tangible services that I need and expect. Thank you."

Commissioner Parent: "John, if I can just correct one more items on that. We have to pay 100% to the County and to the schools even though we don't collect 100% of the taxes. We have to make that up with our own budget. That's also an item that has to be brought forth."

There being no further comments Vice-Mayor Derella closed the public portion of the meeting and asked if there were any comments from the Commissioners.

Commissioner Parent: "I guess I missed a pretty good meeting two weeks ago. It was very lengthy. I was trying to recuperate also, but some interesting things happened. I was trying to watch it in between some other problems that I had. Our downtown district is really bigger than just the Arts District and I think that really has to be brought out to the public. Again, this evening we heard a comment of \$20,000,000.00 going downtown. I've been sitting up here I guess going on for 17 years now and to the right of you were some Mayors and up here by the podium, you see a lot of Commissioners and Mayors who are a very important part of revitalizing the downtown district. It wasn't without a lot of controversy folks. I can remember critics coming here, because we were building parking lots and no one was downtown, the stores were all boarded up. The administrations were criticized for doing that, but those administrations felt very strongly that we needed to put in the infrastructure within our downtown district. The majority of the money put into our downtown district is Urban Enterprise Zone money, UEZ money, not local taxpayers dollars that affects their budget are grant money from the State of New Jersey. Why do we go after grant money in the State of New Jersey? Very simple and some people just don't understand where your tax dollars are going to Trenton and where those dollars are coming back to other communities. I've had the opportunity to travel all throughout the state and work with a lot of mayors throughout this state and a lot of communities throughout this state. Just recently, again the New Jersey League of Municipalities Magazine feature article, Millville. Gosh, how proud you have to be to read that article and see what the people of the State of New Jersey thinks of the City of Millville. I'm sure there's people who aren't going to agree on comments that I make or any other City Commissioner makes. We have to stay here and we'll continue to stay. We'll continue to fight what we feel is extremely important in the long term affects of our City. It's a commitment that our administration has made a long time ago. It's a commitment that this administration has really ran the gauntlet with it. It isn't without a lot of help and support. I can remember, again, 15 years ago, the boarding up of downtown. I can remember sitting with Dr. Warker when we were trying to come up with some kind of theme or something special for the downtown district and Dr. Warker indicated, how about an Arts District. Well, the only thing I knew about art was coloring book and crayons. I had no

idea how big the Arts District was in South Jersey, but I got educated and there were a group of people who said they want to invest in the City and they've taken upon themselves with a tremendous investment and we appreciate it. We appreciate the members of the Arts District for coming in and taking that chance. Along the way other businesses have been developing throughout, not only the downtown district, because it would seem to be that everybody was either looking just at the Arts and there are a number, Marianne Lods did an excellent job by indicating well over 100 businesses that are in the Arts District now. So, it's bigger than just High Street that we have to work for and what we have to make a commitment for and we're going to continue doing that. It's not a waste of tax dollars folks. The infrastructure and things that we have been able to provide to the citizens of this City. The heart of your City determines what your City is going to look like. When you lose your center City, you lose the City and I've said it before and I firmly believe it. When you lose your center City, you lose the City. So, whether we're sitting here or other Commissioners are sitting here, I'm sure that once they've sat here they're going to understand the complete affect that it's going to take. There's people out here and they're not going to agree on what we have done. I know that. But, I still feel in my heart the majority of the people agree on what we are trying to provide. I fully believe that. As I say to my colleagues stay focused, I think that you're doing, in fact I'm not thinking, I know you're doing what you believe is right for the long term affect of this City. John I appreciate your comments, you know, where our tax dollars are going, we've been saying it all along. I think the citizens of Millville get a big bang for their buck that they're putting out there. I know that under Director Derella, Revenue and Finance, Joe has worked extremely hard on this particular budget. I'm sure that the people may not all be satisfied, but I think that most of the people have been satisfied that Joe has put together a real fine budget for us. So, I apologize I wasn't here, but I just wanted to let that be known that I fully support Kim and the Ordinance that was brought before this administration. Thank you Mr. Vice-Mayor."

