

Conference Room No. 2, City Hall  
Millville, New Jersey  
April 17, 2007 6:30 p.m.

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

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

The City Clerk/Administrator noted additions to the agenda including the Tax Collector's Statement of Receipts for the month of March 2007 and the statement of mortgage and loans receivable for UEZ Assistance Program for the year ending June 30, 2007.

The City Clerk/Administrator also noted an addition to the agenda regarding an Ordinance creating a Sports and Entertainment district in the City of Millville and approving the Sports Entertainment District Plan and imposing additional taxes in the district to promote the development of a Sports Entertainment Facilities.

A Resolution authorizing a grant application for assistance to firefighters for personal protective equipment in the amount of \$40,000.00 with a 10% match by the City of Millville was added as Resolution No. A- 5748.

Mayor Quinn reminded everyone this would be 3<sup>rd</sup> Friday in the City of Millville and hopefully we will have good weather.

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

Commission Chamber, City Hall  
Millville, New Jersey  
April 17, 2007 7:00 p.m.

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

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

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

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



The City Clerk/Administrator read correspondence received from W. James Parent, Director of Public Safety appointing Howard Hee to the position of Deputy Fire Chief (part time) effective April 17, 2007.

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

The City Clerk/Administrator read correspondence received from Linda Branin, Planning Board Secretary requesting the Board of Commissioners to review and adopt an Ordinance regarding Municipal Storm Water Management Plan so the City can come into compliance with the Department of Environmental Protection regulations regarding storm water control.

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

Commissioner Shannon reported on the forthcoming Third Friday events and noted a Park Dedication Program will take place 6:30 p.m. at Glasstown Plaza.

Commissioner Shannon also expressed sincere appreciation to the following businesses and individuals for their participation in the Business Beautification Program:

Matt and Jane Christy - Christy Funeral Home  
 Patrick Shropshire  
 Mi Hir Patel - City Liquor Store  
 Ron Smith - Deerfield Electric  
 Millville Savings and Loan  
 Colonial Bank  
 Lawn Tech  
 Raritan Engineering

Commissioner Parent submitted the Court Report and Millville Police Department Report for the month of March, 2007 and were ordered, received and filed, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Commissioner Parent called upon Police Chief, Ron Harvey for comments:

*"It just took me about 45 minutes to get back from Bridgeton, not only is Landis Avenue, Route 56 shut down, but late this afternoon they shut down Sherman Avenue as well. So, that means any vehicles that are heading east from the western part of the county has to go through Millville in order to get, you know, through Vineland or out in that area. So, what they're doing is they're coming in 49 and they're all trying to go to Sharp Street, not to mention the ones that are going out. So, if you can bear with us for awhile. We're fairing pretty well here in the City of Millville, as far as the water goes. We've been in contact with the State and the state has a representative over at the dam on Sharp Street and they have the flood gates open. If anybody's been by there, it's really something to see all that water just flowing through there, which is a good thing for us. But, up in the northern part of the County and parts of Salem where the breach over at Rainbow Lake caused considerable amount of damage to Landis Avenue and there's about a 50 to 75 foot section of the road that's just*

gone. The state doesn't know when they're going to be able to even get to it, because the water is still pouring through there, to even start with their repairs. Sherman Avenue, I don't know how bad that is, other than the water was coming up over the roadway, that's why they shut it down, so that's one of the reasons of why the traffic is the way it is. So, if you have to go east or west, you better leave a little bit early, but I will have officers out there directing traffic at Carmel and Main and at Sharp and Main when the busy times of the day are."

Commissioner Derella: "Chief, is there any issues with Sharp Street being closed or anything of that nature?"

Chief Harvey: "Sharp Street is fully operational now, so that's a good thing or we would be bottlenecked."

Commissioner Parent called upon Fire Chief, Kurt Hess for comments:

"Good evening. It gives me great pleasure at this time to present some people we've promoted within the Fire Department to different positions. I would like to bring Howard Hee, those of you who were here early saw Howard being sworn in as Deputy Chief of the Fire Department. For those of you who don't know, Howard's been in the Fire Department, Millville Fire Department for 25 years, the Carmel Fire Department for 7, he's been associated with the New Jersey State Forest Fire Service for 20 years. A wealth of knowledge he brings to us, unlimited training he's been to, he's going to get tired of me saying this, but Howard is really cool under fire. I mean nothing really rattles him at a fire, I'm looking forward, I'm really looking for him to... I can't wait for him to run his first fire, so I can be inside with the guys this time and you can be outside. You see, that's Howard Hee, I would like Howard to stay here, because we also have two other people in the room. I would like to bring up Larry Fawcett and Terry Fawcett, we've promoted them to the rank of Lieutenant, both of them have... one of them has more than 7 and one of them has less than 7, so we're just going to call it 7 years of experience in the Fire Department. Again, some young guys, really go getters at the Fire ground, no matter what you ask them at a fire ground they do it. I've seen them over the past couple of months taking some leadership roles on the fire ground and in the firehouse as well. So, they're going to bring some real nice young blood to the officer rank and continue the good work. I would like to make mention of one other person who couldn't be here tonight and that's Terri DelVicario, Terry has 18 years of service with the Fire Department, she works for North Wildwood as a firefighter and she's also a instructor at the County Fire School and that's where she's at tonight. She's instructing Fire School. Terri is always there when you need her, sometimes in October with our Fire Prevention Program, which she's really behind, I don't know if she ever gets any sleep, because she comes right from North Wildwood, goes out and does the school and goes back to North Wildwood and this cycle goes on for 6 to 8 weeks in the City of Millville. So, Terri has been promoted to the rank of Battalion Chief and again, unlimited amount of training that she's brought to us in her Instructor ability, so we had some real good people we've brought up into the officer ranks and I just wanted to present them to everybody."

