

3rd Fl Conference Rm, City Hall
Millville, New Jersey
March 2, 2010, 5:00 p.m.

The Board of Commissioners met in executive session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn, Derella and Vanaman.

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- 6796 authorizing an executive session concerning contract negotiations for Cumberland Council No. 18; Millville Policemen's Benevolent Association Local No. 213; Millville Police Supervisor's Association; Firemen's Mutual Benevolent Association and Administrative Unit and pending litigation Trackracket, et al v. New Jersey Motorsports Park and City of Millville, New Jersey Superior Court, Cumberland County Law Division, Docket No.: L-1320-09 was adopted, by the following vote: Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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: March 16, 2010

~~James T. Shannon~~_____
Mayor

~~Joseph J. Derella~~_____

~~James F. Quinn~~_____

~~David W. Vanaman~~_____

~~Dale L. Finch~~_____
Commissioners

Attest:

Lewis N. Thompson_____
City Clerk/Administrator

Commission Chamber, City Hall
Millville, New Jersey
March 2, 2010 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 reviewed the following additions to the agenda:

Petitions & Letters

Item No. 2 Correspondence received from David W. Vanaman, Director of Public Safety, appointing John J. Garton to the position of Fire Fighter, effective March 2, 2010 in the Department of Public Safety, in accordance with certification from the New Jersey Civil Service Commission.

Item No. 3 Correspondence received from David W. Vanaman, Director of Public Safety, re-appointing Special Law Enforcement Officers as Class I and Class II in the Department of Public Safety effective March 2, 2010.

The City Clerk/Administrator had no further additions or deletions to the agenda.

Mayor Shannon asked if the Commissioners had any comments regarding the agenda.

Commissioner Finch stated he will submit the Cumberland County Health Report for the month of January 2010.

Commissioner Derella stated he will submit the following reports:

a) City of Millville Invested Funds Report for the month of January 2010

b) Commissioners Accounting Report for the month of January 2010

c) Letter to the State of New Jersey and notice from CFO regarding No Corrective Action is required to be Filed for the City of Millville for FY2009 Audit

Commissioner Vanaman stated he will submit the Fire Report for the month of January 2010.

Mayor Shannon announced he will present the Winter Photo Contest Awards.

Mayor Shannon declared a public comment portion open regarding agenda items only and asked if any person present wished to be heard.

There being no comments, Mayor Shannon declared the public comment portion closed and the agenda session was adjourned by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Commission Chamber, City Hall
Millville, New Jersey
March 2, 2010, 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.

Reverend Kenyon delivered the invocation 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.

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

The City Clerk/Administrator read correspondence received from the Secretary of the Millville Firemen's Relief Association regarding request for approval to admit Brandon M. Coulter, as a volunteer member of the Millville Fire Department.

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

The City Clerk/Administrator read correspondence received from David W. Vanaman, Director of Public Safety, appointing John J. Garton to the position of Fire Fighter, effective March 2, 2010 in the Department of Public Safety, in accordance with certification from the New Jersey Civil Service Commission.

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

The City Clerk/Administrator read correspondence received from David W. Vanaman, Director of Public Safety, re-appointing the following Special Law Enforcement Officers as Class I and Class II in the Department of Public Safety effective March 2, 2010:

Class I

Anthony Cills
 Yolanda Jiminez
 Robert McQuade
 Samuel Brozina
 Ryan Hallquist
 Clarence Koehler
 Linwood Marshall
 Elba Rosario
 Jason Schooley
 Noemi L. Maldonado

Class II

Timothy Patrick
 Joseph Fauver

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

The Cumberland County Health Report for the month of January 2010 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Commissioner Finch provided a brief update on the committee which was formed regarding the State of New Jersey Motorsports Park noting the members of the Committee include himself, Commissioner Vanaman; Kim Ayres, Planning Director; Don Ayres, Economic Development Director; Richard McCarthy, City Solicitor and John Knoop, City Engineer.

Commissioner Finch noted the committee has been in continued discussions with the New Jersey Motorsports Park and are progressing through the process.

