

Commission Chamber, City Hall
Millville, New Jersey
November 20, 2006 5:00 p.m.

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

The invocation was delivered by Reverend Marilyn Sainsbury followed by the salute to the flag.

Mayor Quinn made the statement required by the Open Public Meeting 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, Derella and Quinn.

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

COPY OF BILLS SEE PAGES THROUGH

Mayor Quinn stated the public comment portion regarding agenda items only was now open and asked if any person present wished to be heard.

There being no response Mayor Quinn declared the public comment portion closed.

The City Clerk/Administrator read a letter from the New Jersey State Department of Transportation concerning revisions to the Railroad Warning Devices, Crossing Surfaces and Roadway Traffic Control Devices concerning the Winchester Railroad Crossing at Wade Boulevard and the Railroad Crossing at Orange Street.

A motion was passed to receive and file the correspondence, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

The City Clerk/Administrator read correspondence from John Krause regarding the 11th Annual Jolly Holly 5k Run sponsored by Millville High School Soccer Alumni Association to be held on November 24, 2006, 6:35 p.m. prior to the Christmas Parade on High Street.

A motion was passed to receive, file and approve the event subject to any conditions set forth by the Traffic Safety Bureau, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

The City Clerk/Administrator correspondence from Gary Jones resigning as member of the Millville Planning Board effective November 6, 2006.

A motion was passed to receive and file the correspondence, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

The report of the Construction Official concerning their Permit Fee Log Report and Monthly Fees Report for the month of October 2006 was ordered, received, filed and the proper officials authorized to execute same, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Joe Derella made the following comments:

"I would like to make a comment. I received a message around 4:30 today and I see Frank is here, Frank Marone from Village Estates. We've had an issue that we've been battling with the developer up there behind their project and I want to assure Frank and I'm going to assure the members and the people that live at Village Estates that I have contacted our attorney. He is again, going aggressively after that and Mr. Daniels, from our Planning Board, to make sure that those things are corrected as quickly as possible in regards to what seems to be a default on the developer in regards to honoring that 20 to 25 foot buffer that should go untouched. We will aggressively pursue that, our attorney is calling me back tomorrow and we are going again aggressively go after them, because if we do not, when things are set forth by the Planning Board and when some of these projects change hands, sometimes the information is disseminated improperly from one owner to the next. If we have to make an example of this from a legal stand point we are prepared to do so. So, I just want to assure those residents at Village Estates that we are aggressively pursuing this to make sure that these things are corrected and no further problems do occur. On a positive note for that neighborhood, on our agenda tonight and maybe people saw it in the newspaper. Assemblyman Van Drew was able to acquire another hundred thousand dollars in transportation funds to help us get started on a project for Whitaker Avenue, as well as Miller Avenue to make those roads greatly improved, so we now have a total of \$240,000.00 through State Grants to make that project happen. So, we got one real positive thing for that neighborhood and one thing that we hope to turn around and make that a positive as well. Progress."

Mayor Quinn: "Thank you. As you're well aware there's been a lot of discussion about Eminent Domain in our last meetings and there's a petition drive going on regarding that and there's been some misinformation or at least people have perceived that their house was going to be taken. I would like to ask Mr. McCarthy for our next months meeting, the first meeting in December, if you would prepare a resolution stating that the City Commission supports not, well, let's say opposes any private developer taking any owner occupied single family residence. Ever. So, that the people then can at least be assured, we're not taking your house and we're certainly not going to let a private developer take your house. So, from the private developer standpoint, I would like to recommend that we know, you know, we allow the owner occupied single family residents will stay intact and they will not be touched by any private developer. So, if you could do that for next months meeting Mr. Solicitor I would appreciate it."

The following proposed ordinance was read on first reading:

Ordinance No. 37-2006

Ordinance authorizing right of way easement between the City of Millville and Cumberland County for certain lands owned by the City of Millville known as Block 96, Lot 9 and Block 352, Lot 3 re: design of Sharp Street, between Route 49 and Sharp Street to include safety improvements such as partial widening, curbing and sidewalk.

Director Shannon moved for the adoption of the proposed ordinance on first reading with final consideration to be given on Tuesday, December 5, 2006 after due publication as provided by law.

Director Parent seconded the motion.

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

The following proposed ordinance was read on second reading:

Ordinance No. 35-2006

Ordinance authorizing exchange of real estate re: Block 580, Lot 7.03 consisting of 3.548 acres previously owned by the City of Millville and purchased by developer, Bernard Dera in accordance with Ordinance No. 40-2004 adopted November 15, 2004 in exchange for Block 580, Lots 6.04 and 6.05 consisting of 3.30 acres owned by the City of Millville which the developer desires to acquire with an additional payment in the amount of \$10,400.00 per acre for the difference between the acreage and \$600.00 for the preparation of documents for the transfer.

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

Director Parent seconded the motion.

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

There being no response Mayor Quinn 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, Derella and Quinn.

