

Conference Rm. 3rd Fl, City Hall
Millville, New Jersey
December 1, 2009 5:30 p.m.

The Board of Commissioners met in executive session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Derella and Vanaman. Absent: None.

In addition to the Board of Commissioners the following members were present: Richard McCarthy, City Attorney; Lewis N. Thompson, City Clerk/Administrator; Susan Robostello, Assistant City Clerk; John Knoop, City Engineer; Floyd Burt, Sewer Utility Superintendent and Adolf Tarasevich, Assistant City Engineer.

Mayor Shannon 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.

Resolution No. A- 6695 authorizing executive session to be conducted regarding Administrative Consent Order from New Jersey DEP for the sewer utility was adopted, by the following vote:
Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

CLOSED SESSION
DECEMBER 1, 2009
5:30 PM

CLOSED SESSION
DECEMBER 1, 2009
5:30 PM

There being no further business to come before the board the meeting was adjourned subject to the call of the chair, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Commission Chamber, City Hall
Millville, New Jersey
December 1, 2009 6:00 p.m.

The Board of Commissioners met in an agenda session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Derella and Vanaman. Absent: None.

Mayor Shannon 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.

The City Clerk/Administrator noted the following additions to the agenda:

Resolutions:

- Item No. 9** Resolution amending Professional Service Contract, Resolution No. A-6187 adopted on July 1, 2008 and amended Resolution No. A-6266 adopted on September 16, 2008 with Westfield Architects & Preservation Consultants, to perform additional professional services in connection with the restoration of the roof at the Millville Historical Society Building in the amount of \$2,445.00 (source of funds from Bond Ordinance No. 10-2008)
- Item No. 10** Resolution authorizing Change Order No 1 (Final) for project entitled "Maurice River Pedestrian Bridge & Waterfront Park Improvements - Contract #3" with Ricky Slade Construction, Inc. for an additional cost of \$8,122.50 due to certain changes in the contract items, quantities and amounts necessary to complete the Project
- Item No. 11** Resolution authorizing Emergency Temporary Budget for the Fiscal Year 2010 for General Government Function Grants- NJ Office of Highway Safety- Over the Limit Under Arrest 2009 in the amount of \$5,000.00
- Item No. 12** Resolution authorizing Administrative Consent Order with DEP and negotiated settlement regarding previous discharge limit violations from May 2006 through July 2009 and authorizing a negotiated fine of \$11,000.00

New Business:

- Item No. 13** Resolution authorizing award of bid for the project entitled "Wastewater Treatment Plant Phase I Design Upgrades Project Contract 1A" to

C&T Associates, 100 Hagey Road, Souderton, PA
18964 for their successful low bid in the amount
of \$2,951,000.00

Commissioner Finch announced he would be reporting further at the regular meeting on the Sound Monitoring Report received in early November, which indicates the New Jersey Motorsports Park has been in compliance with the City of Millville's Ordinance.

Commissioner Finch further announced he would be meeting with the New Jersey Motorsports Park in the next weeks to address some operational concerns of the Motorsports Park reported by residents in the past several months.

Commissioner Derella announced he would be submitting the Tax Collector's Report for the month of October 2009.

Commissioner Vanaman declared he would have much to say at the regular meeting.

Mayor Shannon announced he would be reporting on a few upcoming events and past events that took place recently.

Mayor Shannon also announced he would be reading a letter from the Cumberland County Board of Chosen Freeholders.

Mayor Shannon stated he met with Director Magazzu and Freeholder Whelan and conversed on the DOT's decision of not approving the installation of a traffic light and no passing zone in the Route 49/55 Project.

Mayor Shannon stated the Cumberland County Board of Chosen Freeholders recently adopted a Resolution objecting to the DOT's decision and request that the Board of Commissioners of the City of Millville adopt the same resolution.

Mayor Shannon stated he explained to the Board of Chosen Freeholders that protocol requires him to present the resolution to the full commission and he would be reading the Resolution adopted by the Board of Chosen Freeholders into the record of the minutes for further discussion and recommendation from the Board of Commissioners.

There being no further business Mayor Shannon declared a public hearing open and asked if any person present wished to be heard regarding agenda items only.

Paul Deckert, on behalf of the Millville PBA Local No. 213 and Millville Police Department Supervisor's Association, addressed the Board of Commissioners and made the following statement:



I am Paul Deckert, speaking on behalf of Millville PBA Local #213 & Millville Police Dept. Supervisor's Association in seeking & supporting the reappointment of Brock Russell as the Millville Municipal Prosecutor.

Brock has done an OUTSTANDING job as prosecutor in the time he has held the position. Brock has taken more cases to trial & required that plea bargains result in conviction on the "most serious" charges as opposed to lesser offenses as was a common practice before his appointment.

On behalf of the City, Brock stood his ground and prosecuted the handicapped parking summons issued to Assemblyman Milam despite heavy political pressure. This ultimately resulted in a guilty plea.

Brock has taken numerous DWI cases to trial as well. He even subpoena the N.J. State Police Lab supervisor to court on a DWI blood case when it was necessary to secure the conviction.

Indictable charges are regularly remanded back to Municipal court for disposition. In several cases Brock has returned the charges to the Superior Court for review and prosecution, refusing to either plea bargain or dismiss them in municipal court.

Most defense attorneys prefer to appear in other municipal courts where they are afforded plea bargains without dispute. Brock again stands his ground for the benefit of the City of Millville.

Brock takes an active involvement in all cases from arrest through the court proceedings. He is always available day or night to direct officers on appropriate actions or charges. Brock has taught classes to the police supervisors, officers and dispatchers and met with undercover officers prior to special operations to ensure their compliance with court rules and case law. This has undoubtedly reduced potential liability for the City of Millville.

Brock is very professional & always stands his ground in conformance with Attorney General Guidelines & Court Rules.

In my experience as Police-Court Liaison, Brock is as good if not better than past Millville Municipal Prosecutors who have gone on to fulfill positions including the Cumberland County Prosecutor and both municipal and Superior Court Judges.

We find it hard to believe that this Commission would consider appointing someone else as Municipal Prosecutor without at least consulting with anyone from the police department. We understand that the Millville Court also was not consulted. We believe this change is simply politically motivated as opposed to the appointment of the best qualified & experienced candidate for the position.

Q. Has anyone complained to the Court, Police Department or you commissioners that they are not satisfied with Brock's performance or with the job that he has done?

Brock has without a doubt reduced potential liability to the City of Millville & his professionalism and hard stance on prosecution has resulted in a measurable reduction in the crime rate in our town.

We strongly support re-appointing Brock Russell as Millville Municipal Prosecutor for 2010. Failure to do so would be an injustice to the good citizens of Millville.

Paul Deckert, MPSA December 1, 2009

Paul Deckert also added:

"This is a very important position for the appointment. You don't want to put somebody in there to make history for this town, like for a first time female or for a person from a certain political party. You want experience and a prudent track record and the best person for the job. It also has been brought to my attention that Brock is on board with this change or to be the public defender. I spoke to Brock personally and I spoke to him just prior to the meeting. He is strongly opposed to not being the prosecutor and anyone can ask him."

Carl Johnson: *"Good evening, Carl Johnson, 14 Sassafras Street. I am speaking on behalf of CIPAC, for those that don't know, CIPAC is an off shoot of the Neighborhood Policing Task Force. The NPTF was an organization assembled by Reverend Ennis, Linda Forbes, Barbara Morrow, Leslie Smith, Ethan Aronoff and I guess a handful of others. The groups focus was addressing potential approaches for reducing crime as well as police oversight. Jim Parent, Commissioner, was involved until his retirement and more recently Commissioner Vanaman has been the liaison. The NPTF reviewed national models that have been implemented in addressing criminal activity and quality of life issues CIPAC has expanded on this mission and has been doing so since its inception. CIPAC is comprised of many of the original NPTF members, as well as other volunteer community leaders. CIPAC works closely with law enforcement and the City and has been a proponent for the excessive use Ordinance that we have been using successfully for the past year. The landlord training, increased code enforcement, all things that are positive, things that are, especially for the neighborhoods in*

the City. So, with that history I will read the letter, which is signed by our Chairman, Richard DeAlmedia."

Carl Johnson read the following letter from Chairman Richard DeAlmedia:

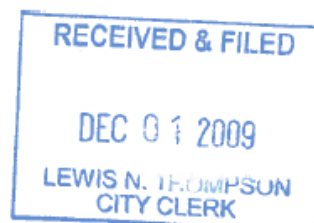
Citizen-Police Advisory Council

To: Mayor Shannon and Commissioners Derella, Vanaman, Quinn and Finch

From: The Citizen-Police Advisory Council membership

Date: November 30, 2009

Re: Reappointment of Municipal Prosecutor



Gentlemen:

I am writing on behalf of the Millville Citizen-Police Advisory Council (CIPAC) in support of reappointing Brock Russell as Municipal Prosecutor, and retaining Jim Swift as Public Defender.

CIPAC is a committee of citizen volunteers that represent their neighborhoods, and law enforcement representatives. During Brock Russell's tenure, we have seen a decidedly positive impact in our community.

We have made great strides forward in the past few years. Our decision is no reflection on the quality of any other candidate; but we consider it risky to change a team, Russell – Swift, that has been working well together. To use an old cliché' you don't fix what isn't broken.

Both leadership and rank and file law enforcement have voiced their full support of Mr. Russell, citing an increase in convictions, a decrease in plea bargains, and his willingness to go the extra mile to assist police officers and dispatchers.

We have along way to go to fight crime in the city. However, we believe the current team of Prosecutor and Public Defender, complimenting the hard work by our police officers on the street, has been a major factor in the measurable reduction in Millville's crime rate.

Rich DeAlmeida
Chairman, Citizen-Police Advisory Committee

Cc: Mayor Shannon
Chief Ed Grennon

Gladys McGraw: *"Third Ward, 504 Columbia Avenue, I came tonight, because I would like to support Brock staying in his position and Jim Swift. Because, over recent years one of the biggest problems we've had is a lot of turmoil within the Police Department and you know you call one time and you have to talk to this person and right now everything seems, this past year or two to be working really well. Chief Grennon and his men are doing an excellent job and they're really responsive to the neighborhoods and we're very happy with the way things have been working and we hate to see something change now. Why? We don't really understand the reason for it and I wanted to mention that we got the Weed and Seed Grant and a lot of money goes into the City from that and one of the requirements of the Weed and Seed Grant is that all entities of the City and the community work*

together. So, I think looking at that it is part of this requirement, so I'm asking tonight that you consider to keep that team together. Thank you."