The Monthly Activity Fire Report for the month of January 2010 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

The City of Millville Invested Funds Report for the month of January 2010; Commissioners Accounting Report for the month of January 2010 and letter to the State of New Jersey and notice from CFO regarding No Corrective Action is required to be Filed for the City of Millville for FY2009 Audit were ordered, received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Mayor Shannon presented the Winter Photo Contest Awards to the following recipients:

Holly City Diamond Award (Grand Prize Overall) "Snow Brother" Karyn Violet Brown	Jan Capaldi Winter's Solstice Award "Union Lake" Adrian Crimer
Judges Choice Award "Captain Buck" Tom Schenck	Nature's Palette Award "Sharing Love by Giving Food" Leanne Zielinsky
Chairman's Choice "Blizzard Bush" Judy McFarland	Jack Frost Award "Winter's Peace" Valerie Behrens
Holly City Pride Award "Holly Berries"	Winter's Celebration Award

"Christmas for the young at heart"
Dave Woeller

Honorable Mention
"Winter Renaissance"
Beth Anne Barrickman

Winter's Tranquility Award
"Snowy Bench"
Larry J. DePalma

Honorable Mention
"Snow Fun"
Dottie Ayars

Winter's Delight Award
"Follow Me"
Melissa Peek

Honorable Mention
"The Snow Tree"
Pamela Carty

Winter's Calm Award
"Glistening Sunset"
Sam Nichols

Honorable Mention
"Our House at Christmas"
Donna Pio

Winter's Embrace Award
"Winter's Guiding Light"
Colleen M. Hand

Honorable Mention
"In For the Night"
Stephanie Paladino

Holly City Award
"I'll Be Home, If Only In My
Dreams"
Romilda Haiduck

Honorable Mention
"Winter Holly"
Mellissa Bailey

Resolution No. A-6797 amending Resolution No. A-6778 regarding Special Assessment of Municipal Liens for certain properties, adopted February 2, 2010 incorrectly recorded block 360, Lot 3, 426 N. 3rd in the amount of \$350.00 and the Tax Collector is directed to cancel the lien on Block 360, Lot 3 dated February 2, 2010 in the amount of \$350.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6798 authorizing Special Assessment of Municipal Liens for certain properties due to expenses incurred by the City of Millville relating to Clean-Up of Properties/ Board & Secure plus administration fees in accordance with Chapter 11, Article VI of the Municipal Code was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6799 authorizing cancellation of Promissory Note in the name of Joseph J. and Carole J. Plowman in the amount of \$5,000.00 pertaining to 118 East Vine Street, block 363, lot 5, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6800 authorizing cancellation of Promissory Note in the name of Mill Run Properties, LLC in the amount of \$5,000.00 pertaining to 105 High Street, block 415, lot 21, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6801 authorizing cancellation of Promissory Note in the name of DePalma Realty, LLC in the amount of \$5,000.00 pertaining to 111 High Street, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6802 authorizing adjustments to the City of Millville's Tax and Utility Records was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6803 authorizing a Lease Agreement between the City of Millville and Central Baptist Church for portion of Block 421, Lot 1, N. Second and Sassafras Streets for use as a public parking lot for a yearly rental fee in the amount of \$1.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6804 authorizing the DRBA to apply to the NJDEP for a New Jersey Pollutant Discharge Elimination System Individual Stormwater Permit for the purpose of deicing airplane runways and authorizing the Mayor, City Clerk/Administrator and City Engineer to endorse the permit application was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

A motion was made to approve 2010 New Jersey Motorsports Park event plan changes approved by Fire Chief Kurt Hess.

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

A motion was made to authorize the City Clerk/Administrator to advertise for bids for the project known as "Millville Regional Senior Center - Additions and Renovations" block 546, lot 29, 1500 S. Second Street. Sealed bids to be returned to the Purchasing Board on Thursday, April 1, 2010, 4th Floor Commission Chamber, City Hall at 10:00 a.m.

Mayor Shannon made the following comments:

"I'm proud to announce that we're moving forward with this project. The seniors have been very patient in waiting for this and the DCA finally approved the plans. Now, we got to get the bids back and see what we can do there, but it should be a very nice facility and I think the seniors want this project to start."

Commissioner Quinn: *"I know how hard you worked on that Mayor, I salute you on that. I know it's been a labor of love."*

Mayor Shannon: *"A long process. We appreciate all the help we've got from the county, everyone that's pitched in there. Again, they're out of space at the Jaycee Plaza, there's no question about it. Sylvia Stites has done a great job with the Senior Program and we're looking forward to that new senior center."*

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

A motion to authorize a Social Affair Permit on behalf of the Riverfront Renaissance Center for the Arts for a Spring Gala to be held on May 1, 2010 from 6:30 p.m. to 11:00 p.m. at the Riverfront Renaissance Center for the Arts, 22 North High Street, was approved by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

A motion was made to authorize the City Clerk/Administrator to advertise for bids for the project known as "Purchase of Control Panels for the Millville Municipal Water Utility". Sealed bids to be returned to the Purchasing Board on Tuesday, March 16, 2010, 4th Floor Commission Chamber, City Hall at 10:00 a.m.

