

Commission Chamber, City Hall
Millville, New Jersey
February 3, 2009, 6:00 p.m.

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

Mayor Quinn made the statement required by the Open Public Meeting Act of 1975.

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

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

Resolutions:

**Item No. 2
Section b)**

Block 2, Lot 32, 2800 West Main Street in the amount of \$570.00 to be tabled.

Resolutions:

**Item No. 9
(*Italicized text was added*)**

Authorizing *Final* Change Order No. 1 for the project entitled "Emergency Water Main Extension to Silver Run Road and Dividing Creek Road" with E. Sambol Corporation due to certain changes in the contract scope were necessary during the course of construction as planned, which require an increase of \$16,717.50, *from the original contract of \$335,069.75 to a revised contract amount of \$351,787.25*

New Business:

Item No. 5

Motion to cancel previously authorized participation in the 2009 Gypsy Moth Program due to the cost of the pesticide increase from \$39.44 per acre to \$60.00 per acre.

Commissioner Derella made the following comments:

"I would just like to comment about Silverton regarding some confusion. They did have layoffs, they notified us as per the law and their UEZ loan has not been disbursed, part of that agreement with them and decided by the UEZ Board of the State of New Jersey is that those monies will be disbursed as each line was being relocated to the City of Millville. Until such time that occurs that money will be withheld and there will be no draw downs. Progress."

There being no further business Mayor Quinn declared a public hearing open and asked if any person present wished to comment on agenda items only.

There being none the agenda session was adjourned subject to the call of the chair, by the following vote. Yeas: Shannon, Derella, Quinn, Vanaman and Parent.

Commission Chamber, City Hall
Millville, New Jersey
February 3, 2009, 6:30 p.m.

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

Reverend Brian Wheaton delivered the invocation, followed by the salute to the flag.

Mayor Quinn made the statement required by the Open Public Meeting Act of 1975.

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

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

COPY OF BILLS SEE PAGES

THROUGH

The City Clerk/Administrator read correspondence received from W. James Parent, Director of Public Works, appointing Thomas S. McLoone to the position of Supervisor Sewer Maintenance, in accordance with certification from the State of New Jersey Department of Personnel effective February 3, 2009

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

The City Clerk/Administrator read correspondence received from James F. Quinn, Mayor & Director of Public Affairs regarding the following appointments and reappointments on the following committees:

Urban Enterprise Zone- Reappointment

Mike Mitchell- Term Expiring March 1, 2012

Millville Development Corporation- Reappointments

Kimberly Ayres- Term Expiring February 1, 2012

Maryanne Cannon- Term Expiring February 1, 2012

Millville Development Corporation- Appointment

Jim Penland- Term Expiring February 1, 2012

Millville Industrial Commission- Reappointments

Douglas Smithson- Term Expiring February 28, 2014

Donald Daigle- Term Expiring February 28, 2014

A motion was passed to receive file and approve the reappointments and appointment, by the following vote. Yeas: Shannon, Derella, Parent, Vanaman and Mayor Quinn

The Permit Fee Log Report and the Monthly Fees Report for the month of December 2008 were ordered received and filed, by the following vote. Yeas: Shannon, Parent, Derella, Vanaman and Quinn.

Commissioner Derella made the following comment:

"I would just like to clear up some of the speculation that's out there in regards to Silverton. Unfortunately, Silverton did notice the City, which is by law of some layoffs, approximately 200 and they will maintain a workforce of approximately 73. The UEZ loan that has come into question, the UEZ loan was developed and the agreement is basically set on them moving lines from their offices and production in Florida. There has been no drawdown in those fund and those cannot be drawn down unless those projects do occur. Each one of those projects, each separate line was given a definitive cost and that's how the draw downs will occur. At the present time, obviously in this economic stressed filled environment that we're in those plans have been pushed back. Silverton is looking diligently to continue to survive in this market, as are many other businesses. I just saw on the internet today that Viking Yacht has given notice to layoff off 500 people, so again the boat building business, as is the car industry and several others are struggling right now. We have confidence in Silverton that they will rebound, they've done it before in the past in the early 90's as well as the mid 80's. They have some good leadership that is local, so we wish the best, but I also wanted to clear up, you know, some of those rumors that are flowing out there. On another note, Mr. Mayor, if I may, I would like to wish my son Jake his happy 17th birthday, he passed his test today driving in the snow, so people please stay off the sidewalks if you want to be safe. Progress."

Mayor Quinn: *"thank you very much and speaking of Jake I want to congratulate him on the 23 second pin the other day, that's Vineland and that was really good, so we're proud of him. Maybe I can get Romano to buy me dinner now that Jake pinned that guy."*

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

Ordinance No 11-2009

Ordinance approving Vacating a Portion of Inglewood Avenue and conveying that portion to the adjacent property owners

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

Director Parent seconded the motion.

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

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

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

Resolution No. A-6383 authorizing adjustments to the City of Millville's Tax and Utility Records was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Resolution No. A-6384 authorizing Special Assessment and Municipal Liens be collected for Clean Up of Property and Board and Secure for the following in accordance with Chapter 11, Article XI of the Municipal Code:

Board & Secure

a) Block 348, Lot 14, 1831 Hancebridge Road	\$420.00
b) Block 492, Lot 39, 1805 Newcombtown Road Cut & Clean	\$300.00
a) Block 364, Lot 12, 20 E. Vine St	\$ 60.00

was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Resolution No. A-6385 authorizing the City of Millville to continue the existing Cleaning Services Contract for the Police Administration Building, City Municipal Building, Sewer Facility, Streets & Roads Facility and Water Facility, which expires January 31, 2009, and award contract to the Training School of Vineland on a month to month basis for the period covering February 1, 2009 through June 30, 2009 in the amount of \$6,742.33 per month was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Director Shannon submitted the appropriate certification of funds.