James Swift: "Good evening gentlemen, I'm James Swift, 708 Mallard Street of Millville. I've been the public defender in Millville for about eight and a half years now. I started when Steve Neder was Prosecutor, Judge Salvo was the Judge, I was there when Ned Rogovoy was the Prosecutor and I'm currently there to see what goes on with Brock, who has been the Prosecutor for two years. I can honestly say that Brock has done a tremendous job and I think his commitment to the job is unquestioned. Brock is an experienced attorney and I think the level of cooperation that goes on in the court and how smooth the court runs is a testament to both Brock's and my and Sergeant Deckert's ability to work together and I think that's significant in a number of ways. No. 1, it's significant, because I happen to be the only money making person up there in that court. If anybody is familiar with the court anybody who is assigned a public defender has to pay a \$200.00 public defender fee. There's about 20 public defendant applications per session or per week, that's \$4,000.00 that the court collects for representation and over a course of 50 weeks that's about \$200,000.00 that the court collects in public defender fees and you're paying me \$30,000.00. Now, to me that's a big plus for the City. As most of you probably know, I'm one of the most experienced Criminal Defense lawyers in the county. I think that assists a lot of times in No. 1, bringing legitimacy to what I do there, as Officer Deckert can attest to, that when you're dealing with the people that I deal with on a daily basis in that court it's not an easy job. If you bring in somebody that doesn't have the reputation that I have it makes it a lot more difficult for that person to deal effectively with the defendants that come into that court. I think it also helps in that I have a good relationship with the Police Department and as Officer Deckert would attest to that when something is going on and we don't have an officer there we pick up the phone and we call the officer and that officer trusts me and I trust that officer. In other words, if that officer tells me look Jim Swift that particular person was an idiot that night he deserves whatever and then I go back and I tell the prosecutor and I tell Paul, hey, that's the way it is and we have the rapport. That's essential in having that rapport that the officers trust me and that I trust the officers. I think it also relates into a great savings to the City, because we have cut down overtime for officers to come to court, because we have that rapport. We do not bring officers in unnecessarily and we resolve, I don't know what the percentage is, but many, many of the cases, because of the rapport that I have and that Brock has with the Millville Police Officers. To disrupt that is, to me, is a shame. As somebody said previously, you don't fix what is not broken. The person that's being put forth as the potential new prosecutor and I ask has anybody seen her resume? Has anybody, whatever Commissioners are supporting that person, have they supplied a resume to the other Commissioners to show what her experience is? If she has provided that resume, I know what it is. I've been familiar with Miss Van Embden, because I have attempted to try to help her come through the court system, because she has been a substitute public defender for times that I'm not available or if there are conflicts. Though she is a very bright girl, bright woman, I correct that and some day could be capable of the job, but today she is not. I mean that in no disrespect to her, but I don't think we should risk public

safety by putting somebody in a position that they are not qualified for. As the rumor mill circulates around my profession everybody knows that there may be a change up here and believe me defense lawyers are licking their chops at the notion, at the thought that they're going to have a rookie prosecutor in here that doesn't know how to prosecute a DWI, that doesn't know how to prosecute a drug case and I don't think our City Commission should be playing with public safety for the sake of advancing a political cause or advancing a cause of maybe we need a first time woman in that role. That is not what I think our voters in our City want and I think to risk public safety and to put DWI offenders back out on the streets, because our prosecutor is not going to be able enough to make those prosecutions is a wrong move for our City. I think it's a wrong move for any Commissioner that supports them. To say, well hey, everybody needs experience sometime and everybody needs to gain their experience in some way, you don't put that person in a position of such importance where our public safety is at risk. If we ran our businesses in that same vein and to say hey, that's a nice person right there and I'm going to replace the CEO of our organization with that nice person in hopes that they might catch, in hopes that they may do a good job. We would all be out of business. I would certainly suggest that our City Commission does not run our City in that way. I think that the relationship that has gone on and that we presently have in our court system is a good one. As Paul Deckert indicated, I think it's very sad that if this Commission is thinking about making that move without the input of the police, without the input of the court, without the input of the court personnel is the wrong thing to do. Because, they're the people that see on a day-to-day basis on how that court operates, if you ask those people, if you ask Jeannie or Jamie or the Judge, people that have been there and know how the system works they will tell you that this is a wrong thing to do. I certainly would hope that the Commission does and anybody that's going to vote on this resolution does take the time to ask those people and get their opinion, before they decide to vote. I would also ask that this Commission at least look towards or look at somebody's resume before they appoint for the position. Thank you."

Mayor Shannon: "Anyone else? Seeing no one I'll close the open portion of the meeting and ask the Commissioners if they have any other comments?"

Commissioner Vanaman: "I would just like to make one general comment now and then I'll add to it in the public meeting, which will be televised. I just want to thank those that came out tonight to speak, because obviously they have heard a lot of the rumors of what possibly could happen tonight, which just to set the record clear, does not have my support either. Thank you."

There being no further comments the agenda session was closed, subject to the call of the chair, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Commission Chamber, City Hall
Millville, New Jersey
December 1, 2009, 6:30 p.m.

The Board of Commissioners met in a regular session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Derella and Vanaman. Absent: None.

A moment of silent prayer was observed, followed by the salute to the flag.

Mayor Shannon 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 approve the minutes and to dispense with the reading same, and to proceed with the regular order of business, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

COPY OF BILLS SEE PAGES THROUGH

Commissioner Finch reported the Sound Monitoring Report was received in early November and has been reviewed by the Board of Commissioners noting the report states the NJ Motorsports Park complies with the City of Millville's Noise Ordinance.

Commissioner Finch further stated he will be meeting with the New Jersey Motorsports Park to review the report and discuss some operational concerns that have been reported during the season by City residents.

The Tax Collector's Report for the month of October, 2009 was ordered, received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Vanaman made the following statement:


"Earlier in the agenda session for those that weren't here there was several speakers who spoke in regards to maintaining the very good working relationships that we have in the Millville Municipal Court system. About three weeks ago I had sent an email out to my fellow Commissioners just updating them on how great the court system has been operating over the past year with the harmony and communication that has been ongoing with the Judge, the Prosecutor, the Public Defender and even the Court Clerk's. The revenues out of our court system have been averaging higher than they have in many of the past years. The court system has been operating much better than it has in the past several years. About a week ago I received two communications, one from the Millville Police Supervisor's Association and one from the Police Benevolent Association Local

213, both advocating the reappointment of the fine team that we have up there. I'm going to pass these down to the City Clerk and have them added as a matter of record in the minutes. I also received a couple of emails, one from Carl Johnson concerning the good work that's going on up in the Court Room, you heard the Citizens Police Advisory Council speak tonight. I also had an email from AHOME, which has been very instrumental in also helping to clean up the various neighborhoods and the end of that message is that everything has been working great and I do not see any reason to make any changes. Thank you."

Mayor Shannon: "Before I talk about the upcoming events and a couple of things that have taken place in the Recreation Department, I too should make a comment I guess about the appointments this evening. I'm not sure who the new public defender would be, in quick discussions I've heard that Brock Russell may be considered for the public defender. I just hope that everyone realizes that there will be additional monies to the City that's going to cost, because I think that Brock Russell as Prosecutor will be conflicted out on a lot of cases with people that he has prosecuted in the past. So, that's something that we need to consider there also. I also believe that we should keep the team as it is. With that being said I would like to thank everybody that participated in the Christmas Tree Decorating on Saturday. The tree again, was donated by Pam and Bruce Upham, the bows, the red white and blue bows were donated by Bev and Marion Smith of Colonial Flowers. The electric was supplied by the Millville Housing Authority in cooperation of Paul Dice. The music was provided by Corky Warren, the Airey's who helped get Santa to appear magically that afternoon, Dale Wettstein, who developed the pictures of the military personnel to hang on the tree and the people that came out, the Millville residents and the groups that came down and decorated our tree, I think if you take a look, it's a really nice tribute to the service men and women as we remember them around the holidays. An event coming up on December 13th at the Glasstown Plaza at High and Sassafras Street Remember Me Candle Lighting Ceremony starting at 6:00 p.m., which is organized by Dawn Beebe and is an event to remember all of the children who have passed away. Millville is very proud to be part of the National Remember Me Candle Lighting Ceremony and we do want the public to attend. A thank you to the Millville Women's Club who decorated a Remembrance Tree at Glasstown Plaza. A celebration took place this past Third Friday along with Shades of Blue a musical ensemble from Lakeside Middle School and they performed and the name of those who were honored were read and remembered. The Millville Senior Center will be celebrating Christmas on Wednesday, December 16th at the Millville Moose Lodge, who graciously provided the venue and we would like to thank the Millville Fire Department for hosting the event. The City of Millville, the employees are again this year helping Genesis Nursing Home residents to enjoy their holidays by providing gifts for their Christmas Party and this is something that the City of Millville has been involved in for the last ten years and we appreciate the City employees participating in this worthwhile event. Also, we will be having the Holiday Home Lighting Contest again this year. All homes must be registered by December 15th. The judging will take place from December 16th through December 20th and we will announce the winners in the paper hopefully prior to Christmas, so you can get out during the Christmas Holiday and check out the winners and the wonderful lights out there and the winners will be announced and given their Certificate of Appreciation at the

January City Commission Meeting. Also, the Millville Shade Tree Holly Give-A-Way will be held on Third Friday on December 18th at the Glasstown Plaza and they are going to be handing out beautiful red berry holly cut by the Boy Scouts from Saint Nicks along with the members of the Shade Tree Commission and this will be on a first come, first serve basis. Also, I would like to remind everyone that December 12th is Soul of the Season, which is one night this year and it's going to be on a Saturday Night downtown from 6:00 p.m. to 9:00 p.m. with horse drawn carriages, walking carolers and performers. The stores are going to be open late, so please come down and support the local merchants. On a more serious note I received correspondence from the Cumberland County Freeholder Board and Director Magazzu and the County Administrator and I'm going to read it so it is part of the record."