Commissioner Finch: *"This is just for the, what we call the SCADA System, which is a computerized operation that will enable the monitoring of the quality of all the wells, the treatment facility and the tanks as well. So, it's going to really upgrade our monitoring of the quality of water for the City of Millville."*

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

A motion was made to authorize the City Clerk/Administrator to advertise for bids for the project known as "Pump Replacement & Well Rehabilitation at the Bridgeton Pike Well #1A for the Millville Municipal Water Utility". Sealed bids to be returned to the Purchasing Board on Tuesday, March 16, 2010, 4th Floor Commission Chamber, City Hall at 10:00 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/Administrator to advertise for bids for the project known as "Waltman Park All-Abilities Playground Rubber Resurfacing & Appurtenant Work". Sealed bids to be returned to the Purchasing Board on Thursday, April 1, 2010, 4th Floor Commission Chamber, City Hall at 10:00 a.m.

Mayor Shannon: *"I would like to thank Commissioner Quinn, Dr. Kim Warker-Ayres for securing the funding from federal money. This is a Federal Grant that we received \$37,250.00 to refurbish the handicap All-Abilities Playground. As you know it's got a special surfacing down there and with the weather that we had it just sort of tore up and the wheelchairs were not able to operate in that play area. So, we appreciate the work that you put in on this to get this federal money to be able to get this completed. So, we appreciate that. Thank you."*

Commissioner Quinn: *"Thank you. We were one of the first to have it..."*

Commissioner Derella: *"We were the first in the county."*

Mayor Shannon: *"Thank you very much and good work on that Commissioner."*

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

A motion was made to approve Application for Use of Municipal Docks in the name of Cape May Boat Tours, LLC to provide Bird Watching Tours from March 13, 2010 to April 20, 2010 from 9:30 a.m. to 5:00 p.m., subject to the approval of the Department of Parks & Public Property and required certification of insurance.

The motion was passed, 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.

David W. Mazur, 1060 South 8th Street, Vineland addressed the Board of Commissioners and expressed his concerns regarding layoffs and health insurance.

Mr. Mazur read portions of a letter that he wrote to President Barack Obama and submitted the correspondence to the Board of Commissioners including the letter of response from President Barack Obama.

Jeanette Pace, West Main Street, addressed the Board of Commissioners and inquired about the status of the joint site analysis received from the Board of Education on the proposed location of the new high school.

Mayor Shannon stated the Commissioners are currently reviewing the site analysis and at the next Commission Meeting he anticipates a resolution being placed on the agenda adopting and accepting the site analysis for submission to the SDA.

Jeanette Pace made the following comments:

"We were provided at the board meeting with a joint site analysis from the City and the Board of Education, so that's not your analysis, it's just theirs?"

Mayor Shannon: *"Well, no, that was worked on with our City Engineer, okay, along with Dr. Kim Ayres they worked on those sites. Those sites were the ones that we mutually agreed on. That's what we came up with and the way the SDA reads, we got to do a joint resolution to accept that plan. Now, if you read in there, future negotiations will go on, because no site has been selected at this point. This is like the five or six sites."*

Jeanette Pace: *"Do you make the recommendation based on this, what your recommendations are going to be and it's going to be and it's going to be a joint recommendation based on this with what you've decided?"*

Mayor Shannon: *"Well, what happens is those are the properties that we mutually agreed on. The SDA will now come back and give us what they feel is their best site and then from there that's when we will sit and we will discuss whether that's the best choice for us or not."*

Jeanette Pace: *"That's going to be at the next meeting?"*

Mayor Shannon: *"Well, we're just going to do the resolution to accept that plan right there..."*

Jeanette Pace: *"This, that's in this plan..."*

Mayor Shannon: *"to send that up to the SDA..."*

Jeanette Pace: *"that was within the order that's in the properties that are located, the six here in that order, because they were listed in here by list of priority? The way the board is looking at it, that's my understanding."*

Mayor Shannon: "Well, to be honest with you I don't have that in front of me, I've looked at that, I don't know how they were in order to be honest with you."

Commissioner Derella: "Okay, it doesn't mean that's going to be the way they're selected and the way the SDA looks at it. There should also be the entire list of the properties from the City of Millville every single one that was submitted from the engineering department. Our job is to say yes that's the certified list, basically not really certified, but that's the list of all properties in the City of Millville and these seem to be the ones that are most attractive with potential for the school site."

Commissioner Vanaman: "Mr. Mayor, Commissioner correct me if I'm mistaken, but weren't we also waiting on a resolution from the school board? Have we gotten that yet?"

Mayor Shannon: "Well, that was a good question Commissioner. Mr. Clerk, correct me if I'm wrong. Basically, going back, because I had the clerk go back through and state where they wanted it done and basically it was to adopt a joint resolution supporting the joint analysis. Is that basically correct? I was also waiting for a resolution and I had the clerk email Mr. Kell and they conversed and when I spoke to the clerk it was basically a joint resolution accepting the report. So, that's where we are at this point. That gets sent to the state and the state then contacts and that's when we negotiate on the actual site."