Commissioner Parent: *"On behalf of the City Commission, we just want to thank all the volunteers for giving their time and effort to the Millville Fire Department. Congratulations."*

The report of the Tax Collector and Statement of Mortgages and Loans Receivable for the UEZ Assistance Program for Fiscal Year ending June 30, 2007 were ordered, received and filed, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Commissioner Derella called upon Lisa Donahue, Principal Partner of Bowman and Company who read the following statement:

City of Millville  
Report to Commissioner Derella  
Commissioner of Revenue of Finance  
State of New Jersey Urban Enterprise Zone (UEZ) Loan Program  
"For Press Release"

**Background:**

The City of Millville participates in the New Jersey Urban Enterprise Program (UEZ). The Urban Enterprise Zone Program was first established by the State of New Jersey in 1983 to revitalize distressed urban communities throughout the state, through the creation of private-sector jobs and public/private investment in targeted areas. Businesses participating in the program charge 50 percent of the state's 7 percent sales tax on most purchases.

Revenue generated from the 3.5 percent within each sales tax district is maintained in a State Zone Assistance Fund (ZAF) and is dedicated for use within each Urban Enterprise Zone for certain economic development and/or public service improvements.

The City of Millville applies for grants funded from the Zone Assistance Fund for a variety of improvements or purposes within the established Urban Enterprise Zone. The primary goal of the City's Urban Enterprise Zone Loan Program is to provide favorable financial incentives which, when coupled with private financing, will stimulate new investment, create tax revenues and cause the retention and creation of job opportunities in the City of Millville. Once a business applies with the City and is determined to be eligible for assistance, the application is submitted and approved by the Joint Urban Enterprise Zone Authority of Vineland and Millville and then the application is submitted for funding from the State Urban Enterprise Zone Program. Once approved, the City in turn enters into agreements with the businesses for execution of the economic development loans.

**Administration of the Loan Program:**

Loans are initially made as "first generation" loans directly from the State of New Jersey at the direction of the New Jersey Urban Enterprise Zone Authority in the form of Economic Development Loans. All loans are approved by the City Commission in the form of a resolution, ensuring full transparency to the public. The installment payments (principal and interest) are deposited in a revolving loan fund which is available for re-issue in the form of "second generation loans" to businesses based upon approval of loan applications by the City Commission or for other authorized Urban Enterprise Zone expenditures.

The City is required to obtain an audit each year in accordance with New Jersey Law (N.J.S.A. 40A:5-4). The City's financial statements are prepared on the Regulatory Basis of Accounting, which is promulgated by the New Jersey Department of Community Affairs, Division of Local Government Services. The audit report is prepared and presented in accordance with these requirements. The City accounts for its loan activity in the City's Trust Fund (See audit exhibits SB-13 and SB-19 from the Report of Audit for the Fiscal Year Ended June 30, 2006. Loans receivable are recorded in the City's financial statements at the time the funds are disbursed to the borrower. The City contracts with a local financial institution to assist in the billing and collection of loan funds. The periodic repayment of loan principal is deposited and credited to the loans receivable account in the City's general ledger system. Audit exhibit SB-13, is presented in summary format (i.e. detail of borrower, terms, amount of loan outstanding not presented). This method of presentation is consistent with the required financial statement presentation and requirements of the State of New Jersey indicated above. Due to the size, volume, and nature of accounts receivable transactions, it would not be appropriate or cost effective to provide the detail of the balance for all accounts receivable accounts and other transactions in the annual report of audit that are already recorded in the City's accounting records. The detail of the loan activity is maintained by the City's Chief Financial Officer in support of the amount contained in the financial statements. Loan awards and repayment of principal and interest are reconciled on a monthly basis with statements provided by the local financial institution contracted by the City.

These funds are audited on an annual basis in accordance with the State of New Jersey Circular 04-04-OMB, Single Audit Policy for Recipients of Federal Grants, State Grants and State Aid. Due to the size of the program, the City has been subject to an audit of the funds on an annual basis for many years and has received Unqualified Opinions on program compliance. In addition, the City periodically reports program activity to the State of New Jersey.

**Enterprise Zone Development Corporation of Vineland and Millville:**

The Organization for the Joint Enterprise Zone Development Corporation of Vineland and Millville was formed in 1986. The organization was formed to serve as an administrative body for the New Jersey Urban Enterprise Zone program in Vineland and Millville. A board of nine directors oversees the operations of the Organization with representatives from both Vineland and Millville. The organization is established as a not for profit, 501C(3) Corporation, as such, its financial statements are presented following the recommendations of the Financial Accounting Standards Board (SFAS) No. 117, Financial Statements of Not-for Profit Organizations. The Organization obtains an independent audit on an annual basis. This audit is separate from the annual audits of both Millville and Vineland.