Mayor Shannon read the following correspondence:



COUNTY OF CUMBERLAND
ADMINISTRATOR'S OFFICE

KEN MECOUCH
ADMINISTRATOR
(856) 453-2138
Fax: (856) 451-8243
Email: kenme@co.cumberland.nj.us

ADMINISTRATION BUILDING
790 EAST COMMERCE STREET
BRIDGETON, NEW JERSEY 08302

November 26, 2009

Mayor Tim Shannon
City of Millville
12 S. High Street - PO Box 609
Millville, NJ 08302



RECEIVED & FILED
DEC 01 2009
LEWIS H. THOMPSON
CITY CLERK

Dear Mayor Shannon:


Please be advised that Arnold Robinson, Esquire has agreed to represent the County of Cumberland in the lawsuit against the State of New Jersey regarding State Highway 49.

Also, attached is a copy of Resolution #(2009)-673 which was adopted at our Freeholder Board Meeting held on Monday, November 23, 2009.

If you have any questions or need additional information, please feel free to contact my office.

Sincerely,

KEN MECOUCH 
County Administrator

KM:bk
Enclosure





**Cumberland County
Board of Chosen Freeholders**

790 East Commerce Street
Bridgeton, NJ 08302

ADOPTED

RESOLUTION 2009-673

Meeting: November 23, 2009 5:00 PM

RECEIVED & FILED

DEC 01 2009

LEWIS N. THOMPSON
CITY CLERK



**RESOLUTION AUTHORIZING SHARED SERVICES AGREEMENT
WITH THE CITY OF MILLVILLE TO OPPOSE THE STATE OF NEW
JERSEY'S PLANS FOR THE STATE HIGHWAY NO. 49 PROJECT**

WHEREAS, the State of New Jersey has informed the City of Millville that a traffic signal and no passing zone will not be included in the State Highway No. 49 renovation project; and

WHEREAS, in previous meetings with both government officials and the public, the State had indicated that the aforementioned items would be included; and

WHEREAS, the State has since notified the City of Millville that the traffic signal is not included as the recent traffic count conducted sometime after Labor Day did not warrant a traffic signal; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40:65-1 et seq.) provides that local units of government may enter into a contract for the joint provision of any service which either party to said agreement is empowered to render or perform within its own jurisdiction;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF CUMBERLAND, as follows:

1. That this Board hereby opposes any NJDOT plans for this project that do not include a traffic signal and no passing zone.
2. That the County of Cumberland is hereby authorized to enter into a shared services agreement with the City of Millville to institute litigation against the State of New Jersey regarding this project.
3. That this Board hereby authorizes up to \$10,000.00 of County funds for this project with the City of Millville to provide an equal amount.
4. That said funds shall be charged to Line Item Appropriation or Account No. 9-01-20-712-200-398.
5. That the Director and Clerk of this Board are hereby authorized and directed to execute said shared services agreement in the form on file with the Clerk of this Board.

Passed and adopted at a regular meeting of the Board of Chosen Freeholders held at the Cumberland County Administration Building, 790 East Commerce Street, Bridgeton, New Jersey on Monday, November 23, 2009 at 5:00 p.m. prevailing time.

RESULT:	ADOPTED [6 TO 0]
MOVER:	Joseph Pepitone, Deputy Director
SECONDER:	Nelson Thompson, Freeholder
AYES:	Dunkins, Riley, Thompson, Whelan, Pepitone, Magazzu
ABSENT:	Jane Jannarone

Mayor Shannon: "the Resolution basically talks about the county trying to get an injunction against the state to hold up the progress of that project, because of the non-inclusion of a light and the no passing zone. What the Freeholder Board has asked me to do is to come back and convey this to the Millville Board of Commissioners and see if they would like to partner with Cumberland County in litigation against the state to halt this project to get the light included and a no passing zone. It does read in here that they would like us to authorize, again up to \$10,000.00 for legal fees and I told them that I could not make that decision without coming back to the full board and getting a feel for what our positions are. I will pass this to the clerk so he can include this. My comments have been in the past that I do not support this project without the inclusion of a light and the residents, I have heard them and they have spoken loudly and they feel very strongly that a light is needed in that project and a no passing zone is a must to eliminate that raceway. The City Engineer, John Knoop, made a very good point that people traveling west into our town will be traveling at a high rate of speed, the speed limits 50 mph and they'll be traveling 65 mph unimpeded coming into our town and nothing there to slow them down before they hit our town, so a light is also needed that way. I would entertain any comments from the Commission and if we do deem to be involved with the County I would like to see possibly a resolution for the December 15th meeting and I would like to open that up for discussion right now for any other Commissioners. Obviously, Commissioner Derella we would have to talk to you also about the legal fund, if we even have the money available."

Commissioner Derella: "We will at the least provide you with some information from Revenue and Finance in regards to where we could identify a source of funds for that. I came in late when they had the public hearing with the New Jersey Department of Transportation down here, but the few residents that were still here trickling in were quite upset with the fact that the light and the no passing zone were not included, based on the conversations that were publicly done several weeks prior to the election. So, again, I think you forwarding this on for us to review and look at is a good idea and we need to weight each of our own options, but we will do our part and see if we can identify some funds and let you know that."

Commissioner Finch: "Mr. Mayor, I was at the meetings with you and we saw first handed the concerns of the residents. There is no question that they want the light and the no passing zone. The project is moving forward, if you go out there now you'll see they're saw cutting things and putting up barricades and so forth. It's going to be a good 12 to 18 month project. So, we have time to get that light included in the project. I think we should do all we can do, as a City Commission to encourage and demand that the State DOT include that light and the no passing zone and if it means partnering with the Freeholders, so be it, but I would rather not spend the \$10,000.00 to get it done, but we have to, you know, we need to do what we have to do to get the light included. So, I support it again, the inclusion of the light on Route 49 and the no passing zone. Where are we with the potential meeting that we had talked about from that last public meeting with DOT? Have we heard anything more back on that from anybody?"

Mayor Shannon: "The only response I had from Commissioner Dilks was that he was in receipt of my letter stating that we're

not in support of the project without the light and the no passing zone and they were going to take my letter along with the letter from Senator Van Drew's office, Assemblyman Milam and Albano and Freeholder Director Magazzu and the Board of Freeholders under consideration. I don't like that under consideration statement, because we pretty much met with the residents and it appeared as though we were instructed to pass a resolution including the 5 items and when they left here I can honestly say that there was no promise made and that it was sort of a wink and a handshake saying don't worry about a thing, everything will be taken care of."

Commissioner Finch: "I think we have two shots at it, because Dilks is there until January and we can lobby with him and then come January there will be a new Commissioner. So, we have two shots at this thing to make this work, so lets do our best."

Mayor Shannon: "and I should point out too, you mentioned the \$10,000.00, that is the cap Commissioner Finch that they had put on it to spend no more than that. So, I don't know the actual cost and that's something I could talk to the Director about to see if we can tighten up and Commissioner Derella you might even want to touch base with Director Magazzu on that for the financial end. Commissioner Quinn any comments on the 49/55?"

Commissioner Quinn: "I support the light and would like to thank the Freeholders, because actually it's not a county road and it's nice of them to step up and at least put forward half of whatever the revenues are going to be to litigate the situation and I'm very supportive of getting the light."

Commissioner Vanaman: "I think it's very important that we have a light out there and also the no passing zone. Arnie Robinson's a nice guy, maybe we can get him to do it for \$5,000.00. We say we like to do things for nice people."

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

Ordinance No. 40-2009

Ordinance to exceed the Municipal Budget Appropriation Limits and to establish a Cap Bank.

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Vanaman seconded the motion.

Mayor Shannon asked if there were any comments by the Commissioners:

Director Derella called upon Maureen Mitchell to provide a detailed explanation of the proposed ordinance on second and final reading.

Maureen Mitchell provided the following explanation:

"The COLA Ordinance allows the Municipal Budget to exceed the 2.5% expenditure cap by an additional 1% and also allows for the unused portions to be carried over and banked from year to year. The Ordinance, while it's optional for municipalities is being adopted by the City in order to allow us to take the unused portion of the cap to be banked for future years. We're not using our full Cap amount, the 2½ percent this year, there's \$125,727.00 that we're below the 2½ percent increase, but we're doing this Ordinance in order to bank that \$125,000.00 plus the remaining balance from the previous 2 years, so that next year if we need it, we have it. If you don't bank it it's lost forever and if we have increases in pension costs, which is currently inside the Cap that exceeds the COLA for next year, we would have to cut other City services. So, what we're doing in here is just banking the amount, this basically shows that we have used a million five less than we were allowed to over the last 3 years. We still have that money available and what we're doing is holding it over for next year, so that it's available to be used in the future."

Commissioner Derella: "Correct me, I want to make sure people understand. This is not money that we have, this is just money that we kept our budget below the State Cap requirements in regards to the budget and we've done this for the 3rd year in a row."

Maureen Mitchell: "Correct, because you're allowed to keep your bank for two years and the current year. So, we've kept our budget under the last 3 years, this year and the previous 2, so we're keeping that spending authority available, but it isn't money we have and it's just authority to increase the budget by that amount and if we don't adopt this ordinance, then next year we would be limited to the statutory and the previous years would be lost."

Commissioner Derella: "and from the financial standpoint we don't know what the pension payments will be next year. We still have some contracts that are still out there in arbitration and we don't know what the healthcare benefits are going to do and we are making provisions for 2011 budget. But, fiscal responsibility here would be to make sure we have this avenue to be able to go forward. It's also now required, in years past it wasn't required to pass this Ordinance and now the Local Finance Board does require municipalities to do this. Correct?"

Maureen Mitchell: "Correct, in the past it was an automatic banking, if you didn't use it the state automatically banked it and it was available for you in the future. Now, they make you actually do the ordinance, pass the ordinance and bank it so that you have it available. If you don't it's lost."

Commissioner Finch: "these are not funds that we've raised taxes from?"