Resolution No. A-5621 authorizing adjustments to the Tax and Utility Records was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5622 approving a collective bargaining agreement between the City of Millville and the New Jersey Civil Service Association Cumberland Council No. 18 regarding Health Benefit Provision was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5623 authorizing the extension of completion date from December 12, 2006 to June 12, 2007 for Rieck Avenue & Cedarville Road Sidewalk Improvements - Phase I, awarded to the City of Millville from the NJ Department of Transportation, Local Aid Safe Streets to School Program was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5624 to authorize the extension of completion date from November 9, 2006 to May 9, 2007 for the Construction of Whitaker Avenue & Miller Avenue Road Improvements, awarded to the City of Millville from the NJ Department of Transportation, Local Aid Roadway Program was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5625 authorizing Water & Sewer termination on December 4, 2006, due to payment default pursuant to Section 56-18 &

56-52 of the Municipal Code was adopted, by the following vote.
Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5626 authorizing the cancellation of accounts/contracts payable regarding UDAG Encumbrances Payable, in the amount of \$4,214.22, Community Development Encumbrances Payable in the amount of \$19,200.00 and Sewer Operating Accounts Payable in the amount of \$17,887.25 was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5627 authorizing outstanding checks be canceled from the Clearing Account records due to cancellation of the sewer lateral repair project, Check #37295 in the amount of \$600.00 and Check # 37362 in the amount of \$200.00 was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5628 authorizing the Foreclosure in REM regarding the following was read by the City Clerk/Administrator:

- a) Block 3, Lot 42, 42 Inglewood Avenue
- b) Block 360, Lot 3, 426 N. 3rd Street
- c) Block 293, Lot 9.01, 204 E. Broad Street Rear
- d) Block 228, Lot 14, 2118 N. 2nd Street
- e) Block 368, Lot 10, 224 Mulberry Street Rear

A motion was passed to adopt Resolution No. A- 5628, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Resolution No. A-5629 authorizing Subordination of Mortgage to Newfield National Bank for Block 415, Lot 1, 135-139 High Street owned by Holly City Properties, LLC for the cancellation of mortgage with the City of Millville in the amount of \$50,000.00 and a mortgage with Colonial Bank in the amount of \$242,500.00 to be refinanced in the amount of \$312,000.00 was adopted, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

The City Clerk/Administrator read a report concerning the Public Auction held on November 16, 2006 with receipts in the amount of \$21,137.00 was ordered, received and filed, by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

A request for authorization for Records Disposal received from the Planning Director regarding housing project files, property Improvement and neighborhood development from 1980 to 1996 was ordered, received, filed and approved by the following vote. Yeas: Shannon, Parent, Derella and Quinn.

Mayor's Statement: We have now reached the public comment part 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.

Paul Porreca addressed the Board of Commissioners and made the following comments:

"Good evening Mr. Mayor, Commissioners and staff, seeing no others I'll come first I guess."

Mayor Quinn: *"thank you Judge."*

Paul Porreca: *"Happy Thanksgiving to all of you. You look healthy and don't eat too much..."*

Mayor Quinn: *"that's a hard one..."*

Paul Porreca: "Are you allowed to break your fast that day?"

Mayor Quinn: "yeah, I am..."

Paul Porreca: "Alright. I have just questions, I don't really have a statement to make. I was wondering what is the status of the research into the validity of the tax abatement application for which the filing dates were in question? You recall there were two categories, there were some that were out of time and there were some where, because of the records we didn't know. There was extensive research that was being done and it's been about 8 weeks now. Do we have a report yet?"

Commissioner Derella: "Do we have a report yet... we have a dialogue back and forth and we've got some information yesterday in regards to the DCA and we're mulling over that right now and I would hope within the next 7 to 10 days to be able to make a report publicly here. Okay."

Paul Porreca: "Okay, but from the DCA would be for all of those that are out of time and I guess the report you will be making that public I trust..."

Commissioner Derella: "absolutely..."

Paul Porreca: "via Commission Meeting. Alright, so then the report in the paper that the DCA hadn't responded, obviously that's been taken care of..."

Commissioner Derella: "it just occurred."

Paul Porreca: "Okay, you're not prepared to say what that is yet I guess..."

Commissioner Derella: "no, I would really want to digest it and make a good presentation and really... you know how I am methodically as far as trying to make sure things are done right."

Paul Porreca: "there are a number of facets to it, so I can understand that. Okay. The next things have to do with the UEZ loans. I've been told and I would like to know whether it's true or not, ?????? records also indicate this, that there's a policy in connection with UEZ loans that the late payment on the late fee is not assessed if the first payment is late, and that's a policy. I mean all of the notes in the UEZ portfolio have a clause, in the event that you're... I think it's 15 days late, 10 days for taxes and 15 days for the loan. If you're 15 days late there's a 5 percent late fee charge and it hasn't been charged in many of the loans that I've looked at. So, I asked about it and I'm not going to say who, but, because I actually don't remember, but I was told that policy is on the first payment if it is late it is a policy not to charge and of course that's, incidentally born out by the fact that the \$600,000.00 loan to the Motorsports Parks was late and that was never collected and I was told it wasn't going, they weren't going to be billed for it and I said why not, because it's our policy generally, if you're late with your first payment we don't charge that late fee. Now, I would like to know what authority the City or the staff has to waive a legal obligation to the City or first of all is it true? If it is true, what authority do you have and what are you going to do about it?"