The City of Vineland also participates in the Urban Enterprise Loan Program. Like Millville, grants are awarded to the City by the State of New Jersey Urban Enterprise Authority for a variety of purposes and subject to the same

audit requirements described earlier. The City of Vineland made the decision to allow the Enterprise Zone Development Corporation of Vineland and Millville to administer its loan portfolio rather than to record the value of the loans on the City's financial statements. The report of audit of the Enterprise Zone Development Corporation of Vineland and Millville contains a supplementary schedule of loans receivable for the City of Vineland containing the same information maintained by the City of Millville.

Commissioner Derella made the following comments:

*"Lisa I want to thank you for taking your time in going through this, I just want to make sure that everybody understands that there is a detailed audit that is performed on our UEZ funds. When you talked about the SB-13, that's the one page in our formal budget audit that's actually there and there is backup by the things that you cited that can be viewed by the public and/or requested by the public to make sure that everything is in complete detail and in compliance. The UEZ is also, if I'm not mistaken, audited by the State of New Jersey and also all the loans that go through have to go through several processes and have to be finalized and approved by the Attorney General's Office in regards to the percentage and the amount and who the business is that the monies are going to. So, there are a lot of checks and balances that may not be recognized by the general public. Thank you very much for your time.*

*At this time Mr. Mayor I'm going to try to answer as many of the questions that were presented by Mr. Porreca at our meeting last April 3<sup>rd</sup> as follows:*

#### **Questions April 3, 2007 Commission Meeting**

*What's the answer to the question about the river front property tax assessment which is substantially lower than prior assessments and the most recent sales price?*

*The 2005 audit found the City did not maintain the proper controls over the investment of its funds.*

*The 2006 audit made the exact same finding. Why did you fail to correct last year's audit finding on investing the City's millions and have you done anything to correct it since you received the 2006 audit'?*

*Do you intend to collect the fees from Nextel that were improperly waived for both the tower on Wade Blvd and the airport?*

*Neither tower complies with your site requirements and zoning board approval ordinances. Are you going to do anything about those omissions? At one of the towers there were no inspections by the construction official. Why?*

*Strict, uniform, impartial, consistent and persistent enforcement of ordinances on the books would go a long way toward correcting some of the problems in the neighborhoods and with little or no cost to the taxpaying public. Several months ago we pointed out that you were not obeying your own ordinances on abandoned and nuisance properties. A follow up inquiry disclosed that nothing has changed. Do you intend to comply with the requirements of your ordinances? If so when? If not, why not?*

*When may we expect a report from Mr. Daniels on the various bankruptcies and delinquent loans he has been assigned to collect'?*

Have you uncovered any more UEZ guidelines, or regulations that contradict the ones provided to me previously which fixed interest at 5% and required mortgages to secure every loan?

Commissioner Derella: "I'll do the best I can with the time we've had to go through these. Each one of the questions took some research by the Department Heads and by myself to try to come up with the best answers that we could. The first question was about the riverfront property tax assessment, which is substantially lower than prior assessments and the most recent sales price. That question was asked by, I believe Mr. Van Hook well over a month ago and we've done our homework to the best of our ability. On a note from Brian Rosenberger, who is our Tax Assessor, he really can't give a complete explanation on why that property's assessments have changed. The best thing that we've been able to identify is that in 1990, which is the assessment from the 1988 revaluation, was extremely high. Prior to that the assessment in 1980 was \$20,000.00 on block 352, lot 22 and on lot 54 it was \$18,000.00. In 1990, after the revaluation the property value jumped to \$113,000.00 and \$121,000.00 and obviously doing that revaluation this must have been missed as we were going through the process. Succeeding years after that the assessments of both those properties continued to decrease to 2005 and 2007 almost a mirror of 1980 and 1985. We do have pictures of the property along the river, it is an area that has had environmental issues. Mr. Hackelfinger is trying to develop that, he has finally gotten his approvals from the DEP. There's still some cleanup that must be done there, so again that particular property, it's hard to explain, but that's all we've been able to identify. For the taxpayer out there, anyone, according to Statute 54:3-21, Appeal by Taxpayer or Taxing District. What this says is that the Tax Assessor just can't go in and change an assessment, there has to be an appeal that goes along with that. Any taxpayer in the City of Millville, whether you own the property or not, has the right to appeal that particular property. So, if someone feels this property is under assessed, they have the right to go out and appeal that whether they are the owner or not. So, there is a way for someone to try to address that. If improvements are made on this property, then the assessment will change based on those improvements that occur.