Maureen Mitchell: "no, this is spending ability. That's all it is. It's saying the cost of living adjustment allows you to increase your budget by the cost of living that's set by the municipal price index and once that is set by the state, they say okay, here's the amount you can increase and this year it's currently 2½ percent and the statute allows you to go an

additional 1 percent. So, this is just your spending ability, this isn't money we have, it's just giving you the ability to use that next year."

Commissioner Derella: *"and again, we've been below that percentage for the last three years trying to do the best we can."*

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

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

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

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

Ordinance No. 41-2009

Ordinance to approve the application and agreement submitted by Thunderbolt Area Credit Union for a five year exemption or abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Thunderbolt Area Credit Union, 1601 Cedar Street.

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Finch seconded the motion.

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

There being no response Mayor Shannon declared the public hearing closed and asked for comments from the Commissioners.

Director Vanaman made the following comments:

"I'm not going to shock you, because you know how I'm going to vote. One thing that I see in this Ordinance and all the other 4 coming up, plus many of them before it. We keep stating; whereas, the project is located within an area in need of rehabilitation. I always thought the airport entrance looked pretty darn nice myself, but I guess it needed to be rehabbed. I will give you credit it says they're going to have like one and half new jobs, I guess that's a step up from a couple of weeks ago with the Jackson Hewitt, which had zero jobs. That's all I got to say on it. I think jobs is really what we're looking for with abatements."

There being no further comments Mayor Shannon asked for a roll call on the motion."

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

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

Ordinance No. 42-2009

Ordinance to approve the application and agreement submitted by Goodmill, LLC for a five year exemption or abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Saigon Restaurant, 2102-2198 N. 2nd Street.

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Finch seconded the motion.

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

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

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

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

Ordinance No. 43-2009

Ordinance to approve the application and agreement submitted by BYH Millville, LLC for a five year exemption or abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Cumberland Nephrology Associates, 1 Elizabeth Avenue

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Finch seconded the motion.

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

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

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

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

Ordinance No. 44-2009

Ordinance to approve the application and agreement submitted by BYH Millville, LLC for a five year exemption or abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as The Kidney Center of Millville, 3 Elizabeth Avenue.

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Finch seconded the motion.

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

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

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

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

Ordinance No. 45-2009

Ordinance to approve the application and agreement submitted by Wheaton Plaza, LLC for a five year exemption or abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Burger King, 1601 N. High Street

Director Derella moved for the adoption of the proposed ordinance on second and final reading.

Director Finch seconded the motion.

Director Vanaman: *"Remember my good friend Donald Seifrit, Vineland Tax Assessor, we spoke about him a couple of months ago. I spoke with him a couple weeks, 3 or 4 weeks ago. The Burger King, they used to be 8/10's of a mile away from this new one and had an abatement from Vineland years ago. I do stress 8/10th's of a mile. The fact that they have 8 full-time and 30 part-time jobs is probably all of the same employees that worked 8/10th's of a mile away. As a business man I'm looking at the whole big long building up there at Wheaton Plaza and I have a vacant north end that is just sitting there doing nothing and I get a guy that come along and is going to give me a \$48,000.00 rental income per year. I'd be ashamed to say I couldn't pay my \$4,500.00 taxes on that. That's it."*

Mayor Shannon: *"Any other comments?"*

Mayor Quinn: *"Well, I would like to say that the money that the rental that they're paying for Wheaton Plaza, I am very impressed with what the owners of Wheaton Plaza have done. So, I think it's a wonderful thing that we've actually got a Vineland business out of Vineland into Millville. So, I look at the glass half full and you can look at it however, you want to look at it."*

Director Vanaman: *"Okay, I always look half empty."*

Director Derella: *"the only comment I have is the 5 here have contributed to approximately 60 jobs ????? part-time. There was some new construction involved with the Nephrology Center and the Kidney Center. All these properties still pay full land tax, their abatement is on the improvements made on the property."*

Commissioner Finch: *"Mr. Mayor, just one quick comment. In today's economy that amount of jobs we'll take. Today, jobs are very scarce and if it's 30, 40, 50 or 60 collectively we'll take them all. We need them."*

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

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

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

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

Ordinance No. 46-2009

An Ordinance amending the Municipal Code of the City of Millville, Chapter 39, Motor Vehicle and Traffic Regulations, Article X and repealing Ordinance No. 28-2009 adopted August 18, 2009

a) Schedule 2, One-Way Streets:

(Add)

1. Columbia Avenue Eastbound from Broad Street to Dock Street

b) Schedule 7, Through Streets:

(Delete)

1. Broad Street, A. from Columbia Avenue to Route NJ 47 (2nd Street)

2. Columbia Avenue, from Buck Street to Sharp Street (CR667)

(Add)

1. Broad Street, A. from High Street to Columbia Avenue

2. Columbia Avenue, A. from Buck Street to Dock Street

3. Columbia Avenue, B. from Broad Street to Sharp Street

(CR667).

Director Vanaman moved for the adoption of the proposed ordinance on second and final reading.

Director Derella seconded the motion.

Director Vanaman: *"All this is doing is just aligning the traffic ordinances with what actually is happening now with the new rerouting of the traffic in the Columbia/Sharp Street area and people have to read the signs, there's big signs up there, Stop, Go, Yield, you have to look at them and also, very important, Do Not Enter. If you're going up Columbia Avenue and you see headlights coming at you, you're going the wrong way."*

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

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

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

The City Clerk/Administrator read a Resolution authorizing appointment of Municipal Prosecutor.

Commission Quinn made the following statement:

"At this time I would like to nominate Lauren VanEmbden as the Municipal Prosecutor. I would like to say that I expected this to be a happy, wonderful occasion, because in 143 years the City of Millville has never in it's history appointed a Solicitor female to any position. Ever. And Lauren is bright, talented, articulate and I know she may not be as great as Brock Russell, who I have the greatest respect for, but I'm sure she'll be an excellent Prosecutor."

Commissioner Finch seconded the motion.

Mayor Shannon asked if there were any comments from the Commissioners.

Commissioner Vanaman: "Yeah, I would like, if I may, I would like to maybe ask what has been going wrong in the court in the past year if anything?"

Commissioner Quinn: "Nothing that I know of David and you know what, these aren't lifetime positions. I've been here, this is my 13th year, I've voted for and against Jim Swift, I thought he's done a great job. I've voted for Brock Russell and lost one time. I voted for Brock Russell last year and won. Nobody said these are lifetime positions and that appears to be, unfortunately, these are year-to-year. If you want to make them lifetime, then pull the thing away and don't bother having year-to-year position. Brendan Kavanagh, I voted for him and he lost. You know what, everybody was saying, our courts are fine, Brendan's doing a good job. I'm sure all of the people do a good job and I don't question that. But, sometimes it's an opportunity and this is a wonderful opportunity for everyone in the City of Millville to say, hey God Bless it. Finally, a woman is named a solicitor. Never, ever in 143, it will be 144 years in February that his town has been incorporated. This woman is articulate, this woman gives of her time, she's Chairman of Levoy, the Library Board, the MDC, she belongs to the Women's Club, the Kiwanis Club and I don't know of any better person that you could have in that Prosecutor's position in my personal opinion. You're welcome to your opinion, I know it differs from mine and that's why they make 28 flavors of ice cream."

Commissioner Vanaman: "I think it's up to 35 though. Right?"

Commissioner Quinn: "It probably is..."

Commissioner Vanaman: "and you've probably tasted everyone of them..."

Commissioner Quinn: "I sure have. Absolutely. Yep."

Mayor Shannon: "We're losing control here, I can tell you that. Losing control..."

Commissioner Finch: "that was six months ago."

Commissioner Quinn: "that's right, pal, you wait."

Mayor Shannon: "Any other comments Commissioner Vanaman?"

Commissioner Vanaman: "Yeah, because if I don't keep it happy it's going to get nasty. Okay, well, there was no answer then to my question as to what has been done wrong. I realize they're not lifetime appointments, but this is a very, very integral part of the success of the Millville Court System and I hope you're right."

Commissioner Quinn: "I'm sure a year from now we'll be hearing the same thing that we heard tonight about what a great job Brock Russell, about the great job Lauren VanEmbden will have done in the next year. If I didn't think, Mr. Vanaman, I would not vote for her. I would not recommend her."

Mayor Shannon: "I will make a comment here that I know I've attended quite a few of the City Neighborhood Meetings. The residents have been concerned about crime in their City. I have seen the court system at sometime not working as well as it has worked. Recently in the last few years the resident meetings that I'm going to now I'm hearing residents talk about great cooperation with the Millville Police Department. That the Prosecutor is doing a good strong job and I don't see any problem with the Public Defender. My only concern is, and Commissioner Quinn I whole heartedly agree with you. I think Lauren VanEmbden is a very smart intelligent, young lady. Up and coming, no question about it, I think she has already laid the foundation to a very great career ahead of her. I just don't think that the City Commission needs to put a first-time female in just to put a feather in our cap stating we put a woman in as the first prosecutor in a very important position. That's the only comment that I'm going to make and if nobody else has a comment..."

Commissioner Finch: "If I can Mr. Mayor, I have been part of the past turmoil that the courts have had since May and would never jeopardize public safety. I advocate cleaning up the City through the courts and with that, no one is irreplaceable. I think that Lauren is smart, intelligent and articulate, as has been said and will do a great job as Prosecutor and therefore I support her."

Resolution No. A- 6696 authorizing the appointment of Lauren Van Embden as Municipal Prosecutor was adopted, by the following vote: Yeas: Finch, Quinn and Derella. Nays: Vanaman and Shannon.

The City Clerk/Administrator stated the next resolution is the appointment of Municipal Public Defender.

Commissioner Quinn made a motion to appoint Brock Russell as Public Defender.

Commissioner Finch seconded the motion.