Richard McCarthy: "well, from a legal standpoint the Judge is correct. I mean the Promissory Notes, which are drafted, I don't draft them all, but the ones that I've... I think I draft them all

now, but I mean before they were drafted either in my office or Economic Development, I think it did provide, it provides us as Judge Porreca indicated there isn't any difference between the first payment or any of the other payments in the document. I would defer to Revenue and Finance, but it's my understanding that because of the setting up of the account through the bank and the collection process, which there's delays involved and I think it's because of that, but I would... I don't want to go on record that's exactly what the explanation is, but that's my understanding of the explanation..."

Mayor Quinn: "We'll have to check with Revenue and Finance..."

Paul Porreca: "yeah, because there's, you know, if you're a day late with your taxes, you get your 18 percent and Mrs. Olah is very good about it..."

Mayor Quinn: "yes she is..."

Paul Porreca: "for which I commend her, but you know, what's good for the goose is good for the gander and late is late and late fees ought to be paid and I don't think there's any justification for anybody. Which brings up another point in connection with the UEZ loan, I was wondering what the status is of the Glass Group million dollar loan and what is being done to pursue the principles who personally guaranteed the loan, which I commend you for the practice, but if you don't pursue the guys, what's the point."

Richard McCarthy: "That's, in fact Mr. Daniels is filing suit in connection with that, I had visited him about two weeks ago and gave him documentation concerning the information that relates to the officers with respect to the balance of it there is two aspects to the bankruptcy matter. There is the aspect of resolving which portion of it is secured and what monies would be paid in connection with that and the balance would be put in an unsecured status and went through the bankruptcy court and we're expected to receive based on the reports that I've received recently from the attorney and it is estimated at this point between fifteen and thirty percent with respect to the unsecured status..."

Paul Porreca: "but, there is a personal guarantee so that when that's not collected, you know..."

Mayor Quinn: "Right."

Paul Porreca: "you folks have done that, but you're not pursuing them?"

Richard McCarthy: "Oh, yes, Mr. Daniels, in fact he may have already filed suit on them."

Paul Porreca: "good, okay. Lastly, on the UEZ loan business, we've been talking about this for about a year, but there doesn't seem to be any response. The Sun Bank Contract that you have at least in its execution and practice is basically illegal. The City cannot pay for services until after the services have been performed. Now, this has been pointed out, so what you are doing is you are paying up front for the collection that occurs later. Again, back to the Glass Group loan, a million dollar loan, Sun Bank got \$10,000.00 and you fella's paid it. But, of course they haven't collected and no collection goes through, because when a loan is delinquent the Sun Bank sends it back and says, your problem, all we do is funnel the money, we don't have under our contract any collection responsibilities, so frankly it is a different word, it's contrary to the statute, you cannot pay somebody, as a City, I can,

but you can't, you can't pay somebody until after the work has been done. You're paying these people upfront. Now, for a year now we've talked about it, life goes on. That's my problem."

Mayor Quinn: "Okay, well Judge is that the last one..."

Paul Porreca: "that's the last one on UEZ, I only have two others, but what are we going to do about it..."

Mayor Quinn: "Well, then I'll get Don after you're done to talk about that. We need to look at that..."

Paul Porreca: "that's not a Don Ayres problem, that's a City Commission problem. You fella's sign, I mean I signed enough of them, let me just finish. The voucher says the work has been performed, it is satisfactory. It's past tense. You certify, the Commissioners, not Mr. Ayres, the Commissioners certify that's so and the check is written. Now, you were the Director of Revenue and Finance for many years. You're Director of Revenue and Finance Mr. Derella. Mr. Thompson has been here a longtime and he knows that's the rule. How come you're doing it with the Sun Bank and... I can see, you know, okay, you copied Vineland's and so forth, but after it's called to your attention a year ago, you'd think you would do something about it, and say wait a minute, is this illegal, okay, is it inappropriate, let me put it that way, I'm sorry... is it inappropriate. Yeah, that's not what the rules are, so let's change it. No, life goes on. Am I right?"

Mayor Quinn: "Well, certainly we need to address that..."

Richard McCarthy: "I'll have to defer to those who are actually implementing the practice, but I don't disagree with the statutory obligation that services must be rendered before a municipality or any governmental entity can pay for that."

Mayor Quinn: "Well, then let's do whatever we need to do to stop us from paying them for services that are rendered before those services are..."

Paul Porreca: "thank you and I want to point something out, because you know I'm getting accused of grandstanding and all of this nonsense, but not by you, but that's okay. I have privately brought this to your attention for a year having no action and finally I have to bring it up publicly and get something done. Okay, I'm not going to take much more time. But, it also has to do with enforcement of the law or compliance with the law, you folks rented a small lot at the Millville Airport to Nextel to build a Communication Tower and I commend you, it brought money in, I think it's a thousand or twelve hundred a month or whatever it is, that's wonderful. However, the lot size is nonconforming, you people have an Ordinance that is quite extensive, it covers four or five pages and it says you can't build a Communications Tower in Millville unless you not only have a certain lot size, but you do certain things and, and you go before the Planning Board and you make an application and the Planning Board looks at it. None of it was done, absolutely nothing. The fees were waived, a simple piece of paper was signed to go build it and they did it and there it is, absolutely nonconforming with any section of your Ordinance and I called that to the attention of the City and it was, well it's up now. I would like to see me build a building without a permit and find out what happens, so you know, what are you going to do about that. I've got the Ordinance here, it goes on for 1, 2, 3, 4..."