Vice-Mayor Derella: "Just real brief in regards to, Reverend Myers had asked a question about the lawsuit and Mr. McCarthy did cover it. One of the issues was Sun Bank, it goes all the way to back to March 6th of this year when there was a list of questions given to this City Commission by members of Millville First regarding several topics. UEZ funds, Sun Bank contract and there was a list and we took many, many hours putting together responses and one of those responses, in regards to Sun Bank was we did agree that the way we were disbursing funds for the services that Sun Bank was providing was wrong. We were prepaying for services that weren't delivered. We changed that, we put it on the record that was changed. The one percent, as being paid at settlement is now being paid by the borrower, half percent goes to Sun Bank to service those contracts and those loans, that loan portfolio, the other half percent goes into the UEZ Revolving Loan Portfolio to allow other businesses to take advantage of low-interest loans to continue to develop their businesses. We made that change. We also stated that we were not going to go back and try to collect back fees, because those services were provided. We did identify the GGI Loan that we felt was not serviced and promptly asked for a reimbursement of which we received over \$5,000.00 back to put into that particular loan

portfolio in our Revolving Loan Process through UEZ. So, again these questions have been answered time and time again and it's unfortunate that we've come to a point where we now have to defend a lawsuit that we feel that does not have much merit whatsoever. The other comment and I don't mean to use you as an example Mrs. Monteleone, but I do agree with you that we are taxed to death. The way the system works is property tax, sales tax, income tax, user fees it goes on and on and on. But, as Commissioner Shannon said we would be totally remiss if we did not try to go outside and capture some of those funds. Sometimes I take it personally when people make comments about systems that we have no control. It's almost like they're pointing the finger at us sitting here and it becomes frustrating. We did not set those rules, we're trying to play through those rules and gain funds for the City of Millville. That \$20,000,000.00 was spent over a 15 year period along the riverfront and downtown and the various areas of the City. It wasn't all born by us as property owners. It was spread out throughout the State of New Jersey. Sometimes we all lose sight of that. There needs to be changes. I agree. Pay attention to the election coming up and vote your conscience and vote on records and statements that are true. But, again, we didn't set the system and our job is to try to work our way through it and go and get the funds that we think our City deserves to make the improvements that we need to continue to grow and to continue to prosper. I had an opportunity last Friday to be in West Deptford. We were asked as a City to go be part of a panel in regards to how to utilize State funds and State Departments, They were all there, the DCA was there, the DEP was there, all of the departments right on down the line and we were used as an example and we were able to speak to other mayors and other Economic Development people and engineers in regards to what the City of Millville does in regards to their preparation and how they're planning and how what we do and put on paper in our vision before we go knock on the doors at the State of New Jersey. We have been able to, because of our vision and more importantly, because of our professional staff, to be able to garnish thousands and millions of dollars over the years and will continue to do so, because we do take time, we do study it and we do move forward with a very concise plan that is recognized by those Departments. We received accolades for that. Again, it's tax dollars. I agree with you, but I'd rather see those tax dollars come to Millville than go to Vineland or Bridgeton or Camden or wherever else they go. So, again, we'll continue to do that until the system changes, but right now, unfortunately everything is based on tax dollars. John I appreciate your comments, it's some of the message we're trying to get out. We control the municipal rates to the best of our ability and we will continue to fight to do so. But, again, we cannot control the county per say and they have their own headaches in regards to the Prosecutor's Office and other projects they've got to deal with throughout the entire County. We will continue to work with them, but our main concern is to take care of the people that we represent here in the City of Millville."

There being no further comments the meeting was adjourned subject to the call of the chair, by the following vote: Yeas: Shannon, Parent, Hollingshead and Derella.