Mayor Shannon asked if there were any comments by the Commissioners:

Commissioner Derella: "Yes, I have one. Both of these appointments, as are all appointments in the City of Millville and probably in every other municipality and every County, always somehow make their way into being political and everything. Let's lay the cards on the table. Everybody wants to have a job in a municipality or in government to maybe get a salary and develop some kind of a pension. The same arguments

that have been said back and forth were almost identical 8 years ago when we made some changes in the court before, you know, everything is great, nothings broken, let's not move on this, let's do this, let's do that. Which means you technically would never ever, ever replace people. It's unfortunate or fortunate that we happen to have had several outstanding people looking for a position, some to maintain and some to gain. It's a shame we're forced to make decisions the way we have to make decisions. But, change is sometime good and I would say that as these changes occur the full support would be there once these things are in place, as have always occurred in the past."

Mayor Shannon: "Any other comments? I'm just going to go back and make the comment that I made earlier in the agenda session. I'm concerned about the additional cost to the City with Mr. Russell. Again, I'm not questioning his capabilities as to the performing of duties of public defender. I just think he's going to be conflicted out on a lot of cases. So, we'll see how it comes back and gets us."

Commissioner Derella: "That's a very valid point Mayor and I agree with you and that's something I had to weigh in my head..."

Mayor Shannon: "might have 2 to 3 months where we're going to have to bring in another public defender, because he's already prosecuted the revolving door of City of Millville criminals that walk through that door."

Commissioner Derella: "and we also were faced with that same thing when we moved Judge Neder in with conflicts when we had to bring in a separate judge."

Commissioner Vanaman: "Yes, one final comment. One part that I started to say and didn't. Yes, I realize these are not lifetime appointments. But, they also should not be political appointments and I think clearly that is what we're doing here tonight."

Commissioner Quinn: "You know, it's interesting you say that, because as Derella and I have sat here with Jim Parent and John Hollingshead, 4 of us were democrats. Larry Pepper the former Republican Chairman of the County of Cumberland has been with us ever since we've been here. Judge Neder, the best to my knowledge was the Prosecutor appointed by the Governor who was republican, he's been here. So, you know what, we put Millville people first. You can say whatever you want to say, people can take whatever they want to take from it. But, I'll tell you what, Lauren VanEmden is a class act and I don't even know what his registration is and I don't care, he's a class act and he's a great guy, he's a very nice person. He's been there 8½ years. You know, it's like hello, it's time to share the opportunities for people to serve in those positions. I mean I look at it, we've never changed people necessarily except when we felt it was an opportunity to do something good. This to me is a good thing. Your trying to make it a political thing or make it, well, the person should never leave that position. You know what, this has been a tough one. I've got a friend that doesn't even speak to me now, because I voted against him the last time to put Brock in that position. So, it isn't easy and for the little bit of money we make I don't know whether it's worth losing friends or not. But, what I did tonight I felt from my

heart was the right thing for the City of Millville and I stand by it 100%."

Commissioner Vanaman: "Good for you."

Resolution No. A- 6697 authorizing the appointment of Brock Russell as Municipal Public Defender was adopted, by the following vote: Yeas: Finch, Quinn, Derella and Vanaman. Nays: Shannon.

Resolution No. A- 6698 authorizing adjustments to the City of Millville Tax and Utility Records was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A- 6699 authorizing cancellation of mortgage in the name of Julie Pacitto in the amount of \$5,000.00 pertaining to 231 North High Street, Block 412, Lot 12, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A- 6700 authorizing cancellation of mortgage in the name of Julie Pacitto in the amount of \$8,750.00 pertaining to 231 North High Street Block 412, Lot 12, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A- 6701 authorizing amendment of Professional Service Contract, Resolution No. A-6357 adopted on December 23, 2008 and Resolution A-6453 adopted on April 21, 2009 with Chance & McCann for an additional amount of \$20,000.00 to perform legal services in connection with the pending litigation was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Commissioner Vanaman: "Is this ever going to come to some resolution? We hope..."

Commissioner Derella: "We started out with, they owed up I believe, Mr. McCarthy the loans were \$1,011,000.00 approximately. We collected, I think over \$600,000.00 so far and I believe the total cost to collect the money has been around \$65,000.00. We're hoping to close in on it and we're hoping again to continue to collect money."

Resolution No. A- 6702 authorizing refund in the amount of \$52,962.00 to Millville Manor, LLC for overpayment due to original planned project known as Four Seasons with a total of 375 unit development in the amount of \$227,682.00 in Affordable Housing Fees was reduced to a 104 unit development in the amount of \$174,720.00 in Affordable Housing Fees resulting in an overpayment was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Derella: "This is just a reimbursement based on the scaled down project in regards to their responsibility for the affordable housing component. This is money they've already paid to the City of Millville, which I do believe went into our housing trust that we established several years ago to meet the COAH responsibilities and we decided as a City to keep that

money in the City, rather than sending it to Trenton and then begging for it back, which at that time was a very, very smart move by this Commission. So, again this is not money that we're losing it's money that's in an account that will be reimbursed, based on the scaled down version of the project."

Resolution No. A- 6703 amending Professional Service Contract Resolution No. A-6067 adopted on April 1, 2008 with GPM Associates, Inc., to perform additional professional services in connection with the Supervisory Controls and Data Acquisition System (SCADA) System Upgrade Project for the installation of Variable Frequency Drives (VFD's) on the 3 existing distribution pump motors located at the Ware Avenue Plant integrating them into the (SCADA) and new meters installed for Wells 13, 14, 15, & 16 as required by NJDEP at the Ware Avenue Plant in the amount of \$16,250.00 (source of funds from Bond Ordinance No. 14-2006) was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Director Finch: *"As a result of the DEP inspection recently they wanted us to install new meters on several wells and to upgrade our variable frequency drive system and this will be to design those systems and the new wells. This is all being completed again, through a bond Ordinance from 2006. In this whole process of the SCADA system the water employees did the installation themselves and saved the City about \$100,000.00, presenting a good bang for our dollar on this Ordinance and upgrading our system as well."*

Mayor Shannon: *"I would also like to commend your men Dale. I saw that project in progress and the savings of \$100,000.00 with them doing the installation was fantastic for the City. So, great job to you and your department there."*

Resolution No. A- 6704 amending Professional Service Contract, Resolution No. A-6187 adopted on July 1, 2008 and amended Resolution No. A-6266 adopted on September 16, 2008 with Westfield Architects & Preservation Consultants, to perform additional professional services in connection with the restoration of the roof at the Millville Historical Society Building in the amount of \$2,445.00 (source of funds from Historic Preservation Grant) was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Mayor Shannon: *"Gentlemen, if you remember a few meetings ago I brought in pictures of the roof as they were working on that and then in uncovering that we had found some more damage that was unforeseen with the roof covering on it and it was only discovered after the roof was removed. So, this is additional work for the Structural Engineer and Architect for unforeseen structural conditions at the Historical Society and that's what this additional contract calls for."*

Resolution No. A- 6705 authorizing Change Order No 1 (Final) for project entitled "Maurice River Pedestrian Bridge & Waterfront Park Improvements - Contract #3" with Ricky Slade Construction, Inc. for an additional cost of \$8,122.50 due to

certain changes in the contract items, quantities and amounts necessary to complete the Project was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Mayor Shannon: *"I should point out that it's an additional \$8,122.50 and in speaking to Assistant City Engineer Richie Jones, some additional things were completed under the contract. We had the \$187,000.00 from the Bikeway and Pedestrian Grant from DOT. There was some areas in which the grading had to be improved, because of handicapped accessibility and also we had a couple additional parking stalls put in. We walked around with the gentleman, I'm trying to think of his name, Dave Grennon pointed out that we needed a couple of more handicapped accessible areas to get to the playground area. So, we actually increased the size of the parking to create an additional handicapped space that was already there and put one more in and also some grading, so the total project still fell within the grant money. So, it is an additional \$8,122.00 and we increased the parking lot size and actually had to move the walkway away from the river a little bit, because of abutment to the bank. So, that was where we had some additional asphalt and some aggregate."*

Resolution No. A- 6706 authorizing Emergency Temporary Budget to for the Fiscal Year 2010 for General Government Function Grants- NJ Office of Highway Safety- Over the Limit Under Arrest 2009 in the amount of \$5,000.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A- 6707 authorizing Administrative Court Order with DEP and negotiated settlement regarding previous discharge limit violations from May 2006 to July 2009 with a negotiated fine of \$11,000.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Commissioner Finch: *"It's self-explanatory, from May of 2006 through July of 2009 various reporting of contaminants to the DEP found some fecal coliform violations and we have since met with them and had several meetings in October and in November to come to the settlement of \$11,000.00 and the next item on the agenda is an item to award a contract to upgrade our plant through Phase I for \$2,951,000.00. So, as a result of these concerns we had with our violations we have the funds to upgrade our plant so that's the reason for DEP's agreeing with us to move forward and we'll pay the fine and upgrade the plant during the next several months."*

Mayor Shannon: *"Again, I would like to commend your department Dale for the work that the Engineer, John Knoop and Floyd Burt and Adolf Tarasevich working through this and working with the New Jersey DEP in getting them to back off on a few of the items so we can move forward with this project. Again, I commend your department on the work of Floyd, John and Adolf on that."*

Commissioner Finch: "DEP was very cooperative and because of the fact that we had this impending funding access to make the improvement and to correct it. Mr. McCarthy, as well helped, Floyd and John Knoop and everyone really met with DEP and they worked with us and understand our concerns and we're going to upgrade the plant."

The City Clerk/Administrator read the following report from the City Engineer regarding proposals received on Thursday, November 19, 2009, at 1:00 pm for the project entitled "Wastewater Treatment Plant Phase I Design Upgrades Project Contract IA".

COMMISSIONERS	CITY OF MILLVILLE	OFFICERS
JAMES T. SHANNON, MAYOR Director of Parks & Public Property		LEWIS N. THOMPSON City Clerk/Administrator
JAMES F. QUINN Director of Public Affairs	<i>"A MAIN STREET NEW JERSEY COMMUNITY"</i>	RICHARD C. McCARTHY City Attorney
JOSEPH J. DERELLA, JR., Vice-Mayor Director of Revenue & Finance	12 SOUTH HIGH STREET P.O. BOX 609 MILLVILLE, NEW JERSEY 08332	MAUREEN P. MITCHELL Chief Financial Officer
DAVID W. VANAMAN Director of Public Safety	TELEPHONE: (856) 825-7000 FAX #: (856) 825-3686 www.millvillemnj.gov	SUZANNE L. OLAH Tax Collector
DALE L. FINCH Director of Public Works		BRIAN P. ROSENBERGER Tax Assessor

December 1, 2009

TO: Mayor and Commissioners:

RE: **Award of Contract for project known as:
"WASTEWATER TREATMENT PLANT PHASE I
DESIGN UPGRADES CONTRACT 1A"**

On Thursday 19 November 2009, the Millville Purchasing Board received bids for Contract 1A of the Millville Wastewater Treatment Plant Upgrade which includes renovations to the existing aeration tanks and associated piping.