The next question, the 2005 Audit found that the City did not maintain proper controls over the investment of it's funds and the 2006 Audit made the exact same finding, why did you fail to correct last years audit finding on investing the City's millions and have you done anything to correct it since you received the 2006 Audit? The 2005 Audit, we have to create an action plan that goes when any finding occurs and basically there wasn't any problem with the funds or anything in regards to that. It was the process that we went through, they wanted to make sure that some of these jobs were commingled among too many staff members and the Treasurer was performing many of the duties. There was an action plan, there was a corrective action put in place that was approved. The audit succeeding 2006 recognized that there was a change and it was accepted at that time. But, they wanted and recommended that, okay, that's step 1, let's go to step 2 and let's further create a better atmosphere and a better way to make sure our funds are being checked and balanced all the way through. So, there was a second in 2006 corrective action plan that was filed and approved by the City Commission after review by our auditors that took the corrective action to three or four steps further

and those are available for anyone who would like to review those.

Do you intend to collect the fees from the Nextel Tower that were improperly waived for both towers on Wade Boulevard and the Airport? The Nextel Tower in regards to the airport has been answered several times and I did not have time to go back and look at the meetings to give you an exact date on when these things were responded to. Again, just the Airport, we did not collect fees, because it was on City property, at that time I did say we were not going to go back and go after those fees. There was a question on whether permits were received and filed in the Construction Office, I reviewed that file, the permits were taken out, the plans were there and at the time I discussed it at the meeting here and I did have a copy of those plans. They did meet the requirements, the setbacks and all the requirements that go with a cell tower, the inspections were performed, 90% of those inspections were performed by John Mason, so all the other issues in regards to that cell tower at the airport were in compliance, other than we did not charge the fees. I discussed previously that from this point forward that will not be waived unless it's a City project being done by the City, we don't want to charge ourselves fees, but anything else will be done and we'll go forward from that. That had been past practice, that has been changed. In regards to the Wade Boulevard, I asked and spoke to Mr. Truxton again today. The one on Wade Boulevard did pay its Construction Fees, did get its permits, did have its inspections and that file is complete and also found in the office of the construction official.

The next question, this is quite lengthy, but basically it has to do in regards to our abandoned properties list and our vacant properties list. The questions were, do you intend to comply with the requirements of your ordinances? If so when? If not, why not? That's a very good question. We've worked very hard on the Abandoned Property List, I did report at a previous meeting that the original Abandoned Property List contained 17 properties and on that 13 had been rehabilitated. So, one of the things we did to bring on the Abandoned Property's List was to try to force people to make sure they kept up and took care of some of these dilapidated properties. Again, 13 were rehabilitated and at that time I did have photos. On the vacant property list there were 10 and 7 of those have been rehabilitated. Correct, we have not followed our own Ordinance. Beginning the month of May, there will be a revised list that will be presented to the City Commission for our review, that list will then go forward and will be reviewed every six months as the requirement by the Ordinance and we will make that happen and we were at default in regards to that.

When will you expect a report from Mr. Daniels on the various bankruptcies and delinquent loans that he has been assigned to collect? Mr. Daniels has provided the Revenue and Finance Department a report, I have not had a chance to completely review that, yesterday it came in late. Once that report is complete and is in tact and we feel comfortable that everything has been covered, we will introduce that and put it into the minutes of one of the following Commission Meetings either in May or June.

The next question, have you uncovered anymore UEZ guidelines or regulations that contradict the ones provided to me previously, which fixed interest at 5% required mortgages to secure every loan? I believe I answered that question in responses on March 6 in regards to that 5% loan. We did contact the UEZ Director, Kathy Kube, she could find nothing in regards to limiting or controlling the amount of the percentage of the

loan that can be given. We gave examples of the T-Fal, which was a 2% loan and the percentage of the money that was paid for those loans was used to pay down the debt on the bond and a few other things. So, there's a lot of leeway in regards to the guidelines and regulations that go on with the UEZ funds and how it can be set. There was an issue by the way in regards to the application and to the way we had our contracts and agreements, it did state 5% in there and that 5%, where it came from, I don't know, but I did find out in research that it was directly related to loans that were \$50,000.00 or less, small business loans. We did not in all the years, since that was in place did not update our applications and/or our agreements to meet the changes that occurred in the UEZ. That has been done in regards to the agreements and we're working on it right now to correct that in the applications. Again, we did not do anything illegal, there is nothing crooked or a problem with that, but we self-limited ourselves in regards to one particular loan and I can understand how someone could read that and interpret it, because of the word shall. It shouldn't have been there. So, we are making those corrections immediately. It's already been done on the agreements and we'll follow through on that. In regards to mortgages and securing every loan, we have options in regards to that. For the larger loans we always secure with a mortgage, sometimes in smaller loans it would be a promissory note or other options. But, from this point forward we have put a program in place where the Loan Review Committee is now in place, they will be reviewing all loans, we will be going through and checking on backgrounds, we will also do whatever it takes to make sure that our loans are secure. Our loan portfolio has been very successful, we have quoted that, I have Mr. Ayres report here in regards to the number of successful loans that we had. There have been 223 loans that have either been paid in full or are being paid on currently and on schedule and basically there are 9 loans that seem to be seriously problematic, one of which being the GGI. We will continue to take input, we will continue to review and try to improve our systems to the best of our ability. Again, I did the best we could in regards to answering these questions. Progress Mr. Mayor."