Commissioner Vanaman: "So, the point being would be that they're going to do a Resolution?"

Mayor Shannon: "Well, no the next step will be for us to accept this plan and just submit to the state and then from there the state will be contacting us."

Commissioner Vanaman: "But, if it's joint, then we also need the resolution from the board..."

Lew Thompson: "I was advised via email that the Board of Education was not doing a resolution."

Mayor Shannon: "they were just accepting that plan to be submitted to the state."

Commissioner Vanaman: "Okay, it's joint, but we're the only ones putting our name on it."

Mayor Shannon: "no, I think the school board has their name on that."

Lew Thompson: "They sent the document over to us with the instructions for a resolution and we sent the email over asking if they were willing to do a resolution. They had the item on the agenda, but they did not adopt it by resolution."

Mayor Shannon: "but, we might want to clarify maybe we don't need to do a resolution and maybe just do a letter."

Diane Reinhardt addressed the Board of Commissioners and introduced herself as the new President of Millville First and extended an invitation to everyone to attend Millville First's

March 9th meeting noting they will be hosting the Cumberland County Freeholders and noting she wanted to inform the public and keep them participating in government.

Diane Reinhardt also announced Millville First would also like to extend the invitation to anyone who would like to attend their March 29th meeting noting Congressman LoBiondo will be attending.

Joe Sooy, East Main Street, addressed the Board of Commissioners and inquired if the completion date of the Levoy Theatre is going to be delayed due to the bricks falling off the façade of the building and if this will result in additional cost or require any engineering studies.

Commissioner Quinn responded in the negative and explained it was just a little bit of façade from the building noting the contractor of the project responded immediately and made the necessary repairs.

Joe Sooy inquired what professional services does Allen Associates provide to the City of Millville.

Commissioner Derella responded they are the insurance broker for the City of Millville.

Lois Hall, Cedar Street, addressed the Board of Commissioners and stated she again would like to plead her neighborhood's case regarding the proposed New Jersey Motorsports Park Field of Dream's location.

Lois Hall stated her neighborhood is located approximately 2 miles from the airport and more than 50% of the residents have lived there for forty or more years noting they are all taxpayers and most of them are now on fixed incomes.

Lois Hall advised one of the questions all her neighbors have is why the committee appointed to review the project has never asked them how they feel about the proposed location of the Field of Dream's ATV Park.

Lois Hall stated that the residents who have attended the meetings and expressed their concerns and opposition regarding the location of the ATV Park are not being heard.

Lois Hall questioned why the governing body is paying an out of state vendor to review the noise level tests from 2008 and 2009 and not hire someone from City of Millville, Cumberland County or even New Jersey considering these dire economic times.

Lois Hall questioned if the person who conducted the noise level tests in 2008 and 2009 was certified.

Lois Hall advised the governing body that on one occasion the person conducted a noise level test when there was no racing at the track and a second time he tested when the race was starting 2 hours later.

Lois Hall also stated that when the tests were conducted in 2008 and 2009 there were many acres of trees at the airport and now that they have been cut down the sound levels are going to be higher.

Lois Hall asked the governing body what the actual difference in distance of the proposed location and the location where they currently want to put the Field of Dreams ATV Park.

Commissioner Finch responded he believes the approximate distance is 3000 feet and there was further discussion regarding the proposed location and the distance from Buckshutem Road site to the proposed re-location.

Commissioner Finch stated the committee met with the Porreca Drive residents and discussed their issues and added the staff members who conducted the noise tests are certified.

Commissioner Finch stated the reason they chose the out of state vendor to review the noise study reports and monitoring data pertaining to the New Jersey Motorsports Park, is because of their expertise and their experience as they have studied airports and racetracks across the country and further noted the potential pending lawsuit.

Lois Hall advised the governing body her neighborhood is closer to the New Jersey Motorsports than the Porreca Drive residents and no one from the City has talked with them.

Lois Hall urged the governing body to please consider how the quality of life of the homeowner's in her neighborhood would be affected noting they're the voter's and they're paying the taxes.

Paul Porreca addressed the Board of Commissioners and reminded them that Millville First has not yet received answers on past inquiries noting one inquiry was if a date has been set for any future land sales.

Mayor Shannon advised Mr. Porreca he met with Brian Rosenberger today and anticipates the final list in the near future and the land sale may be scheduled in April.

Paul Porreca inquired when the governing body anticipates receiving a report as to what the results were from the \$800,000.00 allocated to the Washington Law Firm regarding the pollution at the airport noting he filed an OPRA request a few years ago to obtain that information, but was denied due to attorney/client confidentiality.