Four (4) bids were received ranging from a high bid of \$3,744,000.00 to a low bid of \$2,951,000.00. The engineering estimate for this project was given as \$3,800,000.00.

After reviewing the bids with the City's consultant, AECOM, and Sewer Utility Superintendent, I hereby recommend that the award of this contract be made to C&T Associates, 100 Hagey Road, Souderton, PA 18964 for their low bid of \$2,951,000.00.

This award is subject to certification and notice of approval from the New Jersey Department of Environmental Protection under ARRA funding rules and regulations along with certification of available funds by the City Treasurer's office.

John H Knoop III
City Engineer

A motion was passed to receive and file the report, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A- 6708 authorizing award of bid for the project entitled "Wastewater Treatment Plant Phase I Design Upgrades Project Contract 1A" to C&T Associates, 100 Hagey Road, Souderton, PA 18964 for their successful low bid in the amount of \$2,951,000.00 was adopted, by the following vote: Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Commissioner Finch: *"Again, this is Phase I of our upgrade of our plant. The engineer's estimate was \$3.8 million, the price came in at \$2.9 million, bids are excellent. This will create between 60 and 80 jobs working on the plant to upgrade the facility and we will receive a 50% forgivable loan of the \$2.9 million dollars. So, it's a good project, they got great prices, it will improve the quality of the plant of the wastewater and create some jobs. So, it's a win, win, win for everybody in terms of getting this plant up to code."*

Report from Acting Purchasing Agent regarding proposals received on Tuesday, December 1, 2009, at 10:00 a.m. for "RFP Professional Service Contracts"

CITY OF MILLVILLE



"A MAIN STREET NEW JERSEY COMMUNITY"

12 SOUTH HIGH STREET
P.O. BOX 609
MILLVILLE, NEW JERSEY 08332

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www.millvillenj.gov

COMMISSIONERS

JAMES T. SHANNON, MAYOR
Director of Parks & Public Property

JAMES F. QUINN
Director of Public Affairs

JOSEPH J. DERELLA, JR., Vice-Mayor
Director of Revenue & Finance

DAVID W. VANAMAN
Director of Public Safety

DALE L. FINCH
Director of Public Works

OFFICERS

LEWIS N. THOMPSON
City Clerk/Administrator

RICHARD C. McCARTHY
City Attorney

MAUREEN P. MITCHELL
Chief Financial Officer

SUZANNE L. OLAH
Tax Collector

BRIAN P. ROSENBERGER
Tax Assessor

December 1, 2009

TO: Board of Commissioner

FROM: Regina Burke, Acting QPA

The Purchasing Board received statements of qualifications on December 1, 2009 for the following:

1. Municipal Bond Counsel

One (1) RFQ was received:
McManimon & Scotland LLC

2. Municipal Auditors

One (1) RFQ was received:
Bowman & Company, LLP

3. Special Counsel:

Five (5) RFQs were received:
Chance & McCann, LLC
Richard M. Conley, LLC – Tax Counsel
Maley & Associates – Redevelopment Counsel
Gruccio, Pepper, DeSanto & Ruth, PA – Labor Counsel
Edward F. Duffy

4. Advertising, Marketing and Public Relations Firm

Two (2) RFQs were received:
Wyble Advertising
Graphicus Communications, LLC

5. Insurance Broker of Record

One (1) RFQ was received:
Mints Insurance

6. Broker of Record for Employee Benefit Program

One (1) RFQ was received:
Allen Associates

7. Planning Consultant

Two (2) RFQs were received:
Clark, Caton, Hintz
Karabashian Eddington Planning Group

8. Traffic Engineer

One (1) RFQ was received:
Pennonni Associates, Inc.

9. Hearing Officer

One (1) RFQ was received:
J. Fred Coldren

10. Assistant City Solicitor

One (1) RFQ was received:
Chance 7 McCann, LLC

The Purchasing Agent and related departments are reviewing the statements of qualifications to determine if the available funds are sufficient to award at a later date.


Regina Burke

A motion was passed to receive and file the report, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

A motion was made to authorize Social Affair Permit for New Year's Eve Party on behalf of the BPO Millville Elks Lodge No. 580 to be held at the Millville Elks Lodge, 1815 E. Broad Street on December 31, 2009 from 7:00 p.m. to 1:00 a.m.

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

A motion was made to authorize the City Clerk to advertise the following 2010 Annual Meeting Notices:

- a) Millville City Commission
- b) Shade Tree Commission
- c) Millville Development Corporation
- d) Millville Industrial Commission
- e) Millville Zoning Board of Adjustment
- f) Millville Planning Board

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

A motion was passed to authorize Bingo License No.216 on behalf of St. Mary Magdalen Church for Bingo games each Friday, from January 8, 2010 through June 25, 2010, 7:30 p.m. to 11:00 p.m., at St. John Bosco Church, 2 Hillcrest Avenue, by the

following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

There being no further business, Mayor Shannon 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.

Joe Sutherland, Coordinator of the Millville Municipal Alliance Committee, reported that the Jolly Holly 5k Run was held this past Friday and expressed his sincere appreciation to the City of Millville and all the volunteers for their help in making it a successful event.

Joe Sutherland also announced The Millville Municipal Alliance's Culmination Dinner for the activities of the alliance will be held on December 6 at the Millville Elk's Lodge.

Joe Sutherland also announced the Annual Talent Show will be held on January 28, 2010 at Millville Memorial High School at 7:00 p.m. and on February 5th through February 7, 2010 the New Jersey State Elks Youth Peer Leadership Conference will be held.

Michelle Post: *"Well, hello it's nice to be back in front of Commission again, my name is Michelle Post at 818 Hogbin Road in Lawrence Township, but actually a Millville mailing address. But... and it's also good to see Commissioner Quinn back in the lineup, you're looking very well."*

Commissioner Quinn: *"Feeling good, even though Vanaman says I'm fat I feel good."*

Commissioner Vanaman: *"I didn't say fat..."*

Commissioner Quinn: *"you insinuated that..."*

Commissioner Vanaman: *"just, because you know every flavor of ice cream that's all..."*

Commissioner Quinn: *"that's right I do."*

Michelle Post: *"We've received many calls from distraught residents complaining about noise that is having an adverse affect on their quality of life and you have sent out your official to take readings. Mr. Caregnato gave his report and he gave it to you on November 2nd and according to his study no violations were recorded of this City's Noise Ordinance of 80 decibels. The report also states that the levels were below what the State of New Jersey lists for their model noise ordinance, which is 65 during the day. Well, here's an interesting thing. From day 1 all references of noise for the New Jersey Motorsports Park is couched in numbers, in decibels, 65 decibels is the sound of a normal conversation, 80 decibels is a sound of a vacuum cleaner, 80 decibels is a sound of a telephone dial tone. I don't make that one up, that was in the Daily Journal. Now, according to the Shropshire Report and the City's noise study the average decibel reading are between 45 and 60 and you apparently feel these are acceptable levels for us to live with. Now, does anyone know really what 55 decibels worth of un-muffled racecar sounds like in your backyard? I have a decibel meter here..."*

Michelle Post played her decibel meter reader demonstrating the sound of 55 to 80 decibels:

Michelle Post: "Now, can you imagine listening to this 8 hours a day, 10 hours a day, on any given day and even at this level the noise comes through our homes through closed windows. There is no escape for those who desire peace and quiet that they once enjoyed. So, I ask you gentlemen, is your Ordinance really there to protect us? No. That's all I have to say and if I don't see you all before then have a very, very Merry Christmas."

Paul Porreca: "Good evening gentlemen, my name is Paul Porreca, I live on Porreca Drive. The last time I was here I asked a question about the building that have been constructed that don't have certificates of occupancy. Were you able to check that out or did you..."

Commissioner Derella: "Yes, I have a statement here Mr. Porreca from Brian Rosenberger in response to your comment. All property within the City of Millville is being assessed according to the New Jersey State Statutes. If there is a question regarding the assessment of any property and appeal may be filed with the Cumberland County Board of Taxation on or before April 1st of the year. Any information regarding the appeal process may be obtained by contacting the Cumberland County Board of Taxation or his office. He said he opened his door to you to speak to you in detail in regards to your concerns and issues, but he follows the state statutes in regards buildings without CO's determining what is substantially complete and what's not. I don't know if Mr. McCarthy wants to add anything to that as well, because I did tap into..."

Richard McCarthy: "I'll wait until Paul is finished speaking."

Paul Porreca: "Well, that was just a question I had about a question I asked and I don't consider that an answer personally. On your Route 49 thing, Mr. McCarthy and I were involved in the conversation. I'm sure you want to accommodate the residents and I think it's well that you do, but I'll tell you this is that before I spent any money to have a lawyer ask a judge if he's going to override the policy of the New Jersey State Highway Department, he or she, I think I would have a long talk with the solicitor about the viability of getting an injunction like that. Enough said. We have a committee... oh, what are the prospects of the state approving the budget before the 15th? Do you think that will really be the hearing night?"

Commissioner Derella: "I'm planning on it."

Paul Porreca: "You haven't heard from them yet though?"

Commissioner Derella: "No."

Paul Porreca: "Doesn't the state have to approve it first, before you can have the public hearing?"

Commissioner Derella: "They're supposed to do a review, correct, and look at it and Maureen could explain the process..."

Paul Porreca: "That's all, it's just that simple, but we don't have it yet is the point..."

Commissioner Derella: "they have not responded back and we're not asking for any extraordinary aid or anything of that nature."