The following proposed ordinance was read on first reading:

Ordinance No. 13-2007

An Ordinance creating a sports and Entertainment District in the City of Millville, approving the Sports and Entertainment District Plan, and imposing additional taxes in the District to promote the Development of Sports and Entertainment Facilities.

Director Shannon moved for the adoption of the proposed ordinance on first reading with final consideration to be given on Tuesday, May 1, 2007 after due publication as provided by law.

Director Parent seconded the motion.

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

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

## Ordinance No. 12-2007

An Ordinance amending the Municipal Code, Chapter 39, Article X, Motor Vehicle and Traffic Regulations, Schedule 21, Handicapped Parking adding 115 E. Pine Street, Permit # P42419933.

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

Director Shannon 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, Hollingshead and Quinn.

Resolution No. A-5739 authorizing adjustments to the Tax and Utility Records was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5740 authorizing Water/Sewer Termination on April 30, 2007 due to payment default was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5741 authorizing the Tax Collector be appointed Receiver Ex Officio of rents and income for various properties with delinquent taxes which remain due and unpaid for more than 6 months pursuant to NJSA 54:4-123 was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5742 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund for the Urban Enterprise Zone Administration Contract FY-2008 regarding Enterprise Zone Development Corporation in the amount of \$61,338.00 and City of Millville in the amount of \$437,570.21 was read by the City Clerk/Administrator:

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.

A motion was passed to approve Resolution No. A- 5742 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund for the Urban Enterprise Zone Administration Contract FY-2008 regarding Enterprise Zone Development Corporation in the amount of \$61,338.00 and City of Millville in the amount of \$437,570.21, by the following vote: Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5743 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund in the amount of \$259,585.00 to

fund the Millville Town Center Improvements Project III was adopted was read by the City Clerk/Administrator.

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.

A motion was passed to approve Resolution No. A- 5743 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund in the amount of \$259,585.00 to fund the Millville Town Center Improvements Project III, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5744 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund in the amount of \$3,710,364.00 to fund the Infrastructure Improvements at the Millville Airport and NJ Motorsports Park was read by the City Clerk/Administrator:

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.

A motion was passed to approve Resolution No. A- 5744 authorizing submission of proposal to the NJ Urban Enterprise Zone Authority for funding from the Enterprise Zone Assistance Fund in the amount of \$3,710,364.00 to fund the Infrastructure Improvements at the Millville Airport and NJ Motorsports Park, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5745 authorizing addendum to Agreement between the City of Millville and Cumberland County Improvement Authority (CCIA) dated March 23, 1999 to reflect a one time payment from the CCIA to the City of Millville in the amount of \$10,000.00 and to re-distribute to the Millville Development Corporation for the Army Airfield Museum 2007 Air Show was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5746 authorizing Foreclosure IN REM for Block 3, Lot 42, Inglewood Avenue; Block 360, Lot 3, 426 N. 3<sup>rd</sup> Street; Block 293, Lot 9.01, 204 E. Broad Street Rear and Block 368, Lot 10, 224 Mulberry Street Rear was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5747 certifying list of Volunteer Firefighters submitted by Richard A. Lappine, Secretary, and Fire Chief Kurt Hess, of the Millville Fire Department qualifying for the Length of Service Award Program (LOSAP) for Year 2006 was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Resolution No. A-5748 authorizing grant application through the Department of Homeland Security regarding Assistance to Firefighter Grant for twenty new sets of Personal Protective

Equipment in the amount of \$40,000.00 with the City paying \$4,000.00, 10% of the total grant amount from the FY2007 Matching Funds for Grants Budget was adopted, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

A motion was passed to authorize the City Clerk to advertise for bids for Millville Airport Water Sewer Extension and Roadway Infrastructure Improvement. Said bids to be returned to the Purchasing Board on Tuesday, May 15, 2007 at 10:00 a.m., Commission Chamber, City Hall, after due publication as provided by law, by the following vote: Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

A motion was passed to approve Special Event on Public Lands applications for Cumberland County Teen Arts Festival sponsored by the Cumberland County Cultural & Heritage to be held on Friday, April 20, 2007, 8:00 am to 3:00 pm at the Glasstown Plaza & Riverwalk and Park Bench Dedication Ceremony sponsored by the Millville Recreation Department to be held on Friday, April 20, 2007, 6:30 pm at the Glasstown Plaza, by the following vote: Yeas: Shannon, Parent, Derella, Hollingshead and Quinn.

Raffle License No. 815 on behalf of St. John Bosco Church, off premise merchandise, July 15, 2007 and Raffle License No. 816 on behalf of the Kiwanis Club of Millville, off premise 50/50 cash, June 16, 2007 were ordered, received, filed and the proper officials authorized to execute same, by the following vote. Yeas: Shannon, Parent, Derella, Hollingshead 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:

Jim Reeves addressed the Board of Commissioners indicating he reviewed the proposed traffic circle in the vicinity of the Vine Street Bridge, Dock Street and the proposed reconfiguration with the new Downtown District proposal.

Mr. Reeves emphasized the necessity to proceed in an expeditious manner with all the new development including the racetrack and to not waste time having the improvements come two or three years after when they are actually needed.