Mayor Shannon asked Mr. McCarthy if the litigation is still ongoing with Richard McCarthy stated they are currently in discussions with insurance companies who have coverage with the City of Millville regarding recovery of monies toward the City's past costs and any future costs that may occur for environmental remediation and/or cleanup along with the four entities involved.

Paul Porreca advised the Board of Commissioners once the matter has been concluded he anticipates a detailed accounting report explaining funds received and funds utilized for the litigation.

Paul Porreca also inquired if the chicken place on High and Broad Street is out of business and if the governing body is going to rescind the tax abatements on the businesses that no longer provide jobs.

Commissioner Derella stated he has made his position clear regarding Venuto's and Circuit City's tax abatements and advised Mr. Porreca that he has a meeting scheduled with Brian Rosenberger tomorrow on several issues including the chicken business.

Paul Porreca reminded Commissioner Derella about his inquiry on the space place formally known as Zeus, as to his question as to whether part of their property was residential and if they have hired anyone.

Paul Porreca also inquired if the City of Millville has completed the comprehensive report and verification of employment required by the ordinance amended and adopted in December 2008.

Commissioner Derella responded that 6 or 7 months ago Mr. Rosenberger checked the status of Space Place a/k/a Zeus and took photographs and noted at that time the residential space Mr. Porreca is referring to was used for storage and further advised an investigation will be performed on an annual basis to ensure the status has not changed.

Commissioner Derella stated the recertification is an ongoing process noting he previously mentioned that correspondence has been mailed and once he has received all the information a report will be compiled for submission at a future commission meeting.

Paul Porreca acknowledged Commissioner Derella for taking a firm position and publicly stating that the tax abatements for Venuto's and Circuit City should not be rescinded.

Paul Porreca also stated Commissioner Vanaman has also taken a firm position regarding Venuto's and Circuit City's tax abatements, but noted the other three Commissioners have not and was curious as to their position regarding this issue.

Commissioner Quinn made the following comments:

"I'll tell you from my standpoint, one of the sad things that occurred and I understand we have our differences on the abatement issue, but one of the reasons that we lost the Looking Glass was a big abatement thing, because they lost their abatement and then all the taxes kicked in on him, who's trying to run a restaurant, trying to make a living. That was one of the major... I know he called people in your group when that occurred, I was at, unfortunately or fortunately, I was at his closing on Friday night and I went up to him and thanked him for being there and he says I don't want to hear it and he said you the City helped kill my business, because you took away the abatement from my landlord and I got stuck with the thousands of dollars of taxes. I said, you know, what Luke, I understand what your saying, I did not agree with that, but technically and I guarantee you we're probably the only City in the State of New Jersey with UEZ that follows that abatement to the law, to the day, to the 30 day period of time and you know again, we disagree and that's one of our situations. But, there's a prime example where that actually ended up putting him out of business. So, okay, we actually lost money by taking away the abatement, which we did because you know with the abatements the City gets more money and the county and the school board don't. So, we lost money and we lost one of the best restaurants we had

on High Street directly attributed to us pulling the abatements. I've seen in this economy it's going to be tough as heck for anybody to fill any of those vacancies, so if we take away the abatement possibility or give them that, we're not going to fill them. I know we have our differences, but I still, I'm out there trying to encourage people to come in. Luckily, we do have a tenant coming into that building, but those things happen and there's a prime example where I think the way I feel about it, the more we can do and what ever it takes to encourage those people to come in and maybe it means we're going to lose a few hundred bucks in taxes, but we need those people and we do need jobs. I agree with you judge that chicken place called, I looked at that after Dave or somebody mentioned it at the last meeting. That's gone. In fact, other than that 3 month tax place that's still in there, everything has closed up in that property now. Venuto's, they can't find a tenant and of course Circuit City has not been able to find a tenant. This economy is horrendous as you know. It's the worse economy we've had since the depression. So, I don't know, do you take away things and then we're never, ever going to get them. I would still like to have a little bit of a carrot that we can try to dangle for the businesses to be able to draw somebody into the business. But, that's my opinion."

Commissioner Vanaman: "I would like to restate my position on that. By not rescinding abatements, well we got to backup. The abatement is to entice industry and businesses that come into town to build something real nice and to provide jobs. If the place closes up and the jobs go away, then all you're really doing is you're giving the abatement to the building and that's not doing anything for us, it's just an empty vacant building and that's one of the main, primary reasons why I, No. 1 am not overly excited about abatements, which you got several situations now where there are no jobs being created. Now, Jackson Hewitt is in business for three months again this year, so we're going to have a few 12 week jobs, but other than that it's empty all year long. That's not what the program was all about."