Mayor Quinn: "would you have any suggestions..."

Paul Porreca: "why I'm not your lawyer..."

Mayor Quinn: "the tower is up..."

Paul Porreca: "good try Mayor, good try, you almost trapped me..."

Mayor Quinn: "well, you're an attorney, you know..."

Paul Porreca: "but, the extent of what was done is a, and I have them here, a certificate is issued, you know, this is it. That's everything that the City has on something that's supposed to go in front of the Planning Board with considerable plans, landscaping, setbacks, minimum lot size. Nothing, and I don't know about the no fees, I guess maybe because the City owns the land, but the City didn't build the tower, so this big thing about no City I'd like the lawyer, your lawyer to look into that too. Alright, you don't have that answer, but maybe by the next meeting we can have, know what you're going to do about that. The very last question I have is, a quick one. I read a reference in the newspaper briefly that there was litigation between the Nursing Facility at Buck and Main and the City about the parking lot. Was there or wasn't there?"

Richard McCarthy: "yes, there was some litigation..."

Paul Porreca: "there was some litigation, do we know how much the legal fees were in connection with that litigation?"

Richard McCarthy: "I would have to go back and look, but I would say, I would estimate that it'd be less than three thousand dollars..."

Paul Porreca: "well, that's why, because somebody said to me..."

Mayor Quinn: "yeah, somebody told me \$200,000.00 and I thought that was absurd..."

Paul Porreca: "you heard the same thing..."

Mayor Quinn: "yes, I did..."

Paul Porreca: "and I thought that was pretty wild. I assume that's not true."

Richard McCarthy: "not remotely, for the record, not remotely correct."

Lew Thompson: "it's Cumberland County Homemakers".

Mayor Quinn: "well, thank you for bringing that forward..."

Paul Porreca: "yeah, because it's untrue, that rumor that's on the street is untrue, okay, good thanks Mayor."

Mayor Quinn: "Thank you."

Steve Durst: "Steve Durst, Goodmill, 23 Oakwood Drive, Medford, New Jersey. I just have one point I wanted to bring forward here in a public meeting. I was called at 10 o'clock in the evening at home on Tuesday evening about one of the reporters from the local newspaper asking if I had some comments about, and it's appropriate tonight given the Mayor's comments about Eminent Domain about the veterinarians concerns about the stress that he was placed

under regarding the threat of Eminent Domain when the shopping center was developed and I thought I wanted to deal with that, I gave appropriate answers to the newspaper that were not printed for whatever reasons. I wanted to put something on the record this evening of the seven property owners and businesses in front of the Shopping Center when we developed it. We sent a letter to the Mayor, the Mayor has it in his office, it said first of all we will pay 25 percent over fair market or appraised value. Secondly, we were asked by the Commissioners and the Mayor not to use Eminent Domain or the threat of it, but to negotiate in good faith with all the business owners, which we did. In no case was Eminent Domain ever implemented and we paid an average of 50 percent over fair market value. In the case of the veterinarian, here is the appraisal of his property of what he presently operates, which I will leave here, it appraises his property of \$450,000.00, he has an 80 foot lot with no access on Route 47. The deal that he struck in his new Veterinarian Hospital, just so you all know, just so the public knows, is we have a contract and we pay for all the site work on the site, \$299,000.000, we put up the land, which we paid approximately a million five to a million seven for and in addition to that we put \$885,000.00 in the bank to be used as a construction loan to build the building. In other words the veterinarian's total project cost for his..."

Mayor Quinn: "Steve..."

Commissioner Parent: "we need you on record at the mic..."

Steve Durst: "the veterinarians total project cost for his new facility that we paid for in response to a \$450,000.00 appraisal of his current one, was a million four hundred thousand dollars. A million dollars over. That's the stress that the veterinarian underwent, he made a case and point to portray himself as a little guy championing against big City developers. I am familiar with the median household income in Millville and I assure you that his household income verses the everyday citizens of Millville are contradictions to one another. Be that as it may, there have been no other complaints about Eminent Domain, the threat of Eminent Domain or anything else, anything of the sort was never implemented in any case. The veterinarian profited by one million dollars in addition to that we prevented Pet Smart from putting in their Animal Hospital, which they have in 700 of their stores and what that did was it cost us \$37,000.00 a year in rent over twenty years, about seven hundred or seven hundred fifty thousand dollars to protect the veterinarians practice. In addition that he's at an age where when he retires in 5 or 10 years, now he has a viable business to sell. That business would have been decimated had Banfield Animal Hospital gone into Pet Smart, as they do in most cases. So, to contradict the public portrayal of either the developers or your Commissioners as not sympathetic to Millville residents, to small businesses and to him in particular, those are the facts and I will leave those documents here. Thank you."

Mayor Quinn: "Thank you Steve."