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

*"Good evening Mr. Mayor and Commissioners, my name is Paul Porreca and I live on Porreca Drive. Mr. Mayor I agree with you about the UEZ providing a lot of funds that would normally come out of taxpayer money or should be one of the thirty, I think you said, get the funds siphoned off from the sales tax. But, the statement that you made however, is just inconsistent and I'll just mention it and move on. The UEZ funds could have been used for the \$2,500,000.00 up at the Union Crossing for the subsidies to Target and Goodman. But, instead they weren't and that's a big one, you're always looking for ways to use that money and there was an opportunity to not use \$2,500,000.00 of real estate tax money. But, you chose for reasons that, you know, I'm sure you thought out, but none-the-less it seems quite inconsistent. I want to thank Commissioner Shannon, you had a*

land sale this afternoon and sold a couple pieces of land, however I still go back to the thing that I've been pushing for about 3 years or 2 years or whatever..."

Commissioner Shannon: "all 5..."

Paul Porreca: "all 5..."

Commissioner Shannon: "call it all 5..."

Paul Porreca: "don't minimize it. The minimum bids, you had a couple of properties there that have problems and you had the minimum bid, which of course meant there were no bids on those two, but congratulations on the others. You got them back on the tax roles and you had some spirited bidding on one of them, which is a good sign. Let's see, I have a couple, thank you Commissioner Derella for a couple of things. No. 1 for making some adjustments and additions, for example the report on mortgages and loans that you have acquiesced and at least a suggestion that was made and I think there are a couple of others that we don't have time to talk about, because of the time limit, but none-the-less thank you very much. In addition to that I have a couple of new questions for you just to keep things going and one is about this abandoned and nuisance property thing and I'm not going to go into the Ordinance. However, you're going to have a lot more traffic going by Cedarville and Buckshutem Road, the four way stop out there, that's where your racetracks going to bring a lot of people. The property there, block 124, lot 14 is a falling down, dilapidated, not a single pane in the greenhouse and it has been that way for fifteen years and for the life of me do not know why it hasn't been taken care of. Esibill Avenue is another street that's very, very heavily traveled getting across from the Westside over onto the Eastside of town. And you have block 78, lot 1 and a series of falling down chicken coops doesn't make the City look too good, a heavily traveled road seen by a lot of people and you probably ought to take care of that too. Now, I was very interested in Ms. Bowman's comments, I'm sorry to see that she left and you didn't permit any questions. There's still one question that wasn't answered, and thank you for the explanation, and it's really Harry Fishers area, but he can't make it Tuesday nights. Vineland has a series of loans in the audit that it is done on Vineland as series of specific loans reported and the fact that they're delinquent and a reserve for delinquent loans is set up. Now, I don't expect an answer, but I'm just telling you the statement that they're the same, but in different places is not entirely accurate. There are specific loans cited on Vineland's and there are none for Millville and I don't think we have to argue the point that Millville does have, like every lending institution, some delinquent loans. So, we're still going to want an answer to that one. Now, on the questions that were answered, now we got the new one in there. I don't want to be confrontational, however I think Commissioner, that you made the statement that other than the fees that were not collected from Nextel on either of the projects, but were on the third one after we had brought it to your attention, and a mistake was made, fine. I don't think until tonight you had said that you are or not going to go back and get the money, but you're not and that's your option. However, I think you said all other requirements were met and you had the plans here and everything. I have to say to you and I'll be happy, not in my three minutes left, because it won't allow. But, publicly I'll be happy, any corner of town

you want, it is flat out not true that those requirements were met. Flat out not true. They're required to go to the Zoning Board and get a special use permit, conditional use permit. They did not do it. There are setbacks, landscaping and all kinds of things. It's four or five pages long, your ordinance, none of it was done. So, for you to say that everything was done, except we forgot to charge them a fee, is flat out not true and I'll be happy to debate with you with the ordinance with a copy of it in front of you and a copy of it in front of me. Anyway, other questions that were talked about the, we'll see what happens with the nuisance properties and the abandoned properties with the advertising and those reports that are supposed to come in that you say are going to begin in May. That's great I think that's terrific and we'll see what they look like. We'll wait for Mr. Daniels report and I do have one other issue for you to look into, if you'd be kind enough to do it, because listen we appreciate the interest you do give us, because I guess you're not required to. Your housing Ordinance, Housing Inspection Ordinance does not exempt any rental property, any residential rental property. It doesn't exempt anybody and yet... As a matter fact, let me put it differently, as a matter of fact none of the Housing Authority units or the AHOME units or any other quasi governmental rental units are inspected by your department and to say that it's not exempted is specifically clear, because the Ordinance says the Housing Authority won't have to pay the fee. Which clearly implies that they're supposed to be inspected. Check with your Housing Department. They're not inspected. I'd like to know why. I did have one other thing, boy I'm getting old and crotchety, my notes aren't even good. There was one other question I had and that'll just have to wait until the May meeting I guess..."

Mayor Quinn: "or you could give it to Brian and he could ask it for you..."

Paul Porreca: "okay, I can't remember. Well, I guess that's enough anyway, isn't it?"

Mayor Quinn: "yes it is."

Paul Porreca: "okay, thank you and I hope I stayed under 5 minutes..."