Commissioner Vanaman asked Commissioner Shannon if the City of Millville is currently pursuing any alternative bids.

Commissioner Shannon responded at the present time they are remaining with the Training School of Vineland, but have communicated with other services and are considering providing more of the cleaning services in-house.

Resolution No. A-6386 amending Resolution No. A-5811 adopted on June 5, 2007 re: Professional Service Contract with Steven Secare, Esq. for supplemental professional services required to perform additional professional legal services in connection with special personnel matters involving the Millville Police Department in an amount not to exceed an additional \$6,000.00 was adopted, by the following vote. Yeas: Parent, Vanaman, Derella and Quinn.

Director Vanaman submitted the appropriate certification of funds

Resolution No. A-6387 authorizing the endorsement of application to the New Jersey Environmental Infrastructure Trust Finance Program (NJEIT) for a low interest loan in the amount of \$8,039,000.00 to fund several upgrades and repairs to the City of Millville Wastewater Treatment Plant authorizing W. James Parent, Director of Public Works, City Engineer, John Knoop, III and Adolf Tarasevich to execute and endorse all documents for the NJDEP, NJEIT or any other federal, state or county agency that may require documentation of the application. was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Resolution No. A-6388 authorizing adjustments to the City of Millville's Tax and Utility Records was adopted, by the

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

Resolution No. A-6389 authorizing cancellation of mortgage for Ida Robichaud, Block 194, Lot 3027, in the amount of \$3,089.00 paid in full was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Resolution No. A-6390 authorizing Change Order No. 2 for the project entitled "Maurice River Pedestrian Bridge & Waterfront Park Improvements- Contract No. 2" with Spark Contractors for the purpose of additional time needed to accommodate completion of the concrete, masonry and timber landing work due to weather conditions changing the previous extension date, which changed the original completion date from September 30, 2008 to January 31, 2009, to a new extension date of April 30, 2009. Said Change Order No. 2 is subject to the approval by the New Jersey Department of Transportation Federal Aid Program and the Federal Highway Administration Transportation Enhancement Program. was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

Commissioner Shannon made the following comments:

"Yes, Mr. Mayor, just real quick, I want to point out that this is strictly an extension of time for the construction and the work that has to be done over there. Where we were receiving Federal Aid, it's very critical that we get these extensions approved to satisfy the Federal requirement."

Resolution No. A-6391 authorizing Change Order No. 1 for the project entitled "Emergency Water Main Extension to Silver Run Road and Dividing Creek Road" with E. Sambol Corporation due to certain changes in the contract scope were necessary during the course of construction as planned, which require an increase of \$16,717.50, from the original contract of \$335,069.75 to a revised contract amount of \$351,787.25 was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

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

Resolution No. A-6392 authorizing a Public Auction of vehicles, bicycles and equipment no longer needed for public use on Thursday, February 26, 2009, 10:00 a.m., Police Impound Lot located on Brandriff and Columbia Avenues was adopted, by the following vote. Yeas: Parent, Derella, Shannon, Vanaman and Quinn.

A motion was made to approve Special Events on Public Lands application for the American Red Cross People Helping People Walk-A-Thon to be held at the Riverfront Park on Buck Street, Saturday April 18, 2009 from 8:00 a.m. to 1 p.m.

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

A motion was made to approve Raffle Licenses on behalf of the following organizations:

a) RL- 868 - Millville Moose Lodge No. 2488 for On-Premise Pull-Tabs, March 1, 2009 through December 31, 2009 during operating hours

b) RL- 869 - Ducks Unlimited NJ State Committee for On-Premise Prize Raffle to be held on March 27, 2009 at the Heritage House from 6:00 p.m. to 10:00 p.m.

c) RL- 870 - Ducks Unlimited NJ State Committee for On-Premise Merchandise Raffle to be held on March 27, 2009 at the Heritage House from 6:00 p.m. to 10:00 p.m.

d) RL-871 - Ducks Unlimited NJ State Committee for On-Premise Gift Certificate Raffle to be held on March 27, 2009 at the Heritage House from 6:00 p.m. to 10:00 p.m.

e) RL-872 - Ducks Unlimited NJ State Committee for On-Premise 50/50 Cash Raffle to be held on March 27, 2009 at the Heritage House from 6:00 p.m. to 10:00 p.m.

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

A motion was made to approve a Social Affair Permit on behalf of the Riverfront Renaissance Center for a Gala to be held at the Riverfront Renaissance Center for the Arts on April 25, 2009 from 6:30 p.m. to 12:00 a.m.

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

The City Clerk/Administrator read a report from Purchasing Agent regarding RFP's received by the Purchasing Board on February 3, 2009 at 10:00 a.m. in the Commission Chamber for a proposed Redevelopment Site at 102 Foundry Street (Millville Gardens)

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

A motion was made to cancel previously authorized participation in the 2009 Gypsy Moth Program due to the cost of the pesticide increase from \$39.44 per acre to \$60.00 per acre

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

Mayor Quinn 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: *"Joe Sutherland, 51 Dorset Avenue, I'm here as the Coordinator of the Millville Municipal Alliance Committee, and we had our talent show last Friday, the thirty-first, we had twenty-three acts and a very good turn-out. I don't have the exact number, but we filled the room fairly well. And, this Friday, Saturday and Sunday we're taking eight students up to New Jersey State Elks Youth Peer Leadership Conference for a Leadership Conference. We have one of our girls scheduled as a highlighter."*

Emil Van Hook: *"I can't let two weeks go by, Mr. Mayor. Two meetings go by."*

Mayor Quinn: "I'm glad you're here, sir."

Emil Van Hook: "I'm sure you are. Emil Van Hook, 79 Sunset Drive, the same place as the last time. Jim, we have debated back and forth, and talked back and forth about this tax abatement. You played the Millville Vineland football game, and you have consistently said that Union Lake Crossing would not be here if it weren't for the tax abatement, right?"