Bob Testeroni: "Good evening Mr. Mayor and Commissioners, Bob Testeroni, Howard Street in Millville. I want to start off folks by thanking the people within the municipal building over the last couple of months I've been getting numerous OPRA requests that I've called upon them to research for me. I know it takes a lot from the, from their time, from their duties and people are not sympathetic to their cause, that they have to do both jobs, it puts a burden on them. I want to acknowledge them, the only one I know by name is Rich Jones, he was extremely helpful, in fact we spoke

about that in your office. I didn't plan on speaking on this, but obviously I have too. Commissioner Derella on February 6, 2006 did you sign a complaint over in Bridgeton against Dr. Blumenthal and his wife?"

Commissioner Derella: "Did I sign a complaint?"

Bob Testeroni: "yes..."

Commissioner Derella: "I would say the City of Millville..."

Bob Testeroni: "on behalf of the City of Millville, the court records show..."

Commissioner Derella: "yes, it had to do with moving forward with Eminent Domain. Correct, condemnation, Mr. McCarthy could handle some of those questions as well."

Bob Testeroni: "and you simultaneously filed a declaration of taken. Is that correct?"

Richard McCarthy: "that would be correct."

Bob Testeroni: "That would be correct. Okay, so the City then had the title to his property, is that correct?"

Richard McCarthy: "for a brief period, that's correct."

Bob Testeroni: "Okay. Now, we say we didn't exercise Eminent Domain on Dr. Blumenthal and his wife, and his business. Yet, we went over and filed a complaint against him, took the title to his property. Now, he spoke about holding a gun to his head, we not only held the gun to his head, we cocked the trigger. But, then we did something else, Dr. Blumenthal was assessed at \$632,300.00 on that property. Is that correct? Is anybody familiar with that?"

Richard McCarthy: "that would be my recollection, yes..."

Bob Testeroni: "that's the assessment we had done throughout the City and that was part of it. Then the City, after they took the title to his land we didn't exercise Eminent Domain, but we still took the title. Then after we did that, we had another assessment done and it came back at \$450,000.00. Gentlemen I don't know where we're at with these people. No, he just spoke on that, I don't know where he went, but he just spoke \$450,000.00. He was paying taxes on six hundred thirty two, because that's what we assessed him at. That's what we said it was worth. Now, all of a sudden we get it reassessed at four hundred fifty, either the original assessor made a mistake, in which case maybe we want to go back and redo the whole City with this new firm that you got. Or else something's a little amiss here. Because..."

Richard McCarthy: "there hasn't been any reassessment that I'm aware of, he's... Mr. Durst spoke in terms of an appraisal that they had acquired..."

Bob Testeroni: "and it came back..."

Richard McCarthy: "the assessment was put on by an independent revaluation firm and to my knowledge that has not been changed."

Bob Testeroni: "okay, so \$450,000.00, if I hire a firm to assess something, normally if they're working for me, I'm going to sit down with them and tell them what I think it's worth..."

Richard McCarthy: "no you can't..."

Bob Testeroni: "you can't?"

Richard McCarthy: "no you can't."

Bob Testeroni: "well, okay, we can't but, \$450,000.00, now who in their right mind would believe that from the time we assessed it at \$632,000.00, which was prior to them building up there and now all of a sudden they're building, they're constructing, which is going to increase the value of your property, it decreases by one third..."

Mayor Quinn: "well, Bob, you know, you can argue this and I don't know what the difference is, but I can tell you that you just heard that he got 1.4 million. Let me tell you to put something back on the record, because he took some shots at me I was told at the Millville First Group, I got the call on Tuesday night as well. In 2002, and he admits this, the State of New Jersey Department of Transportation was going to take his building. They called me, Mica Rasmussin, who was with the State Department of Transportation, he said Mayor we're about to do Eminent Domain, nothing to do with these guys, they weren't even in the picture, because they were doing the road for Lowe's and all. They said, we're going to take his property unless you tell us not too. I said look he's been my Vet, he's a good guy, he's been a Millville person, please don't do it and they said okay, we won't. So, you know, that's a fact and he even admitted it in 2002 that DOT was going to take him..."

Bob Testeroni: "and he doesn't dispute that..."

Mayor Quinn: "alright, but my point is, Bob, as we're talking about this from a totally factual standpoint and I don't know what the appraised value was or what the assessed value was, but as we look at what was gotten and what was talked about is, could you imagine if the DOT, and they had all the right in the world to do what they did, my Uncle Frank Lamens, the Judge knows that, he was a prized lawyer at the time. Up on you know where 55 was..."

Paul Porreca spoke from the audience, but was inaudible.

Mayor Quinn: "see, I know, that's right, but at least I'm giving you credit. But, when that occurred they went in and took it for whatever they said the assessed value was. So, in essence, and I know you're trying to defend the doctor and that's admirable of you, I'm just saying to you the facts are that he made out so much better with all of the things that he had to go through and I know it's very stressful and I believe that very much. The developer ended up being the person who was able to get the property and to do the deal. Even, let's say the State, I'll give you the benefit of the doubt, what did you say it was six hundred and some thousand is how much..."

Bob Testeroni: "six hundred thirty-two three hundred..."