Mayor Quinn: "well, thank you very much for your questions."

Bob Tesoroni: "Good evening, Mr. Mayor, Commissioners, Bob Tesoroni, Howard Street, Millville. Vice-Mayor Derella I would like to go back to the GGI Loan, the \$311,000.00 loan. Have we ascertained who was the responsible party yet?"

Commissioner Derella: "in regards too... the \$311,000.00 loan..."

Bob Tesoroni: "well, actually the million dollars, I'm sorry, the million dollars in securing the loan for the mortgage..."

Commissioner Derella: "I'll let you finish, go ahead..."

Bob Tesoroni: "That's alright, yeah, that's it..."

Commissioner Derella: "That's your only question?"

Bob Tesoroni: "well, no, I..."

Commissioner Derella: "the last meeting in the minutes, I told you that there's litigation pending and the litigation has to do with the timeframe of when the mortgage was filed. There's a question 10 days or 12 days. At this time I can't comment beyond that. You also stated in the minutes that you have an attorney, which makes it even that much more of an issue for us to continue..."

Bob Tesoroni: "I stated that I had an attorney?"

Commissioner Derella: "yes, you did. You made the comment on the record that you have legal advice, legal something you said you had an attorney. It is in the minutes, so we'll go forward from there. If you want to hang someone, the five of us that sit here are often responsible for everything that goes on in the City. So, all five of us are responsible for the issue that you are appending to, but until this whole thing shakes out and the whole process runs its course in regards to what we're going to get out of bankruptcy. We've seen some, I said this in percentages at the last meeting in regards to what we'd get from the \$311,000.00 of that we're estimating 30 percent, we're estimating roughly anywhere's from 30 to 40 percent on the other loan and then we're going to go after the rest, which we've already started in regards to litigation. So, we'll move on from there and once the thing comes out, we'll go forth from there."

Bob Tesoroni: "okay, we've retained Mr. Daniels to do this and it's my understanding that Mr. Nave and Mr. Rock were successful in moving it to Federal Court. Will Mr. Daniels be representing us in Federal Court?"

Richard McCarthy: "No, I think they're, he had asked that we get another attorney to substitute in, who goes to Federal Court on a routine basis, which most of the local attorney's in this area do not. So, we are pursuing at this time to get an attorney that's experienced with respect to Federal Court procedures."

Bob Tesoroni: "Could we do, without a big cost to the City, a cost analysis of what we're going to spend in attorney fees to sue a company that has nothing to begin with. Because I think once we go into Federal Court we're talking big bucks now. They're not going to work for the hourly fee that Mr. Daniels is working for I'm sure, not going into Federal Court. So, we'll be talking a lot of money and I think we ought to look at what our return is and my concern is not with blaming someone. It's finding out who was responsible and how we can recover our money. That's my concern. If we can get the million dollars back through an insurance policy that the City has, if someone made a mistake, and people make mistakes, then that's the way we should pursue it. We shouldn't be suing somebody that doesn't have anything. If it's through a legal firm that made a mistake, then we should pursue it that way. That's all I'm asking you to look into. I don't think we should run out and get an attorney and say, well let's sue somebody that has nothing, because nothing of nothing is nothing and we're going to spend a lot of money in attorney fees. I'm doing a break out now, because it's a little difficult, but I'm getting there, I'm getting close, a break out of the fees that we've paid already

for representation on this case and now we're back to square one. We have nothing, because a new attorney is not going to pick it up and take from a previous attorney they're going to do their background work on it. Am I correct? Is that how it's normally done?"

Richard McCarthy: "They'll pick it up from where Mr. Daniels left off with some briefing from Mr. Daniels."

Bob Tesoroni: "But, they'll do a lot of investigative work and they'll be a lot of expenses involved with that I'm sure. So, it's just something for you to consider and maybe we can have some kind of answer in the future."

John Kuhlen, 1233 West Main Street, addressed the Board of Commissioners expressing his concerns regarding drainage problems on his property.

Mr. Kuhlen noted runoff from Route 49 and also expressed concern regarding a home being built adjacent to his property that is higher than his property causing further runoff.

Commissioner Derella and Mayor Quinn emphasized the property is on a state highway, however he could contact the City Engineer and Construction Official, who could assist in providing the proper contact at New Jersey DOT and that we could also check in the building permit and grade of the adjacent property.

Bob Cuthbert, 1223 West Main Street, indicated he is the property owner on the other side of the new dwelling under construction and that he was told by inspectors that the property is graded too high.