Mayor Quinn: "Well, that's my opinion, sir, and that's what Durst told me up front. Now, you have a quote, you say, in the paper where he made another statement."

Emil Van Hook: "I have a quote, right here."

Mayor Quinn: "Okay."

Emil Van Hook: "This appeared in the progress edition of The Daily Journal. Which, I think your television station taped. And there is a word-for-word transcript of what was said. And Mr. Durst was asked about the tax abatements. And his response was, quote, 'that was a big thing with Target. I can tell you right now, it was not an absolute deal killer for us.'"

Mayor Quinn: "That's interesting, Emil, because you know what he told me? He said, 'you know what, Mayor, we were going to move across from Loyal Lanes.', and this is from him, too. He said to me, 'we were going to move it across from Loyal Lanes, and I got it to Millville for you because they had that adult bookstore up there,' and I told them, 'you don't want to be there by that adult bookstore' and that's how they got it to us. So, I'm just telling you, I've heard stories from him, you've heard, they've heard. I'm just telling you, this is what..."

Emil Van Hook: "So, we have a porno bookstore to thank."

Mayor Quinn: "That's what he told me, yes. That's exactly right."

Emil Van Hook: "Well wonders never cease?"

Mayor Quinn: "That is exactly right."

Emil Van Hook: "I'm waiting on the headline for that one."

Mayor Quinn: "Yeah, right. Well, that's what Mr. Durst said. I'm telling you, that was his selling point."

Emil Van Hook: "That's the best one I've heard."

Mayor Quinn: "Well, that was another one of his things he said, so sometimes, you know, Mr. Durst says things and I guess sometimes he gets quoted or whatever, but, I think when the bottom line comes down to it, they would not have come without it, but, you know, that's what he's told us when we negotiated with them. And it's the same thing. Just recently, in fact, speaking of abatements, I was talking to Bobby Romano, and the Hampton Inn is going in on Delsea Drive, or Landis Avenue, across from the Wingate Inn owned by the Roth family. And it's over two hundred rooms, and they are giving them a full tax abatement. The Wal-Mart went into Vineland, which is two

hundred and five thousand square feet, and they gave them a tax abatement. So, if you see a little bit of things happening, these are two major multi-million dollar projects, and they're giving them tax abatements. So, I'm not making it up, and these are facts that just occurred. So, you know, we can play our games, we can say what we want to say. When the bottom line comes down to it, they're giving them out just as quick as you can give abatements to anybody that wants to have them, and, you know, as long as they do that, I feel we need to do that as well. But, we'll kick that around from here till the cows come home, I guess. Paul, why don't you give me a shot."

Paul Porreca: "I concede. My name is Paul Porreca, I live on Porreca Drive. And I'm...Beg your pardon? No, I'm not going to talk about adult bookstores. No, I am serious when I say I do not want to debate that point with this Commission anymore. I think you're right, I think it has been exhausted..."

Mayor Quinn: "Thank you."

Paul Porreca: "Our position is well known, your position is well...I say, my position is well known, yours is well known, and you're in the driver seat, that's the end of that. However..."

Mayor Quinn: (inaudible)

Paul Porreca: "No, in terms, concede, you know, you have to give them, and that's the way the world is. It's the Administration and the consideration of the individual abatements that I'd like to touch on just one last time. And, at the last meeting, or the meeting before, I guess the abatements were approved, the last ten, and certain points were raised by me on each Ordinance, and the position of this Commission was, everybody except for Commissioner Vanaman, the position of the other four Commissioners was that once the paperwork came down from the Tax Assessor, and he said that all the steps had been taken, that you men had to approve them, otherwise, there would be some discrimination charge, or it wouldn't be fair. And, I have to tell you it's just not so. And, as a matter of fact, your Solicitor even said so at the meeting. And, I took the time to take a look at the minutes of the meeting, which, you gentlemen very kindly transcribed completely. And, I gave you credit for that, as opposed to other Municipalities that don't do it. And one of the things that was said, was Commissioner Shannon asked Mr. McCarthy concerning the leases. He said, 'were the leases attached? Correct?', and Mr. McCarthy replied, 'attached to the applications, the Tax Assessor for completeness purposes went down the list.' Okay? And so, I confirmed that with Mr. Rosenberger, and he checks off what's necessary. But, you men have, not only do you have discretion, but you actually have an obligation to see to it that the requirements of the Ordinance are met. And I submit that they were not in a number of the abatements that were granted. But you granted them. I can point out why on each and every requirement that is in your Ordinance, not my requirements. So, my point is, abatements are here and they're here to stay. And, if you find it necessary, fine. Conceded. But, you're Administration, your consideration of the applications, is faulty. I submit. Alright? And, a couple, just a couple of other quotes from last meeting, I think demonstrate that you're not following it. The question was asked about the tax abatements being passed on to the tenant.