Mayor Quinn: "alright, well if it was \$632,000.00 then the state would have had to give him that amount if that's what it was assessed at, I believe that's how it works. They don't do twenty-five percent or fifty percent more, they don't negotiate with you, if I'm correct, they give you what your assessed value is..."

Richard McCarthy: "Mr. Mayor, I think they do an appraisal themselves and to answer the question of how you can you have an assessment and an appraisal differ, because the appraisal... it's not

an exact science and what happens is when you have different appraisers often times values come up differently. I'm faced with that all the time in dealing with tax appeals and every tax appeal I've ever been involved with the Tax Court I have an appraiser that represents the City or as a consultant for the City and provides an appraisal on behalf of the City and we have an appraiser on the opposite side representing the taxpayer. They're both MAI, which are the highest level of appraisal in terms of their qualifications and I have never seen two appraisals come out the same."

Mayor Quinn: "Bob, you know, the point I think you make well, if we take a look at this is, it's usually the person who owns the property gets the appraisal and it's usually high. It's certainly worth what they hope it to be. Whoever wants to buy always tries to get the lowest appraisal, now how that works I have no idea, but I'm just saying. Then somewhere in the medium they try to meet and come to an agreement, because everybody sees things differently, maybe the Route 47 thing was cutout. I don't know, who knows what the reasoning is."

Bob Testeroni: "so, we don't get confused on the issue though, I understand when the Department of Transportation comes down and they say we're going to take your property. That's what Eminent Domain was designed for..."

Mayor Quinn: "yeah..."

Bob Testeroni: "it was never designed for private developers and that's the area that we have now entered into. The problem I have Mayor is that you made a statement to the press that he has a Taj Mahal..."

Mayor Quinn: "you don't think that's a beautiful building?"

Bob Testeroni: "now, wait a minute. Let me say one thing on that. A Taj Mahal in the middle of a game reserve is not the same as a Taj Mahal in Atlantic City or Las Vegas..."

Mayor Quinn: "you're telling me that where he's at is in the middle of a game reserve..."

Bob Testeroni: "no, 55 and 47 are two major arteries, they both don't fault together. He was in everybody's eye and now he's not and it was his property and here's where it lies. It belongs to me, if you want it and you're willing to pay for it then pay the price, if won't, then you don't want it..."

Mayor Quinn: "you don't think 1.4 million was a fair price, Bob for an appraisal of six hundred something thousand..."

Bob Testeroni: "It's not for me to say that, it's for Dr. Blumenthal to say that. It was his property..."

Mayor Quinn: "well, obviously he did choose to say that somewhere along the line..."

Bob Testeroni: "no, he didn't ask me to come up here and speak..."

Mayor Quinn: "no, no, I'm saying he took the offer, is what I'm saying..."

Bob Testeroni: "Did he have a choice? We already had the title. Thank you, Mr. Mayor."

Mayor Quinn closed the public portion of the meeting and asked if the Commissioners had any comments.

Commissioner Shannon: "I would like to take this opportunity to thank Steve Durst. I've been working with Steve over the last couple of years getting the new soccer complex taken care of, he's worked very diligently getting the lights back up. He just dropped off a check to me that I'm very proud to receive on behalf of the Soccer Association, fifty percent of their first payment this year of \$25,000.00 and another payment to follow for \$25,000.00. He would be paying the Soccer Association \$50,000.00 a year for ten years, building them six new fields, four lit on acreage at the airport, so we're looking forward to then and I just wanted to take the opportunity to thank Mr. Durst for coming through with the funds for the Soccer Association."

Commissioner Parent: "A quick one Mr. Mayor, you know, have a nice Thanksgiving everyone and of course the big thing is, Thanksgiving, is Go Bolts, you know, beat Vineland. I hope everyone gets out there and sees it, I think it'll be a great game to see and I wish everybody a great Thanksgiving. It's a I think a 10 o'clock game, a 10:30 game, it's in Vineland, so you know get your families out, Thanksgiving isn't without the Vineland/Millville game. Thank you Mr. Mayor."

Commissioner Derella: "Mr. Mayor just real quick in regards to the conversations we've heard and the comments in regards to Dr. Blumenthal and his property and the Goodmill Mall project. Obviously, Dr. Blumenthal went through some stress with the negotiations that occurred back and forth, you yourself stepped in previously when the State wanted to step forward. You know the City of Millville follows the statute and the State Constitution in regards to Eminent Domain and Condemnation. That's what we have to do by law. It was unfortunate that we had to get to that point. I know the negotiations with Dr. Blumenthal and the developer, several months if not up to a year of going back and forth thinking there was a deal, thinking there wasn't a deal, going back and forth. Obviously, everyone wants to get the most for their property and everybody thinks their property is worth more than it is, I know I think my property is worth more than it is and that's just the way our minds work. But, understand when it's all said and done the City of Millville has a 70 million dollar project and Dr. Blumenthal does have a very, very attractive office going up, he has access to it, he had no access off of 47, he would have been squeezed into a very small space. The big issue, he has no competition in regards to a new Animal Hospital coming in, a brand new facility in a Pet Smart. Those are things that need to be weighed, obviously on both sides. It wasn't easy for the City Commission to move forward and try to start those proceedings. We debated back and forth in regards to that, but hope when all this is said and done everyone comes out as a winner moving forward. The City, as well as Dr. Blumenthal."