Paul Porreca: "but, you're anticipating it will be by the 15th, perhaps. There's not a lot of time. We have a little committee that's trying to look at the budget, as you well know, not particularly easy... We have some questions, I don't want to stand up here and ask those questions it would just bore everybody and you would have to take a lot of time and it's too late to do it on the night of the budget hearing, because bingo you've got it approved and you're going to vote. So, we would like to go over some of those items, for example on the income side the Pilot's don't seem to add up with what the contracts say. I'm sure there's a reason, but we'd like to get those answers. Can you suggest who it is we should talk to and authorize them to tell us what's going on?"

Commissioner Derella: "We can absolutely have Maureen Mitchell, our Comptroller and bring Brian and Suzanne Olah to answer any of those questions..."

Paul Porreca: "Alright, we should call Maureen and ask for an appointment and sit down and talk about those things. I think that would be the better way to do it, frankly."

Commissioner Derella: "yes, sir and I would agree. If you could provide the questions you may have ahead of time I'd like to review them myself."

Paul Porreca: "Well, we're working on it."

Commissioner Derella: "No problem..."

Lewis N. Thompson: "We can get the documents together and information, so we have it when you walk in..."

Paul Porreca: "I don't think it's documents so much as explaining certain things to us as to why the numbers?????? Thank you."

Richard McCarthy: "If I may, to address one area of concern, I don't know that I can answer Mr. Porreca's question directly, but I would indicate that the Tax Assessor follows the state statute and takes directions from the Division of Taxation. But, it specifically about the area of concern that Paul has raised, the added assessment statute has specific language in it concerning the text that's supposed to be employed??? with respect to determining the taxability of property and the test that's set forth in statute is substantially ready for the use for which it is intended. The interesting aspects and that language differs somewhat from the language that's in the Uniform Construction Code, which is the statute that Milt Truxton has to enforce. But, the interesting part of that was that actually the language that was in the regulations interpreting... or regulating the Uniform Construction Code when a number of cases were decided back in the 1980's did not use the word substantially in that and there was a significant difference between the text in the Uniform Construction Code at that time than there is with respect to the text that's under the added assessment statute, which is one that Brian is charged with enforcing. The interesting thing

about this, however is that has changed in recent years, the regulations under the Uniform Construction Code have changed the text to include the word substantially and it basically reads the key text of the conditions for the issuance of a Certificate of Occupancy read as follows:

"The completed projects meet the conditions of the Construction Permit and all prior approvals and has been done substantially in accordance with the code and with those provisions of the plans and specifications controlled by the code."

We are presently before the Tax Court on this very issue, which has been briefed and we tried the case and we have briefed it and we are waiting for a decision by the court. The argument that I made was that as part of that is that now even though there is differences in the language between those 2 sets of regulations that the common sense interpretation of those is basically very similar, if not identical and that these two statutes should be read in harmony, because of the fact that... the point that I'm making is that when you construct a project substantially in accordance with the plans that were approved, plans and specifications that were approved. These plans and specification were prepared on behalf of the person who's doing the project for a particular or intended use and those plans were approved and the text now under the Uniform Construction Code is that it's done substantially in accordance with, even though the language is different, my argument is it means the same thing as substantially ready for intended use. We're going to see what the court decides in this particular instance. To be even more specific in response and again, again I'll defer Paul as to whether I've answered it adequately and to his satisfaction, but there was a series and in those series of cases that came down back in the 80's dealing with the interplay between the Uniform Construction Code and the tax assessment statute, the cases came down on both sides of the issue. In other words there was cases where no occupancy permit had been issued or the Court found a particular structure was substantially ready for its intended use. In other case there were occupancy permits issued and the court found that it was not substantially read for its intended use. Part of that I've argued is that is because the language back then was in the regulations, I've already said, was different than it is today. Hopefully, we'll get some answer from the court and put them more in harmony or hopefully deciding this case in bringing these two sets of statutes in harmony, so that they mean essentially the same thing. Often times the legislature in its infinite wisdom when they draft legislation may draft it for a particular purpose in one area and they totally ignore or forget about the unintended consequences of language that exists in another area. We, the lawyers and judges are faced with that problem all the time and they're often times faced with having to basically reform what the legislature has done by court decisions that have come down. Being a former judge, Judge Porreca is familiar with that whole concept with new legislation, often times it takes, I think there was a Supreme Court jurist that said it takes 10 years to shape that statute out with court decisions and things of that nature. Hopefully, we'll get a decision out of the new presiding judge of the Tax Court, which we tried this case before, since Judge Small retired on October 1st and we'll see where we are at that time and I may have a better answer for Mr. Porreca at that time."

Paul Porreca: "Thank you very much for the legal explanation, but mine was more factual, my question. I really

didn't think it was all that complex, it was, are there incomplete in the City, unoccupied buildings in the City that are being taxed and if so, how do they differ from the incomplete or unoccupied buildings that are not being taxed and are we applying the law? I recognize that it is subject to interpretation, but the question was is it being applied even handedly? Mr. Rosenberger's response does not respond to that question."

Bob Tesoroni: "Good evening Mr. Mayor and Commissioners, Bob Tesoroni, Howard Street. The first question I have I think will be Mr. Finch. You're in charge of the inspection unit? In the absence of a particular inspector, whether it be electrical, plumbing, building inspector, whether they be on vacation or extended sick or whatever. What are the provisions that are made for someone to cover that area?"

Commissioner Finch: "The Construction Official is authorized to complete the various levels of inspections."

Bob Tesoroni: "And do we reciprocate with other municipalities also?"

Commissioner Finch: "If we, I assume we had over the past, I'm not sure, because I'm... if a matter becomes where they need an inspector I'm sure we would reciprocate and offer assistance as needed."

Commissioner Derella: "We also have people that have multiple licenses and Milt Truxton, for one, carries several and we have two Plumbing Inspectors and we have our electrical person and if we ran into, it's only out there in rare occasions and it's well before Mr. Finch's time, where there was a situation where we needed to bring someone in from Vineland actually on a dangerous structure. Because, Mr. Truxton was out of town at the time and we did not have anybody who had the same credentials as him, but we do now. They came down and deemed the issue, there was no charge and in one instance that I can remember about several years ago that we reciprocated back to the City of Vineland when they were stuck in the same situation. That's been several years ago."

Bob Tesoroni: "Okay, thank you. The other question/observation I have. Involving the Municipal Prosecutor and the Public Defender with the action that you took tonight. I have no doubt that you work diligently on your budget. But, we're still looking at a nine cent increase I believe on the 15th of December you're going to be voting on that and yet by the acknowledgement of this board tonight and by the action you took it's going to cost the taxpayers additional money by the mere fact that you're moving the prosecutor or the former prosecutor into the public defender's position... well, Mayor you shake your head no..."

Commissioner Quinn: "he's the Mayor..."

Bob Tesoroni: "Well, I'm sorry you're still Mayor, I give you... okay, Commissioner Quinn you're shaking your head no..."

Commissioner Quinn: "well, yeah, if I may. The prosecutor will be getting the public defenders money and the new prosecutor will be getting what the old prosecutor got. Are you insinuating that he was going to keep the same salary?"

Bob Tesoroni: "No, no, that's not what I'm saying. But, by the mere fact that the prosecutor has prosecuted cases and now he's going to be a public defender and defender of the people he's prosecuted, which is a conflict, we're going to have to pay somebody else to come in and handle those cases. So, it's going to be a cost factor to the taxpayers, because I'm sure that the public defender is not going to say I'll forego the money on this case. We're going to have a set salary for that individual."

Commissioner Quinn: "Well, first of all that money comes from the courts and not from the property taxpayer and secondly, if you check Mr. Swift's record I'm sure you'll see many times there have been people covering for him, because he's had conflicts. So, yeah there may be a few more in the first few months, I don't disagree with you. But, if that were the case you would never make a change."

Bob Tesoroni: "The question I have I guess is, if Lauren Van Embden had been successful in her bid for the County Clerk would we be doing this tonight?"

Commissioner Quinn: "Obviously not, then maybe we'd bring Gloria Noto in as the prosecutor."

Bob Tesoroni: "So, the answer to that is no then."

Commissioner Quinn: "Well, she wouldn't be able to do that, she'd be conflicted out sir, you know, obviously."

Bob Tesoroni: "Okay, alright. So, then it appears for lack of a better word, to be a political move?"

Commissioner Quinn: "that's your opinion, you can take it to the bank if you would like."

Bob Tesoroni: "Absolutely, and I think it's the opinion of a lot of people. But, let's go far beyond that. I certainly hope that Mr. Brock and Mr. Swift are true gentlemen and don't come back and sue the City for a statement that was made this evening in that it's been 144 years and we've never had a female. I'd hate to think that we got rid of a competent attorney and replaced just because it was a female."

Commissioner Quinn: "that was added icing to the cake. The cake is she's a very competent, very talented, very bright, very articulate woman attorney and I think the fact that this City has never done that it's a little bit of a plus to us. But, that wasn't the reason she got it Mr. Bob, she got it because she's qualified, she's bright, she's intelligent, she lives in Millville, she's a Millville resident and she is qualified. That's the reason she got the position..."

Bob Tesoroni: "and Mr. Brock was replaced, because he's not qualified, he's not competent?"

Commissioner Quinn: "he's not a Millville resident, I'll say that part..."

Bob Tesoroni: "but, we put him into the Public Defender's position..."

Commissioner Quinn: "We have, because he don't have to be, no. He's qualified to be a great pros... or he's qualified to be a public defender sir."

Bob Tesoroni: "It doesn't quite wash though does it? It doesn't quite wash..."

Commissioner Quinn: "you don't think he's qualified to be a public defender?"

Bob Tesoroni: "absolutely and you know what I'm making reference to sir..."

Commissioner Quinn: "well, that's your opinion."