Commissioner Quinn: "But, see David my feelings are is how do you get businesses to come into those buildings if you're not able to do that. You look at the economy, you know how hard it is now for businesses to operate and Luke at the Looking Glass ran a great business, but unfortunately that burden came back on him. When he signed the agreement he was under the impression as was Mr. Aliano, who owned the building that they were getting a tax abatement so he wouldn't have the burden of the taxes immediately. Restaurant businesses are very, very tough and he did employ between 12 - 16 full and part-time people. Those people lost their jobs directly, because they lost their abatement and that's where the \$11,000.00 difference came or whatever it was that he had to make up and he couldn't make it up. So, there is two sides to the coin and I'm just saying that's my side."

Paul Porreca: "Of course it's not required, but I would appreciate the position of the remaining two commissioners to see if we're ever going to get a vote, because if the two of you were to rescind the abatements I have a sense that we could get a third vote out of Mr. Vanaman, but I guess..."

Richard McCarthy: "There's correspondence that came in from the attorney from the Regional Shopping Center today, which

I gave to Lew's office, actually to Susan Robostello and you may want to read that first before you make a representation."

Lew Thompson: "That will be read on the agenda of the next meeting."

Paul Porreca: "If I have a minute or two Mr. Mayor..."

Mayor Shannon: "you have 2 minutes left."

Paul Porreca: "Thank you very much, well that's good, because I have two points in connection with the Mayor. I think that Jim's Lunch does not have a tax abatement and never has had. So, it's grossly unfair and inequitable..."

Commissioner Quinn: "they started in 1923, come on judge..."

Paul Porreca: "that's not the point Mayor, that's not the point. The point is that they are a restaurant a block away from them and competing with somebody that has a distinct unfair advantage supplied to them by the government. Unfair. No. 2 on the Union Lake Shopping Center you don't know who's paying the taxes. You don't know if the rent is going to be different, because of a tax abatement or not and I'll tell you why you don't know. We came here and asked to see the leases and they were not supplied. Okay. We asked to see them to see what the tax provision was to determine whether these tax abatement were being passed on to the tenants and Union Lake would not supply them. So, you don't know. I don't want to say you don't know what you're talking about, but you don't know what you're talking about when you say the tax abatements. But, seriously you don't know what the arrangements are there, so I'm sure my 2 minutes are up, but thank you very much."

Richard McCarthy: "I can answer a couple of those questions at the end. We had an appraisal done on some of the Goodmill stuff that they've been working and the leases had to be supplied to the appraiser, which I'm sure if Brian doesn't already have them, he can certainly get them. But, one of those questions that the judge asked are actually answered in the letter. If he wants verification and he wants to see the leases to prove what's in the letter is correct or not we may be able to supply that information. But, the letter answers the very questions that the judge asked."

Bob Tesoroni: "Bob Tesoroni, Howard Street. It's very unfortunate that the Looking Glass had to close up and that we lost that business and those jobs. But, there is another side to the tax abatements that we must consider all the time when we're giving them and that's they do not pay and that's one of the few things that we agree on. They do not pay county and school taxes when they have that abatement. The taxpayers do pay that, they absorb that. Now, I understand that it's spread throughout the county, but it still results in an increase in taxes and when you increase the taxes that means that the landlord of all the establishments on High Street have to raise their rent. They're not going to absorb, most contracts have that written in there now that if our taxes go up, you're going to pay it and there's a breaking point for all of them and we see them continually. I don't know what happened, but we lost Amato's. I was not surprised, but the only thing that surprised me is that they lasted as long as they did..."

Commissioner Quinn: "We know why, but we won't say."

Bob Tesoroni: "I'm sure, yeah, I have my suspicion. But, we have to consider this when we're giving abatements and they are, they're very discriminatory and unfair and we as taxpayers are paying the difference for them. Thank you."

Commissioner Quinn: "Bob, I understand what you're saying. I don't agree with the numbers as Joe has pointed out the numbers you have. But, coming back to trying to attract businesses; and Vineland offers the abatements and they're a neighboring City and they're right up against us and I've said this many, many a time. You can't tie both of our arms, Don Ayres' arms behind his back and Jim Lelli comes into the fight and says I can punch your guys lights out, because Millville First doesn't like abatements and you have a lot of people that are opposed to abatements, but we're lucky we don't have a Vineland First that opposes abatements, so we can give all we want, so ha ha to you. That makes it tough, I mean that's a realism in today's, it has been forever with them that they have that ability to give the abatements. I still think when you're looking to draw businesses here, without the abatement I don't know if the Looking Glass would have ever come. Now, obviously we lost them, because they lost the abatement they had when they were here. So, that's a fact. I don't know how many businesses would have started up had the abatements not have been there and been available. It's easy to say don't give them, but when you're trying to attract businesses to your community it's very hard not to have some type of a carrot, some type of a thing to encourage them to come and to be here. As the judge pointed out, Jim's Lunch doesn't need it. No, they absolutely don't, they've got great food, Rochelle and Jimmy do a super job and everything's good. Luke had really good food and people liked his facility a lot too and I don't know if you talk to Jim and Rochelle, it probably didn't bother them that they were subsidizing the abatements a little bit."