Mayor Quinn: "and actually I understand what you were saying Bob, that Eminent Domain for the State is one thing, but for private developers it should be another thing for private people going in. In a situation where Dr. Blumenthal was very fortunate that there was a private developer, because the amount of money he would have received would have been pittance compared to what he got from the private developer. The other aspect, as Joe had mentioned, had he stayed he could've stayed there, but they would've put a veterinarian in a Pet Smart, which would've been a competitor to him, there was no question about it. I will say, he's been my Vet for many years and does a great job with animal and I really

appreciate the job he's done and that was one of the things when the State called me four years ago to tell me what they were going to do and I asked them not to do that. I would also like to say, Jim mentioned the Vineland/Millville football game and over the past seven or eight months we've been called on the carpet a little bit or questioned about why the UEZ, why do we give tax abatements and things like that. I have to tell you, you know, in a perfect world we wouldn't have to do that. Actually, I know we had talked one time and somebody said to me: Does the bank really need tax abatement? Does Wawa need tax abatements when they come to the City? Wouldn't they come without the abatement? And I said you know what they really probably would have, but under the system the way it's set up that we do offer the tax abatements you can't discriminate. You can't say, well, gee, they could afford it. But, they can't, so you have to do it all the way across the board. My point I'm trying to get to is if we were able to just say, you know what, let's do away with tax abatement, let's do away with UEZ, this type of situation and do away with Eminent Domain too. If we did that we would never, ever be able to compete with the City of Vineland. We're playing them on Thanksgiving Day on the same even playing field with the same basic equipment and hopefully as much talent, if not more than they have. But, take all of that away ladies and gentlemen, we can't compete with them. Don't make any mistake about it. They are our No. 1 competitor, because they're next to us and Perry and I are friends, Joe and Perry are good friends. I have a great respect for him and what they're doing there and I admire what they've done there. But, we're still competitors, we're friendly competitors, but we're competitors. Don't take away the tools that we need, the one's they have, so that we can at least compete with them. If we try to compete with them with none of those tools without all of the things I just mentioned, we can't compete. Because, they're only, actually they're closer to Philadelphia than we are, their lands about the same amount of price that our land is, their location is actually a little bit closer, as I said to Philly, so we're in that 55/47 corridor. So, we need all of the same things they have in order to be able to compete with them or any other City that has the Urban Enterprise Zone and the tax abatements to go with those and those type of things. There are thirty-some of us in the State that are in that Urban Enterprise Zone. The reason they were given to each municipality was we are poor municipalities, we are not up in the range of where many are. I just wanted to close out by telling you I got the, in fact any of you are welcome to see it, I have from the state the ratables for every single City in the State of New Jersey and every County totaled up. When people say, we tell you, we are the poorest county in the State and we can back that up, unfortunately with these facts. The ratables for the entire County of Cumberland, I'm talking fourteen municipalities, being Millville, Vineland, Bridgeton and townships, is about seven and half billion dollars. Ocean City, New Jersey, one municipality is 13.8 million in ratables. Now, granted even if you take any of the municipalities throughout the State... what I would like to do for the next meeting is get one that has about the same amount of people we have that's not a sea shore community that is, maybe like Winslow Township or something that is similar to us, a similar size of people so we can compare apples to apples and give you an idea of what their ratables are. What we've been able to do with the shopping center coming in is increase the total ratables that we're bringing in to the City and with the RAD of course, we're looking to invest some of that into bringing up the eighteen percent ratable base that we get from Center City, which we used to get about fifty percent. These are some of the things I just want you to be aware of that the reason why when you look at what floats the boat, it is the tax ratables, we are about 1.3 million. So, when you look at the whole County of Cumberland at only 7.5 billion there's nobody