Approved: November 5, 2007

 Mayor

 Commissioners

Attest:

 City Clerk/Administrator

**BILL LIST
 CITY OF MILLVILLE
 MEETING OCTOBER 16, 2007**

ACTION SIGNS & AWARDS	110.00
ADAMS, REHMANN & HEGGAN ASSOC.	36,901.00
ADVANCE TREADS INC	1,849.20
AGATE CONSTRUCTION CO., INC.	58,163.00
ALLIED CONTROL SERVICES, INC.	796.00
ARBRISCO ENTERPRISE, INC.	2,461.44
ATLANTIC CITY ELECTRIC	143,046.58
AW DIRECT, INC.	1,523.91
BANC OF AMERICA LEASING, INC.	384.14
BENTLEY SYSTEMS, INC.	1,080.00
BEST UNIFORM RENTAL, INC.	1,076.60
CAPE MAY COUNTY TRAINING CTR	75.00
CIFALOGGIO INC	160.50
CINTAS FIRST AID & SAFETY CORP	62.60
CITY OF MILLVILLE	330.55
CITY MILLVILLE PAYROLL DED ACC	27,900.91
CLARKE CATON HINTZ, INC.	8,713.50
CLOUD GEHSHAN ASSOCIATES	13,200.00
CUMBERLAND CO. CLERK'S OFFICE	90.00
CUMBERLAND COUNTY COLLEGE	3,750.00
CCIA	1,512.16
CUMBERLAND COUNTY S.P.C.A.	4,215.00
CUMBERLAND FIRE PROTECTION	999.15
CUMBERLAND REMINDER	7,632.00
CUMBERLAND & SALEM GUIDE CORP.	204.75
CUMBERLAND TREE SERVICE, LLC	775.00
CUSTODIAN OF SCHOOL MONIES	540,374.00
CUSTOM GRAPHICS, INC.	108.35
THE DAILY JOURNAL, INC.	2,020.96
RICHARD H. DANIELS, ESQ.	1,553.00
LINDA A. DEDRICK	400.00

DEERFIELD ELECTRIC	11,620.27
JOY DEMAIO	11.37
DMC TEXTILES INC	238.02
DOMINO'S PIZZA, INC.	428.50
DON-B-FRANKS	195.00
THE DUKES KNOCKOUT FOOD	263.00
DUTRA SHEET METAL, INC.	390.00
EIC INSPECTION AGENCY CORP.	659.00
JOSEPH C. ELWELL, SR.	187.50
E. SAMBOL CORP.	344,354.05
EXECUTIVE BUSINESS PROD. CORP.	279.41
EMERGENCY PRODUCTS INC/FIREPWR	1,198.00
FLEET CAPITAL LEASING, INC.	238.40
FLIGHT LINE GIRLS, LLC	68.00
4 IMPRINT BY NELSON MARKET INC	782.55
MICHELLE FRANCISCO	200.00
GALLO'S GMC TRUCK SALES, INC.	163.62
GENTILINI FORD, INC.	742.76
GLOBAL TRACKING COMMUNICATIONS	1,634.00
GLOUCESTER CO. POLICE ACADEMY	200.00
GOOD NEWS GIFTS, INC.	706.00
GREENBERG TRAURIG, LLP	8,003.48
GRUCCIO, PEPPER, DESANTO	6,232.43
HOLLY CITY TIRE, LLC	99.77
HOWELL HARDWARE	490.31
THE INCREDIBLE BULK	30.00
INDUSTRIAL SUPPLIES INC	72.47
INFERNO NEWSPAPER	350.00
JRB ASSOCIATES, LLC	2,670.00
KEEN COMPRESSED GAS CO., INC.	181.93
KEY EQUIPMENT FINANCE, INC	339.00
LANDSMAN UNIFORMS INC.	391.00
LILLISTON CHRYSLER/PLYM., INC.	339.81
LOWE'S CO., INC.	766.88
M&N INTERNATIONAL, INC.	43.86
MATTHEW BENDER & CO INC/LEXIS	367.80
MAURICETOWN TRUCK, INC.	538.14
RICHARD C MCCARTHY ESQ	14,734.16
METCALF & EDDY, INC.	22,635.00
METROCALL	16.13
MIG ENVIRONMENTAL, LLC	750.00
MILLVILLE AUTOMOTIVE, INC.	2,572.73
MILLVILLE CHAMBER OF COMMERCE	45.00
MILLVILLE DEVELOPMENT CORP	7,333.50
MILLVILLE PUBLIC LIBRARY	39,333.33
WILLIAM R. MINTS AGENCY, INC.	853.00
MTS SAFETY PRODUCTS, INC.	781.40
MCAA OF NJ	55.00
NEXTEL COMMUNICATIONS, INC.	3,253.91
VERIZON	1,417.58
NJCTBA, DEBBIE SECOLA REGISTRAR	320.00
TREASURER, STATE OF NJ	285.00
NJ DIVISION OF MOTOR VEHICLES	60.00
NJ STATE DEPT OF HEALTH	61.80
NJ STATE LEAGUE MUNICIPALITIES	1,935.00
ONE CALL SYSTEMS, INC.	225.81
PACE & ASSOCIATES, INC.	728,874.57
PADGETT-THOMPSON, INC.	398.00
PEDRONI FUEL CO, INC.	33,019.31
POLE TAVERN EQUIPMT SALES CORP	179.00
PREMIER CHEMICALS, LLC	4,996.60
QUALITY CONTROL LABS, INC.	6,692.00
QUALITY LINCOLN MERCURY, INC.	60.00