Jeanette Pace: "Good evening I'm Jeanette Pace from West Main Street. I have something that I want to say tonight about the Millville Prosecutor and Public Defenders position. In checking the website it said public meeting 6:30 and when I called your offices today they said public meeting 6:30, so I got to miss the chance to talk before you vote. I just want to say I think you made a major mistake tonight. I think Lauren is very competent and I've dealt with her in the past. I should note that I am Mr. Russell's paralegal and I've worked for him for 13 years. I work in the court systems with the Police Department, the courts, the system is working spectacular, we are clearing cases, we're getting criminals off the street, we're collecting money for the City. I would like to say that Mr. Russell may not live in Millville, but he owns property and pays taxes. I know that, because I write the check for the bill. I would also like to say as a woman of Millville, I don't think that should have been a consideration, it should be the qualifications, I don't think there should have been a change made. Mr. Russell was doing a fantastic, as was Mr. Swift and I think a year from now when you readdress this issue you're going to see that a mistake was made. Thank you."

William Eisinger: "William Eisinger, S. Second Street in Millville. I only know what I read in the paper and it said 9 percent tax increase in Millville. How many people has been laid off who works for Millville?"

Commissioner Derella: "No one's been laid off we've eliminated 7 positions through attrition at the present time..."

William Eisinger: "industry is laying off. People are collecting unemployment, but if they work for the City. They don't get laid off. I work for Wheaton's and I got laid off many a time. But, now at this present time the economy stinks. You're asking people who is unemployed to pay additional sewer, additional water and additional 9 percent out of their unemployment. This doesn't involve me, because I'm a senior citizen. It involves me in another way. I don't get no money. The president said there's no tax increase for the seniors. But, I still have to pay. What would you like me to take out of my budget so I can eat and so I can have medical and so also I can pay your taxes of 9 percent and yet keep everybody employed in Millville who works for the City. You've got to cut. I read in the paper this morning on the computer the County is going to look at laying off and also they said something about negotiating the Unions budgets, there's not going to be a raise for them and they got 8 million dollars to look at, so it's not only your 9 percent, not only your increase in the water and

sewer, but also what's coming down the road from Bridgeton in the County. I read in the paper where we just gave the Board of Education 2 percent increase. During the election we had to vote on it. Remember? They had to cut that down from 2 percent by layoffs. How many teachers got laid off? Do you know if any teachers got laid off? You work for the board don't you?"

Commissioner Derella: "No I don't."

William Eisinger: "You are a teacher?"

Commissioner Derella: "No I'm not, not for 23 years."

William Eisinger: "I'm sorry, then I got it wrong there. But, still and all what makes City employees exempt from layoffs when I got to pay 9 percent more and so does a person who's laid off from a job, that don't know when it's coming back here and I'm not talking about a minimum wage job at Burger King. I'm talking about a legitimate job that pays a decent salary, which you have coming to Millville on 3rd Street. But, that's a long way away. You've got to live in the 2009 to 2010 budget. So, you explain to me what you're going to do to cut that 9 percent down and to the citizens of Millville, because I know it isn't, you don't go to the budget until the 15th. Correct? Then I advise everybody in Millville to get in here on the 15th and lay a little protest down here. You've got to bite the bullet people. You've got to bite the bullet. I understand there is overtime, Mr. Finch, you collect the leaves and branches in the City in your department?"

Commissioner Finch: "Yes."

William Eisinger: "Do you work on Saturday's?"

Commissioner Finch: "The department works on Saturday's 3 or 4 times during the leaf season."

William Eisinger: "Alright, do they pay time and a half?"

Commissioner Finch: "yes they do."

William Eisinger: "Thank you very much."

There being no further comments Mayor Shannon declared the public comment portion of the meeting closed and asked for comments from the Commissioners.

Commissioner Derella: "We had a very difficult beginning of the meeting in regards to two appointments and later in the meeting we had under new business the opportunity to review our RFP's for a variety of other positions that in some cases can be considered to be appointments. It would probably would be a great thing if we could find a way to have every position in the City of Millville to go through the process and try to get the best person and the best price across the board. Whether that will ever happen, I couldn't tell you. But, it might get rid of some of the heartache, argument, accusations, finger pointing and everything else that has occurred, not just now, but other times when appointments are being made."

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

Approved: December 15, 2009

James T. Shannon
Mayor

Joseph J. Derella

James F. Quinn

David W. Vanaman

Dale L. Finch
Commissioners

Attest:

Lewis N. Thompson
City Clerk/Administrator

**BILL LIST
CITY OF MILLVILLE
MEETING DECEMBER 1, 2009**

ACE PLUMBING & ELEC SUPPLY	12.74
ACTION SIGNS & AWARDS	615.84
ADAMS, REHMANN & HEGGAN ASSOC.	5,770.00
AHOME, INC	630.00
AIRPOWER INTERNATIONAL, INC.	1,726.00
ALL INDUSTRIAL SAFETY PROD INC	498.00
AMERICAN WATER WORKS ASSN. INC	320.00
ARBRISCO ENTERPRISE, INC.	5,315.00
ATL. CO. UTILITIES AUTHORITY	20,831.75
ATLANTIC CITY ELECTRIC	29,860.70
AUTOZONE NORTHEAST, INC.	1,122.43
DON AYRES	356.65
KIM AYRES	34.95
KIM AYRES	114.23
BRIDGETON EVENING NEWS	700.00
CHANCE & MCCANN, LLC	9,922.72
CITY OF MILLVILLE	389.00
CITY MILLVILLE PAYROLL DED ACC	360,043.05
COLONIAL ELECTRIC SUPPLY	461.00
COMCAST, INC.	281.46
CONTINENTAL FIRE & SAFETY, INC	717.80
BRUCE CORNISH	31.11
HARRISON B CRANMER	123.97
CCIA	1,792.55
CUMBERLAND REMINDER	175.00
CUMBERLAND TREE SERVICE, LLC	1,130.00
CUSTOM GRAPHICS, INC.	1,664.82
GANNETT SATELLITE INFORMATION	826.89
DEAN ENTERPRISES	10,301.76
LINDA A. DEDRICK	200.00
DI COCCO FAMILY SHOP, INC.	55.15
BEATRICE MACKIE	200.00
EDWARD DUFFY, ESQ.	260.00

EIC INSPECTION AGENCY CORP.	1,857.00
ENGLISH SEWAGE DISPOSAL, INC.	450.00
ENTENMANN-ROVIN CO	254.86
FEDEX	61.31
FIRST DUE EMERGENCY SUPPLY INC	632.90
FORT DEARBORN LIFE INSURANCE	1,836.15
GIORDANO VINELAND SCRAP	1,526.32
GKI/BETHLEHEM LIGHTING LLC	628.65
GRAPHICUS COMMUNICATION, LLC	3,283.30
GREENBERG TRAURIG, LLP	10,078.50
EDMOND GRENNON	233.59
KIM HALL	180.09
HD SUPPLY WATERWORKS, LTD	1,365.25
SUSAN HERMANN	31.24
DANIEL HOFFMAN, ESQ.	200.00
INDUSTRIAL SUPPLIES INC	302.92
JANI-KING OF PHILADELPHIA, INC	3,718.75
JET VAC INC	266.56
JERRY A LEWIS ASSOC.	510.00
RODNEY R. MACAVOY	15,150.00
JAY WEISS CORP.	138.50
RICHARD C MCCARTHY ESQ	3,333.33
MGL PRINTING SOLUTIONS	129.00
MILLVILLE ARMY AIRFIELD MUSEUM	2,788.50
MILLVILLE AUTOMOTIVE, INC.	30.12
MILLVILLE BOARD OF EDUCATION	62,054.00
MILLVILLE BOARD OF EDUCATION	2,500.00
MILLVILLE DEVELOPMENT CORP	40,474.70
MILLVILLE HOUSING AUTHORITY	450.00
MILLVILLE PUBLIC LIBRARY	42,333.33
MILLVILLE WOMEN'S CLUB	150.00
MUNICIPAL INFORMATION SYS. INC	133.00
MODERN HANDLING EQUIP. CO.	635.00
MTS SAFETY PRODUCTS, INC.	534.00
LARRY MULFORD	139.05
VERIZON	217.49
NJ MAYORS ASSOCIATION	100.00
NEW JERSEY PEST MANAGEMENT	99.00
OFFICE BASICS, INC.	314.18
TODD OLIVER & SONS, LLC	32,487.50
PENN-JERSEY MACHINERY, INC.	742.13
POLYDYNE, INC.	6,674.80
PREMIER CHEMICALS, LLC	5,742.47
PUBLIC AGENCY TRAINING COUNCIL	295.00
QUALITY CONTROL LABS, INC.	232.00
JIM RHUBART JR. & SR. CONST.	1,400.00
LARRY L ROBINSON	1,460.00
RON'S LOCKSMITH	202.00
BROCK D. RUSSELL, L.L.C.	751.00
SERVICE TIRE TRUCK CENTER, INC	601.92
SJ GAS COMPANY	3,977.09
SJ OVERHEAD DOOR, INC.	746.00
ST. JOHN BOSCO	225.00
JOSEPH SUTHERLAND	1,200.00
STEPHEN L. SWENK	6,400.00
SYNERTECH INC, ENVIRONMENTAL	437.50
JAMES THAYER	196.81
TREASURER, STATE OF NJ	3,250.00
TRIAD ASSOCIATES, INC.	2,870.00
TRI-CITY PAPER & JAN. SUPPLIES	423.05
TRICOMM	380.00
CHARLES TWIGG	125.38
PHILIP S VAN EMBDEN, ESQ	600.00
VERIZON CABS	196.68
VERIZON WIRELESS	2,640.18
VINELAND AUTO ELECTRIC, INC.	296.29
W. B. MASON COMPANY, INC.	2,112.06

WEST GROUP, INC.	867.00
WF HOTEL INC.	1,023.72
WHEATON ARTS & CULTURAL CENTER	19,273.49
ALICE E WOOD	200.00
WWNJ	200.00
XEROX CORPORATION	151.58
XPRESS ELECTRONIC SERVICES INC	55.00
ZEE MEDICAL SERVICE, INC.	69.29
TED HARVEY	5,000.00
TOTAL VOUCHERS FOR 12/01/09	759,110.10
CITY OF MILLVILLE SALARY ACCOUNT	106,948.74
CITY OF MILLVILLE SALARY ACCOUNT	461,611.27
TOTAL SALARY FOR 12/01/09	568,560.01
TOTAL VOUCHERS & SALARY 12/01/09	1,327,670.11