CITY OF MILLVILLE	25,094.96
CITY OF MILLVILLE-SELF INS	17.09
COBRA ELECT	52.48
COLDGON PRODUCTS INTERNATL	254.10
COLLINS BUSINESS SYSTEMS, I	530.15
COMCAST	142.84
ATLANTIC CITY ELECTRIC	1,136.22
CUMBERLAND COUNTY CLERKS OFF	40.00
CCIA	799.57
CUMBERLAND FIRE PROTECTION	465.75
CUMBERLAND TREE SERVICE, LL	1,450.00
CURTIS 1000, INC.	1,108.44
CUSTODIAN OF SCHOOL MONIES	580,564.00
CUSTOM GRAPHICS, INC.	1,416.14
THE DAILY JOURNAL, INC.	1,963.70
RICHARD H. DANIELS, ESQ.	1,657.00
DEERFIELD ELECTRIC	3,405.22
DELTRONICS CORP	472.50
EIC INSPECTION AGENCY CORP.	867.00
ELMER DOOR COMPANY, INC.	2,400.00
EXECUTIVE BUSINESS PROD. CO	1,689.45
EMERGENCY PRODUCTS INC/FIRE	244.00
FIRST DUE EMERGENCY SUPPLY	828.00
FRA TECHNOLOGIES, INC.	450.00
GENTILINI FORD, INC.	49.27
GRAINGER	2,718.00
GRANTURK EQUIPMENT CO., INC	129.38
GRAPHIC CONTROLS LLC	129.56
GRUCCIO, PEPPER, GIOVINAZZI,	6,260.00
HANSON AGGREGATES BMC, INC.	1,945.45
DANIEL HOFFMAN, ESQ.	200.00
HOLLY CITY DEVELOPMENT CORP	7,066.66
HOLLY CITY TIRE, LLC	1,464.97
HOWELL HARDWARE	932.12
IDA	200.00
INDUSTRIAL SUPPLIES INC	274.10
KEEN COMPRESSED GAS CO., IN	169.77
KEY EQUIPMENT FINANCE	218.52
LAWMEN SUPPLY CO, INC.	649.00
LAWN TECH	1,815.59
LOWE'S CO., INC.	645.44
MAJOR PETROLEUM, INC.	316.23
MARC PUBLISHING CO, INC.	127.50
RICHARD C. MCCARTHY, ESQ	9,351.89
MCCLURE'S POWER SYSTEMS, IN	1,000.00
MCMANIMON & SCOTLAND, LLC	5,377.05
MELINI BROS INC	515.04
MICROFLEX MEDICAL CORP	850.00
MIG ENVIRONMENTAL, LLC	640.00
MILLVILLE AUTOMOTIVE, INC.	799.57
FRANK MINGIN	20.00
NATIONAL IMPRINT CORP.	1,012.04
STEVE NEDER, ESQ.	2,142.86
NEXTEL COMMUNICATIONS, INC.	3,521.75
VERIZON	234.09
NJ STATE DEPT OF HEALTH	74.40
STATE OF NEW JERSEY	8,995.88
D. A. NOLT, INC.	65,663.67
OLIVER CONSTRUCTION	736.00
ONE CALL SYSTEMS, INC.	1,071.16
PEDRONI FUEL CO, INC.	27,044.19
PENN POWER SYSTEMS, INC.	4,212.39
THE PHILADELPHIA INQUIRER	151.83
PHILLIES HOME RUN DERBY, IN	1,150.00
PITNEY BOWES INC	498.00
POLYDYNE, INC.	6,600.00

QSCEND TECHNOLOGIES, INC.	195.27
QUALITY CONTROL LABS, INC.	4,020.00
LEE RAIN INC	261.38
REDCORN, INC.	2,250.00
JAMES F. REEVES	375.00
RENTAL MAT SERVICE, INC.	93.91
NED ROGOVOY, ESQ.	1,071.43
S.A. COMUNALE CO., INC.	620.00
SAFELITE AUTO GLASS, CORP.	446.46
HEATHER SANTORO	80.99
SHESHUNOFF INFORMATION SERV	479.95
SJ AGRICULTURAL PRODUCTS, I	20,800.00
SJ GAS COMPANY	4,426.35
SOUTH JERSEY HEALTHCARE	345.00
SOUTH JERSEY SANITATION CO	90,490.11
SOUTH STATE INC	545.77
STAPLES, INC.	1,758.05
STEELMAN PHOTO SUPPLIES	114.15
STEWART BUSINESS SYSTEMS	7.00
JOSEPH SUTHERLAND	1,500.00
SYSTEC OF VINELAND, INC.	407.80
THIS & THAT UNIFORMS, LLC	100.00
TRI-CITY PAPER & JAN. SUPPL	78.50
TRICO, INC.	219.44
TROUT PRINTING & PUBLISHING	940.00
BRUCE D. TURNER, ARCHITECT	6,300.00
UNITED ELECTRIC SUPPLY, INC	1,604.21
UNIVAR USA INC.	447.00
URBAN ENTERPRISE ZONE	883.12
USPS	3,545.00
VAN DYK BROS. FLORIST	48.00
JOSEPH W. VEIGHT, ESQ.	390.00
VITAL SERVICES GROUP	514.10
WALTER'S SUPPLY CO.	251.91
WEINSTEIN SUPPLY CORPORATIO	477.45
WESTERN TERMITE & PEST CONT	540.00
WETLAWN AUTOMATIC SPRINKLER	89.35
WHARTON HARDWARE & SUPPLY C	144.80
ALICE E WOOD	150.00
WYBLE ADVERTISING, INC.	9,151.27
HAROLD & MIRIAM DUFFIELD	24,610.00
RICHARD HILDEBRAND	9,980.00
JOHN RANDANELLA	1,000.00
THE ARTIST'S WALK, LLC	884.70
BANK OF AMERICA	300.00
DINASO MILLVILLE BLDG SUPPL	50,000.00
BEATRICE CROSS	877.56
MARGARET VETTER	110.00
TOTAL BILLS FOR 11/20/06 MEETING	1,197,018.48
I.D.A. (DIRECT) HW WIRE	17.09
TOTAL HW WIRE FOR 11/20/06	17.09
CITY OF MILLVILLE SALARY	275686.19
CITY OF MILLVILLE SALARY	259893.34
TOTAL SALARY FOR 11/20/06	535579.53
TOTAL VOUCHERS & SALARY 11/20/06	1,732,615.10