Commissioner Derella's comment was, 'I do not know that'. The application, the question was asked by Commissioner Derella, 'were the applications...' by me, I'm sorry, 'were the applications passed onto the Commissioners?' and Mr. McCarthy's response was 'yes'. And questioned by Commissioner Shannon was, 'were the leases attached?' And Mr. McCarthy said 'yes'. And then made the comment about completeness only coming down from the Assessor. And, Commissioner Vanaman said 'there are no leases'. Commissioner Derella said 'I did not read the list'. And then Mr. McCarthy said 'there's no question that the lease has to be attached'. Now, I took a look at some of the applications. Let's just talk about the storage one. It would seem to me, that if you're going to give, when you're going to give these abatements that the applications be complete and that the Commissioners make the findings that the Ordinance says you should make. The storage one is very interesting, because it's original building consisted of some thirty thousand square feet of storage space plus all of the original site work, all of the fencing, all of the landscaping, and an office, and an apartment. Now, the first question is, and I posed this to your Assessor, who's going to look into it, is that you do not allow in your Ordinance residential abatements, for which I congratulate you, alright, I commend you. But, there's a residential property that has an abatement. Albeit on top of a commercial, but, it's residential. However, that has nothing to do with the second application. The application you approved two weeks ago was for, according to the application, twenty-six thousand square feet. The second part of the application, because he had to submit twice because he didn't have his information in, said twenty-four thousand square feet. That wasn't cleared up. The permit issued by the Building Inspector said twelve thousand square feet. So, right away, you have, I think, significant deficiencies in the application that are just slopped over, frankly, by you men because the Tax Assessor sent them down as marked complete. What's that all about? Now, let's talk about the employment. The employment statements in the first application, which included all the things I said, were exactly the same as the employment statements that he made for a smaller addition, which included no additional landscaping. They're just the second phase, because this thing was approved in three phases, if you're not aware of that. And, the three phases don't comply with what he said square foot wise, but that's really not too material. My point is that on it's face, the application was suspect, and should have been clarified before you give away the right to tax these people. And, I could go on with each application and point out similar things, but the point is, you are supposed to make six specific findings of fact and conclusions based upon the applications, and they're not made. You gentlemen just say, 'wait a minute, we are of the opinion that we are required to approve these so long as they are in the zone, and do it within thirty days, and the Tax Assessor says they have submitted information that satisfy each step, each question on his checklist is complete. So, I say that you are not protecting us in the tax abatements that you've approved, and debate that, Mayor, okay, yet you get the point."

Mayor Quinn: "Yeah."

Paul Porreca: "So, all I'm saying is: a; I don't know that you go back and look at these, which are, in my opinion, that don't fit your Ordinance, but I'm suggesting and requesting respectfully that when the next ones come on down, you get the

magnifying glass out, you lay your Ordinance on one side of the table, and you lay the application on the other, and you say to the Tax Assessor, 'thank you for saying they're complete, and now we're going to evaluate them and make the judgment call', because, Commissioner, you can, you can, approve one, and not approve the other, because one may, and one may not. And, I submit that probably most of the ten up in the mall did. You know, brand new business and all that. But, I'm submitting that there were more than one that failed totally to meet the requirements that you men have appropriately laid down in the abatement process. Thank you very much."

Mayor Quinn: "Thanks, Paul."

Richard McCarthy: "Let me just correct the record on one point. The, with respect to the lease agreements, I read this at the time of the initial, um, this section of this Ordinance, which is out of the statute at the time that the original meeting was, and subsection H under section 65-7 says, reads as follows: If the project is a commercial or industrial structure, a description of any lease agreements between the Applicant and proposed users of the project and a history and description of the users businesses. What happened in respect to the application was that many of the applicants put a description, a narrative, in there. Some of them attached the leases in lieu of putting the narrative in there. The requirement is not...The Ordinance nor does the statute...neither the Ordinance nor the statute requires that the lease be attached. It requires that a description be there. And all of them either have the description or the lease attached to the application."

Paul Porreca: "I agree. But the Solicitor, to a point, when I asked the question at the last meeting, or at that meeting, about the leases, I said, 'is there a description of the leases?' Somehow, that got morphed into the statement that is reported in the minutes that the dialogue between the Commissioner and Solicitor McCarthy, which said the leases are attached. It didn't say a word about descriptions, even though that's how I asked you. However, have you read the descriptions? And incidentally, I looked at all ten applications, I went up to the Assessor's Office, filed my request, and looked at all ten. I didn't see any lease. So, either they didn't find a way into the Assessor's file, or he didn't give me the whole file, which is not, I don't think, the case. There were no leases, alright? That I saw. Now, and that does not change the fact that everybody said, 'yeah, the leases are here, and we read them,' the descriptions of the leases are a disgrace. It says 're-entered into a five year lease with two year renewals. Period. Three lines. Nothing about the central point, which is, were the tax abatements passed on to the lessees. That was the question. That's not answered in the description."

Commissioner Derella: "Mr. Porreca, didn't you touch on that?"

Richard McCarthy: "I'll restate my position with respect to that issue. That was made at the original hearing on this, at the original Commission meeting when the governing body considered the application. That is not required. It's the owner who pays taxes. They can have an agreement, lease agreement, that might shift that responsibility, but that relationship that exists is between the City of Millville and

the owner of the property. That's how property is assessed, and that's how taxes are paid. Some leases do provide that as part of the rental that the tenant assumes responsibility for the payment of the taxes. In those leases, they obviously, the tenant, would benefit. But it's not, it's not required as part of the statute, it's not required as part of the Ordinance. It really bears no relationship on what we're doing, because we are providing an abatement to the owners who made a substantial capital investment. That's part of the criteria that's in the Ordinance. I should say for the record, I should say for the record, however, I do agree with Paul Porreca on the one point, that is important here, and that is this body, the Tax Assessor under this scheme, both statutory and Ordinance wise, does not make the determination concerning approval or disapproval of the abatements. He simply determines where the threshold requirements are met. That is a completeness, and then submits it to the governing body. The governing body is charged with the responsibility of reviewing those applications and to consider...and considers the criteria under section 65-8, which includes six elements, five of which are in the statute, and the sixth one I put in to give you a little bit of discretion over and above what you already have in the statute. And, to make things as clear as possible here, if you have an application, after considering those objective standards that you feel either does not meet the criteria or is a close call, you have discretion to approve or disapprove those applications. After that meeting four weeks ago, I spoke to the Tax Assessor the following day, and I spoke to him again three or four days later, and asked him to check into two of the applications that were criticized by several speakers at the Commission meeting. I think one was Zeus, and the other was, um, it may have been Jacquet."