Commissioner Derella: "It's less than one percent."

Commissioner Quinn: "Thank you Joe, that's what I mean it's miniscule and you Bob, you say well they're going to raise all of the rentals. It's miniscule in comparison to what is spread over 14 municipalities. So, you know, we have our differences and that's something that I, from the Economic Development standpoint and I've had that for the last 9 years now. Man, I'll tell you what we wouldn't have had Union Lake Crossing Shopping Center without the abatements. I doubt even when my mom and dad sold their properties before I was ever in the City Commission with Walmart, I don't think we would have gotten Walmart in the Cumberland Crossing Shopping Center without the abatements. So, they're big tax ratables for us, they're job creators for us and the City of Vineland and the last I've known they are not giving them up, so it's pretty hard to compete with your neighbor if you don't have the same thing they have."

There being no further comments Mayor Shannon declared the public comment portion closed and asked if there were any comments from the Commissioners.

Commissioner Derella made the following comments:

"I have one comment in regards to the Pilot's. The debate goes back and forth and it's been going on for 5 years, 6 years, 7 years and I've been very clear on my position with this. On several occasions I've ranted and we've done the math to explain the Pilot and the impact it has on the tax rate. We've demonstrated two separate years, one where we've had over 55 million dollars in abated properties. We had a tremendous increase over 20 cents on the County tax rate and then another year, excuse me a 13 cent tax increase and another year we had less than 30 million dollars in abated properties and the tax increase was higher than that, almost 20 cents. So, again putting the mathematics together and going through and then looking at it, it's less than 1 percent of the ratable base, which means it equates to less than one penny on the tax rate. Remember that the abatement is on the improvement of the property. We still get full land tax on each one of those properties as well. Thanks to Millville First I do believe that our process with Pilot's is the strictest and most compliant in the State of New Jersey. We had some holes and we addressed them and we made that happen, but understand that last year unfortunately, we were faced with an 8 cent tax increase, but were able to put over \$600,000.00 of Pilot money to the bottom line to help keep that at eight cents. We had a 5.2 cent tax increase, because of health benefits and several other things that were cited all to do, basically, with employees. But, again that \$600,000.00 plus was an integral part to help us try not to have any layoffs and to try to control the taxes to the best of our ability. So, again, we can't lose sight of that."