R & R RADAR, INC.	130.00	
LEE RAIN INC	58.65	
REDCORN, INC.	2,250.00	
DEBRA REED	2,380.05	
JAMES F. REEVES	375.00	
RENTAL MAT SERVICE, INC.	80.65	
STATE OF NEW JERSEY	6,724.00	
SAFELITE AUTO GLASS, CORP.	187.59	
SEAPORT HOTEL LLP	907.12	
SELECTFORM, INC.	74.43	
DAN SHONE	1,800.00	
SOUTH JERSEY GAS COMPANY	1,488.13	
SOUTH JERSEY HEALTHCARE	1,446.26	
SJ NEWSPAPERS CO.	800.00	
RICKY SLADE CONSTRUCTION INC.	4,925.32	
SHARON L SMITH	61.12	
SNAP-ON INDUSTRIAL, INC.	344.52	
ROBBIN B. SOTIR & ASSOC, INC.	3,949.06	
SOUTH JERSEY SANITATION CO INC	89,011.00	
STAPLES, INC.	1,724.10	
STEELMAN PHOTO SUPPLIES	696.51	
JOSEPH SUTHERLAND	1,200.00	
TEPS POWER EQUIPMENT, INC.	810.48	
THIRD WARD NEIGHBORHOOD ORG.	5,400.00	
CHRISTINE TONETTA	175.80	
TREASURER, STATE OF NJ	350.00	
TREASURER OF BURLINGTON CO.	12,763.92	
TRIAD ASSOCIATES, INC.	6,000.00	
TRINITY UNITED METH. CHURCH	547.35	
TROUT PRINTING & PUBLISHING CO	140.00	
MILTON C TRUXTON	1,290.58	
UNITED ELECTRIC SUPPLY, INC.	245.32	
UNITED LAWN MAINTENANCE, INC.	1,030.00	
UNITED PARCEL SERVICE	11.48	
UNITED WAY OF G.C.C.	20.00	
URBAN ENTERPRISE ZONE	4,805.31	
USPS	2,772.00	
VERIZON WIRELESS	4,600.16	
VITAL COMMUNICATIONS, INC.	542.10	
THE WALL STREET JOURNAL, INC.	249.00	
THE WATERFRONT CENTER	640.00	
ALICE E WOOD	150.00	
WOOD SCHOOL	2,250.00	
WOODRUFF ENERGY COMPANY, INC.	32.40	
WYBLE ADVERTISING, INC.	1,400.00	
WARREN DOUGLAS WEIL	1,600.00	
ROBERT J. WINKLER	6,338.08	
BELLA VISTA CONSTRUCTION	1,000.00	
REGIONS MORTGAGE	1,172.70	
TOTAL VOUCHER FOR 10/16/07	2,294,783.65	
ST OF NJ PUB WTR SYSM TAX	WIRE	4,388.40
CITY OF MILLVILLE SALARY ACCOUNT	263,126.96	
CITY OF MILLVILLE SALARY ACCOUNT	284,887.13	
TOTAL SALARY FOR 10/16/07	548,014.09	
TOTAL VOUCHER & SALARY 10/16/07	2,847,186.14	