Mayor Quinn: "Jacquet, right."

Richard McCarthy: "They were the two. I asked him to check into those specifically, because I think, as Mr. Porreca has indicated, or conceived, as I should say, those other applications that dealt with completely new buildings and employment where none had existed before, it would be impossible to deny them under this criteria. But on close calls, I asked the Tax Assessor to check into those two matters, and he's in the process of doing that, and he may have something for this Commission to consider at some future date. So, we're working on that aspect of it to answer Paul Porreca's question in that regard. But, I do agree with Paul on the one point that this body is the one that evaluates the objective criteria, makes the decision as to the approval or disapproval, and in close cases, or cases where they...either in close cases or in cases where they clearly don't mean it, this body has the ability to disapprove it. And, the reason I put subsection six in there was to give a little bit of discretion if it ever gets challenged in court, I added subsection six specifically because there's a presumption of that governmental action is presumed to be valid, some tax payer decided to challenge it in the tax court, then I was going to rely upon subsection six, which I created as part of this Ordinance, to give some added authority or discretion in the governing body to decide against an application which is a close case scenario. So, that was for the...designed for the protection of the City in the event that there was a litigation over it from the other side of the equation. So, we are still looking at the two applications that Mr. Porreca has referred to."

Mayor Quinn: "Okay Bob."

Commissioner Vanaman: "Mr. Mayor?"

Mayor Quinn: "Oh, I'm sorry. Dave?"

Commissioner Vanaman: "Yeah, if I may, with Solicitor McCarthy's very good explanation things, it raises another point with me now. If we were obligated to give the abatement, the tax savings to the property owner, rightfully so, as you said, and that's who we're dealing with, we're dealing with the property owner, in the case of a tenant-landlord agreement, another part of the abatement process is if the applicant is supposed to be providing jobs. Well, in that scenario then, a landlord does not create jobs. All the landlord was doing was creating buildings. So, doesn't that throw a little more cloudiness with it?"

Richard McCarthy: "That's inconsistent with my understanding of Economics 101, Commissioner. Economics 101 will tell you capital labor, and there's a number of factors of production. No one factor provides the ultimate responsibility for a project and things of that nature. So, consequently, without the capital investment, there would be no building there to even have a business to provide labor. So, consequently, these are all objective criteria that we're supposed to evaluate. Employment is one of six, or basically, one of five that's in the statute, the sixth is the economic wing, the benefits versus any disadvantages in the abatement process. But, the employment factor is just one of five other factors that are considered. And, obviously, you're in a chicken and an egg situation. If you don't have a building, if you don't have substantial millions of dollars in capital investment or whatever was invested in order to put a facility there, you don't have labor. But the issue concerning benefit has nothing under the lease, it's really not for us to be involved in. That's between two parties. The owner and the tenant. We're dealing with the relationship between the owner and the municipality with respect and responsibility to pay taxes. When tax appeals take place, they are usually, almost always filed by the owner. Occasionally they are filed by the tenant, but with the consent of the owner, because the owner is the one who we legally have a relationship with. Sometimes we mail out, as a courtesy, mail out bills to tenants where there has been that...that arrangements been made known to us that there is a responsibility under the lease about the real estate taxes being paid by the tenant. But, the ultimate responsibility is with the owner, because if they don't pay taxes, it'll be the lien against his land and buildings. It won't be some charge against the tenant. It'll be against the owner. And that's why the whole relationship with respect to abatements, you, from our perspective, is with the owner."

Commissioner Vanaman: "Yeah, but you got to at least concede to me that the landlord only created the building. He did not create jobs."

Richard McCarthy: "He made the capital investment to create the building, yes, that's exactly right, land the building."

Commissioner Vanaman: "Okay, because there are some empty shells up there that we're not even taxing, so obviously those

empty shells have not even created any jobs. They're just capital shells."

Richard McCarthy: *"That is correct. Now, on the other issue, you have to talk to the Tax Assessor on that other issue, because the Tax Assessor is evaluating the empty shells based on fit up and other issues concerning substantial completion. I'm not involved in that process,"*

Commissioner Vanaman: *"Right."*

Richard McCarthy: *"I'm not going to comment on that."*

Commissioner Vanaman: *"Understand."*

Richard McCarthy: *"You need to speak to Brian about that. But on the issue of when it's fitted up and it's ready for use, and in fact, there's a lease agreement with the tenant, you have all the components there to evaluate under this Ordinance. But we're not, our direction, our focus is not on the tenant. It's on the owner, in terms of the application process."*

Commissioner Vanaman: *"Okay."*

Mayor Quinn: *"Okay, Bob, I think you can go now."*

Bob Tesoroni: *"Thank you, Mr. Mayor."*

Mayor Quinn: *"You're welcome."*

Bob Tesoroni: *"Good evening, Mr. Mayor, Commissioners, Bob Tesoroni, Howard Street. It's almost water under the bridge, no pun intended, the new foot bridge is almost there. But I have a couple of questions about the foot bridge. Did we designate five hundred thousand dollars out of RAD to go to the Pedestrian Bridge? That's the figure I have."*

Commissioner Shannon: *"Unfortunately, I don't have that number right in front of me, I'd have to get back to you on that."*

Bob Tesoroni: *"But we did designate money out of the RAD?"*

Commissioner Derella: *"Yeah, we discussed that when we started the whole project, we went through the list of the funding, where it was coming from, and all that stuff, and we went back and forth and debated, you know, you shouldn't use funds for that, and all those things. So, yeah, we did go through that process when the whole project started and where they were coming..."*

Bob Tesoroni: *"Okay."*

Commissioner Shannon: *"There was RAD money involved, Bob,"*

Bob Tesoroni: *"Okay."*

Commissioner Shannon: *"I just don't want to give you a number."*

Bob Tesoroni: *"The figure I have is five hundred thousand and I think that it's probably real close. Now, my question is, do we consider that part of the Riverfront to be a neighborhood?"*

I think it's a long stretch, but I'm going to ask you, because you approved it. Is that a neighborhood?"