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

Approved: March 16, 2010

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 MARCH 2, 2010**

IRENE K INFERRERA 260.00
ADAMS, REHMANN & HEGGAN ASSOC. 2,106.00

AGRIUM ADVANCED TECHNOLOGIES	1,275.20
AHOME, INC	630.00
AMERICAN WATER WORKS ASSN. INC	98.00
ARBRISCO ENTERPRISE, INC.	10,365.00
ARCADIS U.S., INC	2,073.09
ATL. CO. UTILITIES AUTHORITY	28,231.50
ATLANTIC CITY ELECTRIC	43,371.99
AUTOZONE NORTHEAST, INC.	4,911.29
AW DIRECT, INC.	589.13
J P BAINBRIDGE & ASSOC., INC.	3,415.00
BANC OF AMERICA LEASING, INC.	384.14
BETHEL DEVELOPMENT CORPORATION	1,875.00
B-SAFE INC	1,990.00
BOWMAN & COMPANY LLP	2,500.00
CENTER FOR FAMILY GUIDANCE, PC	1,906.67
CIFALOGGIO INC	1,920.54
CINTAS FIRST AID & SAFETY CORP	297.90
CITY MILLVILLE PAYROLL DED ACC	344,791.10
CITY OF MILLVILLE UTILITY	4,890.25
CLOUD GEHSHAN ASSOCIATES, INC.	1,680.00
COMCAST, INC.	281.43
COMMERCIAL TRAILER SERVICE INC	187.85
CDW GOVERNMENT, INC.	395.32
CCIA	27,654.78
CUMBERLAND COUNTY S.P.C.A.	5,721.60
CUSTOM GRAPHICS, INC.	1,096.34
GANNETT SATELLITE INFORMATION	422.80
DEAN ENTERPRISES	48,482.61
LINDA A. DEDRICK	200.00
DELTRONICS CORP	287.00
EDWARD DUFFY	845.00
EIC INSPECTION AGENCY CORP.	1,394.00
EMBLEM ENTERPRISES, INC.	660.45
EMTEC, INC.	1,946.00
SHIRLEY EVES CENTER	2,375.00
FEDEX	63.36
FLYING TOMATO INC	50,000.00
FORT DEARBORN LIFE INSURANCE	1,814.10
GARRISON ENTERPRISE INC	33,371.06
GARY M. GLASS, M.D.	1,950.00
W.W.GRAINGER, INC.	115.11
GREENBERG TRAUIG, LLP	8,810.00
GRUCCIO, PEPPER, DESANTO	5,063.50
GUARDIAN FIRE EQUIPMENT, LLC	600.00
JAMES C. HARDEN, JR.	13,000.00
HD SUPPLY WATERWORKS	13,804.00
DANIEL HOFFMAN, ESQ.	200.00
HOLTZ LEARNING CENTERS, LTD	185.00
GREG L. ERBER, SR.	272.93
CARL L. HUND PLUMBING, HEATING	963.30
INTERCON TRUCK EQUIPMENT, INC.	1,062.64
JANI-KING OF PHILADELPHIA, INC	3,718.75
JOHNSON & TOWERS, INC.	3,290.01
JENNIFER KIRCHNER	900.00
KOMLINE & SANDERSON, INC.	2,386.00
L & H SIGNS INC.	24,830.67
LANDIS TITLE CORPORATION	6,226.94
LANDSMAN UNIFORMS	2,879.50
LAWMEN SUPPLY CO, INC.	675.00
JERRY A LEWIS ASSOC.	1,005.00
LEXIS NEXIS	871.00
LOWE'S CO., INC.	148.79
MAJOR PETROLEUM, INC.	913.70
MATTHEW BENDER & CO, INC.	211.00
MCMASTER-CARR SUPPLY COMPANY	391.36
MILLVILLE BABE RUTH LEAGUE	450.00
MILLVILLE BOARD OF EDUCATION	46,066.10

MILLVILLE DAY CARE CENTER	18,000.00
MILLVILLE PUBLIC LIBRARY	42,333.33
MILLVILLE SR HIGH SCHOOL PTSA	1,500.00
MODERN HANDLING EQUIP. CO.	1,843.36
MONTGOMERY, MCCRACKEN, WALKER	49.61
MCAA OF NJ	90.00
NCL OF WISCONSIN, INC.	807.62
VERIZON	13,662.89
TREASURER, STATE OF NJ	2,941.23
OFFICE BASICS, INC.	382.21
TODD OLIVER & SONS, LLC	1,290.00
PARAGON PRINTING&GRAPHICS, INC	259.99
POSTMASTER, CITY OF VINELAND	5,000.00
QUALITY CONTROL LABS, INC.	8,918.50
BROCK D. RUSSELL, LLC	604.00
CAPE SAMSON, LLC	560.61
SEASHORE ASPHALT CORP.	2,444.20
SERVICE TIRE TRUCK CENTER, INC	1,293.04
SHRIJI PRANAM LLC	253.00
SIRCHIE ACQUISITION CO., INC.	5,264.50
SJ GAS COMPANY	15,190.09
DALE E. WETTSTEIN	200.00
SWERP, INC.	56,822.36
JAMES R. SWIFT	400.00
TREASURER, STATE OF NJ	30.00
UHY ADVISORS	7,000.00
UNITED LAWN MAINTENANCE, LLC	9,182.50
UNITED PARCEL SERVICE	53.24
URBAN ENTERPRISE ZONE	340.70
VERIZON CABS	200.10
VERIZON WIRELESS	2,831.86
VINELAND AUTO ELECTRIC, INC.	1,218.10
ANNA VOSBURGH	1,800.00
VWR INTERNATIONAL, INC.	2,648.64
THE WALTMAN AGENCY INC	8,267.00
W. B. MASON COMPANY, INC.	75.99
WHIBCO, INC.	284.55
ALICE E WOOD	200.00
WOODRUFF ENERGY COMPANY, INC.	371.25
XEROX CORPORATION	375.14
XPRESS ELECTRONIC SERVICES INC	181.50
ASA F. SWAN	99.44
DOUGLAS CASSIDY	932.50
FOUNDATION TITLE LLC	786.95
TOTAL VOUCHERS FOR 03/02/10	994,740.80
CITY OF MILLVILLE SALARY ACCOUNT	501,917.94
CITY OF MILLVILLE SALARY ACCOUNT	105,131.39
TOTAL SALARY FOR 03/02/10	607,049.33
TOTAL VOUCHERS & SALARY 03/02/10	1,601,790.13