Commissioner Derella: *"It's part of Center City."*

Bob Tesoroni: *"That's not my question. I know where it's part of."*

Commissioner Derella: *"Yes, I would consider that..."*

Bob Tesoroni: *"You consider that, you consider that a neighborhood?"*

Commissioner Derella: *"I consider that to be a very important part of that center core of the neighborhood, because it leads to the parks, it's a connection to the downtown, safety issue, pedestrians going back and forth, and all the things that we did discuss, again, almost a year and a half, two years ago when the project started."*

Bob Tesoroni: *"Well, I wasn't aware that our other bridges were unsafe, but maybe they are."*

Commissioner Derella: *"...standpoint"*

Bob Tesoroni: *"But, Mr. Ayres had testified in March of 2006 before the DCA meeting in Trenton that I attended, and I have the transcript here, the majority of the funds from the RAD, three quarters of which of the funds, will go into the neighborhood, and twenty-five percent of the funds into making the shopping center happen. Now, I think it's a stretch to say that the Riverfront where the bridge is at is a neighborhood. I think there's a real stretch to say that's a neighborhood. And, I don't know the DCA, if you were standing before them today testifying, that that's where you were going to use the money, that they would agree with you that that was a good move. Thank you."*

Mayor Quinn: *"Thanks, Bob. Anyone else?"*

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

Mayor Quinn: *"I would like to add that on that neighborhood aspect of it, that there would be I don't know how many condominiums that are going to be built right across the river off Brandriff Avenue behind Columbia Avenue, and that is certainly in itself will be a neighborhood. You know, getting to the houses there at City Park are certainly very close to that, they're in the neighborhood, and you have the disabled housing facility, the Holly City Development Corporation has, that certainly has lots of people living there, got some, I would think, some neighbors to it. But, you know, as far as trying to cut what is the neighborhood as such, I think you're crossing the west side is where the park is and where the homes are, and on the east side of it, you're close to the Holly City Family Center, there'll be condominiums built in that, which will create a nice neighborhood, and I think most importantly, it's going to be a beautiful aesthetic valued for the City, and, as someone mentioned, the safety of the Pedestrian Bridge. With all of the traffic that is on Route 49 and the traffic that will be coming on Brandriff Avenue, it certainly is beautified and*

made it safe to cross the river, and it's nice to be able to get across the river and to walk back and forth, and I'd encourage the people to utilize the Riverfront, especially when the weather gets a little better, because I've enjoyed many a walk up and back on the Riverfront. And if you look at it in the evening, Tim, the people have done a great job. It's a beautiful, beautiful facility over there, and it really is attractive as you come by that, so hats off to you and your people and Rich Jones and everyone for getting that done."

Commissioner Shannon: "Just to add a comment, uh, I understand Bob's comment about the neighborhoods. I, too, agree that, you know, there are surrounding neighborhoods that will benefit from that, but also the overall redevelopment of the river, I think, again, it just shows a long term vision of this Commission and Administration to redevelop that river, understanding how important that is for future development in that area. You know, access for our residents, you know, to that river, we have a wonderful resource running through the City of Millville, and I know for the longest time, people weren't really able to enjoy that river. And, again, as someone in Recreation and Parks, I see that as a very vital part of a quality of life issue, seeing that development come to fruition down on the river. I think it's outstanding for our citizens to be able to access one of the jewels that we have in this City. So, again, you know, difference of opinion, but, you know, the vision has been taking care of the downtown. We've addressed that with the lights, the pavers, the streetscape along the, you know, Captain Buck Park, Riverside park, the improvements there, looking to get the RFPs in very shortly for the Overlook site. So, I think, you know, you continually have to look into the future. It also is important, especially with the tough economic times, things are slowing down, but as we get through this, you know, very bad recession, to see developers coming in and looking at our City, and see that we have invested in our City, I think we make out much better in the long run. That way, whereas, if we weren't investing in our City, I'm not sure that the interest would be there in the City of Millville. So, I think it's very important that we do those types of projects. So, you know, we can debate about that neighborhood, but, you know, I sort of grew up in that neighborhood as a kid, and I was never really able to access that river. So, I'm looking forward to utilizing the great jewel we have in the Maurice River running right through the center of town. So, you know, another point of debate."

Mayor Quinn: "Okay any other comments from the Commissioners?"

Commissioner Derella: "Mr. Mayor, I just want to, you know, again, the abatements, we can go on forever. I just want to again point out, which we said before, we are, probably, the only Municipality, thanks to the efforts of Mr. McCarthy and our professional staff to try to put a transparency, an actual process in place to tighten up some of these loose ends that have been plaguing us. Not just this administration, but previous ones in regards to this process. You know, we actually put things in writing now on requirements, what happens if you do not meet those requirements, if you don't meet the employments stated by a two year period, he immediately goes back and we collect owed taxes from year one. All those things are now in place. Do we need to continue to re-fine things? Absolutely. No question. But, we are slowly, progressively

trying to get our point to where there is no grey area. Previous, and we are going to rescind one of the abatements, hopefully it will be on the February 17th meeting agenda, um, that has not complied with their taxes. But, even that under the old statute, under the old Ordinance, was very grey on how much time you could take without paying your taxes. Now it is very specific, and it tightens those things up, which, again, protects the City. Again, we are working diligently to do that. Will we ever get it right? I sure hope so. But, again, we're taking suggestions, we're listening, and we're working our way through the process, and we are absolutely much better off than any other Municipality that's dealing with this process as far as abatements are concerned. As far as the bridge, again, we've had that debate back and forth. Commissioner Shannon did sum it up. I was also at the State in front of the Finance Committee when Mr. Tesoroni was there, who also testified, there were several people there that testified for and against the project. And, the bottom line, the Finance Committee, you know, said 'We support the RAD'. And, right now, there are several other RADs in front of the Finance Committee, and they are pointing to the City of Millville for them to get suggestions on how to do it, how to administer it, how to follow through, and how to make things happen in your City. Um, so, again, are we perfect? No. But are we doing things and moving forward? I believe so."

Mayor Quinn: "Dave?"

Commissioner Vanaman: "You reminded me of something that I wanted to follow up on, Mr. Mayor, thank you."

Mayor Quinn: "You're welcome."

Commissioner Vanaman: "When you had mentioned about the new Wal-Mart in Vineland with the abatement, there was a correction in The Daily Journal a day or two after the original story, and I was going to follow up on that, and I didn't. But, there was a, uh, Joel can help me out with this. Uh, there was a corporate officer from the corporate headquarters in Arkansas that stated that Vineland had sent them the application paperwork, but they decided not to fill it out."

Mayor Quinn: "Hmm."

Commissioner Vanaman: "And I forgot that I was going to call the Tax Assessor in Vineland to follow up on that. I'll have to call him tomorrow, now. I don't think Vineland Wal-Mart applied for an abatement."

Mayor Quinn: "I was just talking to, you know, Bobby Romano yesterday, we were talking about it. In fact, he even commented in one day, that new Wal-Mart did a half a million dollars in one day of sales, and he had eluded to it, so that was where I got my basic information. But, you may be correct..."

Commissioner Vanaman: "I don't know."

Mayor Quinn: "It would be surprising..."

Commissioner Vanaman: "I mean, if it was in The Daily Journal, it must be right."

Mayor Quinn: "Absolutely."

Commissioner Shannon: "We won't go there, Commissioner Vanaman."

Commissioner Derella: "And you were asking Joel for help on that?"

Mayor Quinn: "Yeah, you asked Joel for help."

Commissioner Vanaman: "Joel was going to check that for me tomorrow."

Mayor Quinn: "Yeah."

Commissioner Vanaman: "Do you remember seeing the correction in there?"

(inaudible)

Mayor Quinn: "Not my Department."

Commissioner Shannon: "...vote yes for office, right now."

Mayor Quinn: "Yeah, you're right."

Commissioner Vanaman: "Yes, Virginia, there may be an abatement, I don't know."

Mayor Quinn: "Okay any other comments? Motion to adjourn?"

There being no further comments from the Commissioners, the regular session was adjourned subject to the call of the chair, by the following vote. Yeas: Quinn, Derella, Parent, Shannon and Vanaman.

Approved:

James F. Quinn
Mayor

Joseph J. Derella

W. James Parent

James T. Shannon

David W. Vanaman
Commissioners

Attest:

Lewis N. Thompson
City Clerk/Administrator

**BILL LIST
CITY OF MILLVILLE
MEETING FEBRUARY 3, 2009**

ACCESS TRAINING SERVICES, INC.	600.00
ACE PLUMBING & ELEC SUPPLY	42.46
ADAMS, REHMANN & HEGGAN ASSOC.	17,695.52
AHOME, INC	30,500.00
ALLIED ELECTRONICS, INC.	3,630.55
PAUL G. KANIGOWSKI	283.94
ATLANTIC CITY ELECTRIC	46,413.53
ATL. CO. UTILITIES AUTHORITY	37,030.00
AUTOZONE NORTHEAST, INC.	1,318.01
AW DIRECT, INC.	248.40
BANC OF AMERICA LEASING, INC.	166.14
BETHEL DEVELOPMENT CORP	1,875.00
DICK BLICK COMPANY	259.14
DORIS BOTTS	500.00
BOYCE ASSOCIATES	988.73
CBI SERVICES, INC.	133,270.20
C & S SIGNS	85.00
CAMDEN COUNTY POLICE ACADEMY	50.00
CAPE MAY COUNTY TRAINING CTR	30.00
CINTAS FIRST AID & SAFETY CORP	212.35
CITY OF MILLVILLE	4,565.90
CITY MILLVILLE PAYROLL DED ACC	25,365.07
CLARKE CATON HINTZ, INC.	30,383.08
COMCAST, INC.	434.85
ATLANTIC CITY ELECTRIC	1,180.66
CONTINENTAL FIRE & SAFETY, INC	4,291.00
CCIA	896.35
CUMBERLAND COUNTY TREASURER	4,538,625.62
CUMBERLAND VALVE INC	773.13
CUMBERLAND TREE SERVICE, LLC	800.00
BRIAN CUSHNER	60.00
CUSTOM GRAPHICS, INC.	178.60
THE DAILY JOURNAL, INC.	1,531.58
LINDA A. DEDRICK	400.00
PHIL DESIERE ELECTR. MOTOR INC	286.94
DIAMOND AUTO GLASS, INC.	193.42
DISPLAY SALES, INC.	42.00
DOMINION TITLE	10,000.00
DON-B-FRANKS	474.00
EDWARD DUFFY, ESQ.	585.00
DYNTEK SERVICES, INC.	361.82
EDUCATIONAL RESOURCES/FASTRACK	2,800.00
ENTERPRISE LEASING COMPANY	63.00
ENVIRONMENTAL RESOURCE ASSOC.	516.71
E. SAMBOL CORP.	296,663.33
FEDEX	96.54
FIBER CARE	69.55
EMERGENCY PRODUCTS INC/FIREPWR	70.04
FIRST DUE EMERGENCY SUPPLY INC	3,006.57
FLEET CAPITAL LEASING, INC.	318.00
FLIGHT LINE GIRLS, LLC	75.00
FLORIDA MICRO, LLC	1,016.22

FORT DEARBORN LIFE INSURANCE	1,908.30
GARDEN STATE HIGHWAY PROD. INC	680.00
GARRISON ENTERPRISE INC	979.69
GENERAL SALES ADMINISTRATION	5,704.70
GLOUCESTER CO. POLICE ACADEMY	1,500.00
GFOA OF NEW JERSEY	325.00
GPM ASSOCIATES, INC.	18,915.00
GREENBAUM, ROWE, SMITH AND	1,853.50
HACH COMPANY, INC.	152.17
H.A. DEHART & SON, INC.	1,147.20
HANSON AGGREGATES BMC, INC.	449.83
GREG L ERBER, SR	752.18
THE INCREDIBLE BULK	35.00
INDUSTRIAL SUPPLIES INC	95.39
JACOB & CHIARELLO, LLC	400.00
JB'S CAP WORLD, INC.	65.00
JGSC GROUP LLC	890.00
JRB ASSOCIATES, LLC	2,850.00
KOMLINE & SANDERSON, INC.	3,690.00
NICHOLAS T. LACOVARA, ESQ	325.00
LANDSMAN UNIFORMS INC.	916.00
LAWMEN SUPPLY CO, INC.	2,431.00
DEREK LEARY	119.70
LOWE'S CO., INC.	380.71
MCI COMM SERVICE	32.08
MAJOR PETROLEUM, INC.	1,141.79
MCM REAL ESTATE LLC	2,090.00
MGL PRINTING SOLUTIONS	571.00
MIG ENVIRONMENTAL, LLC	285.00
MILLVILLE AUTOMOTIVE, INC.	596.98
MILLVILLE CHAMBER OF COMMERCE	90.00
MILLVILLE DEVELOPMENT CORP	18,216.08
MILLVILLE ELITE ENTERPRISE LLC	136.50
MILLVILLE IRON WORKS	112.00
MULTIFORCE SYSTEMS CORP., INC.	420.00
MOD-CON, INC.	123.00
MONTGOMERY, MCCRACKEN, WALKER	2,504.10
TREASURER, STATE OF NJ	3,012.25
NEW JERSEY CONTINUING LEGAL	149.00
NJ POLICE TRAFFIC OFFICERS ASC	35.00
NJ RECREATION & PARK ASSOC.	190.00
NJ STATE ASSN CHIEFS OF POLICE	200.00
OFFICE BASICS, INC.	364.54
TODD OLIVER & SONS, LLC	1,560.00
PACE & ASSOCIATES, INC.	11,345.93
PEDRONI FUEL CO, INC.	22,479.84
PENN-JERSEY MACHINERY, INC.	174.06
PREMIER CHEMICALS, LLC	5,669.37
PRINT SOLUTIONS PLUS, INC.	640.75
QUALITY CONTROL LABS, INC.	6,287.00
RADWELL INTERNATIONAL	4,073.00
RENTAL MAT SERVICE, INC.	204.67
RIVERVIEW PLUMBING, INC.	825.00
ROCTRONICS CORP.	138.00
SERVICE TIRE TRUCK CENTER, INC	4,683.04
HELEN TROIA-SHEAR	1,000.00
SIRCHIE FINGER PRINT LAB	7,090.00
SJ COURT ADMIN ASSOC.	140.00
SJ PAPER PRODUCTS, INC.	204.08
DAVID SMITH	135.99
WAYNE M SMITH	365.78
S.J. SONGWRITERS GUILD	200.00
SOUTH STATE INC	4,177.25
SPARK ELECTRIC SERVICE, INC.	

	277,967.20
STAVOLA	1,391.89
TAX COLLECTOR & TREAS. ASSN NJ	75.00
TRIAD ASSOCIATES, INC.	26,297.50
TRI-CITY PAPER & JAN. SUPPLIES	993.40
UNION LAKE SUPERMARKET, LLC	24.02
UNITED ELECTRIC SUPPLY, INC.	1,554.42
UNITED PARCEL SERVICE	30.56
URBAN ENTERPRISE ZONE	4,271.03
USA BLUE BOOK, INC.	2,366.86
USPS	3,895.00
NATHAN VAN EMBDEN, ESQ.	4,250.00
VINELAND AUTO ELECTRIC, INC.	279.20
W. B. MASON COMPANY, INC.	513.79
WEST GROUP, INC.	78.00
WOODRUFF ENERGY COMPANY, INC.	746.40
WYBLE ADVERTISING, INC.	3,111.63
BENNY ELECTRICAL	1,900.00
BARETTA PLUMBING, HEATING &	935.00
DIRKES ELECTRIC INC.	1,185.00
FOUNDATION TITLE	6,545.00
H.J. GRABER CONTRACTOR	13,474.00
MICHAEL IRION	2,308.50
MISHA, LLC	3,250.00
FJD&GBG, LLC	3,257.32
LOPEZ BROTHERS	9,740.00
JIM RHUBART, JR. & SR.	34,200.00
RENEE PAGLIUGHI	3,750.00
IN HIS PRESENCE WORSHIP CENTER	2,500.00
FARIFAX COPITAL LLC	2,125.00
THE WASHINGTON GROUP, LTD	2,237.00
DESA WILLIAMS	175.00
ALBERT & BARBARA FRANK	3,625.84
TOTAL VOUCHERS FOR 02/03/09	5,768,604.96
TD BANK,NA (WIRE)	24,206.61
TD BANK,NA (WIRE)	47,234.09
TOTAL WIRES FOR 02/03/09	71,440.70
CITY OF MILLVILLE SALARY ACCOUNT	297,715.55
CITY OF MILLVILLE SALARY ACCOUNT	276,628.55
TOTAL SALARY FOR 02/03/09	574,344.10
TOTAL VOUCHERS & SALARY 02/03/09	6,414,389.76