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

Adopted: April 17, 2007

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Mayor

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Commissioners

Attest:

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City Clerk/Administrator

## BILL LIST

## CITY OF MILLVILLE

MEETING APRIL 17, 2007

ACE PLUMBING & ELEC SUPPLY	43.68
ACTION SIGNS & AWARDS	104.00
RICHARD ALLEN	2,539.56
ALLIED CONTROL SERVICES, INC.	3,666.61
APPLIED SWEEPERS, INC.	244.53
ARCH WIRELESS, INC.	15.13
AT&T INFORMATION SYSTEMS	299.76
ATLANTIC CITY ELECTRIC	73,720.54
DON AYRES	298.56
BARNETT ROOFING & SIDING	2,500.00
BATTERY ZONE, INC.	82.50
BERNAL MECHANICAL CONTR. INC.	300.00
BIRCH'S COMMUNICATIONS	1,736.55
C.A. BRIGGS CORP.	1,961.83
CASA OF CUMBERLAND, GLOUCESTER	6,900.00
A.F. CARVOLTH & SON CO.	663.88
CATERINA SUPPLY INC.	261.55
CIFALOGGIO INC	390.24
CINTAS FIRST AID & SAFETY CORP	147.60
CITY MILLVILLE PAYROLL DED ACC	33,014.46
CITY OF MILLVILLE UTILITY	2,641.21
CLARKE CATON HINTZ, INC.	386.98
ATLANTIC CITY ELECTRIC	2,785.71
CONTINENTAL FIRE & SAFETY, INC	1,637.90
GEORGE S COYNE CHEMICAL CO INC	2,238.30
CUMBERLAND CO. CLERK'S OFFICE	10.00
CUMBERLAND COUNTY COLLEGE	4,450.00
CCIA	1,862.60
CUMBERLAND CO. OFFICE ON AGING	4,900.00
CUSTODIAN OF SCHOOL MONIES	580,564.00
THE DAILY JOURNAL, INC.	3,941.48
RICHARD H. DANIELS, ESQ.	1,444.00
LINDA A. DEDRICK	200.00
DEERFIELD ELECTRIC	2,353.10
DINASO & SONS BUILDING SUPPLY	158.00
HAROLD DUFFIELD, JR.	30.00
EDWARD DUFFY, ESQ.	650.00
ELI JOURNALS	107.00
JOSEPH C. ELWELL, SR.	500.00
ENFORSYS FIRE SYSTEMS, INC.	975.00
SHIRLEY EVES CENTER	4,250.00
EXECUTIVE BUSINESS PROD. CORP.	2,793.95
FAM-CARE, INC	2,625.00
FEDERAL TECHNOLOGY INDUSTRIES	280.00
FIRST DUE EMERGENCY SUPPLY INC	510.00
FREE SPIRIT PUBLISHING, INC.	246.99
GALLO'S GMC TRUCK SALES, INC.	190.01
GARDEN STATE HIGHWAY PROD. INC	3,955.30
GENTILINI FORD, INC.	251.43
GRAINGER	98.70
GRANTURK EQUIPMENT CO., INC.	3,985.15
GREENBERG TRAURIG, LLP	1,043.74
HD SUPPLY WATERWORKS, LTD	15.00
HELP & HOPE MINISTRIES, INC.	426.07
DANIEL HOFFMAN, ESQ.	200.00
HOLLY SOCIETY OF AMERICA, INC.	120.00

HOWELL HARDWARE	797.36
CARL HUND	1,442.96
IDA	200.00
INDUSTRIAL SUPPLIES INC	274.32
INSTITUTE PROFESSIONAL DEVLPMT	198.00
JRB ASSOCIATES, LLC	5,970.00
KEEN COMPRESSED GAS CO., INC.	116.73
MARION KNIPE, TREASURER	60.00
NICHOLAS T. LACOVARA, ESQ.	650.00
LANDSMAN UNIFORMS INC.	473.00
LAURY MACHINE WORKS	150.00
LILLISTON CHRYSLER/PLYM., INC.	413.17
LOWE'S CO., INC.	694.79
MAJOR PETROLEUM, INC.	559.63
RICHARD C. MCCARTHY, ESQ	14,812.33
MCMANIMON & SCOTLAND, LLC	6,219.63
MID AMERICAN SPECIALTIES, INC.	589.68
MIG ENVIRONMENTAL, LLC	1,325.00
MILLVILLE AUTOMOTIVE, INC.	3,516.96
MILLVILLE BOARD OF EDUCATION	1,500.00
MILLVILLE DEVELOPMENT CORP	8,839.50
MILLVILLE PAL	4,200.00
MILLVILLE PUBLIC LIBRARY	39,333.33
MILLVILLE SR HIGH SCHOOL PTSA	1,500.00
MOORE-WALLACE NORTH AMERICA	53.20
MCAA OF NJ	80.00
NATL. EMER. COMM. INST., N.E.	1,212.95
STEVE NEDER, ESQ.	1,071.43
NEXTEL COMMUNICATIONS, INC.	3,495.42
VERIZON	17,441.95
NJ STATE DEPT OF HEALTH	880.20
NJ DEPT OF LABOR & WORKFORCE	70.00
SUZANNE L OLAH	953.39
PEDRONI FUEL CO, INC.	29,658.57
PENN-JERSEY MACHINERY, INC.	62.74
PHILADELPHIA TURF CO. INC.	2,304.05
QSCEND TECHNOLOGIES, INC.	195.27
QUALITY FIRST, INC.	420.00
REDCORN, INC.	2,250.00
JAMES F. REEVES	375.00
RENTAL MAT SERVICE, INC.	24.05
RIVERFRONT RENAISSANCE CENTER	150.00
NED ROGOVOY, ESQ.	2,142.86
STATE OF NEW JERSEY	19,445.00
THYSSENKRUPP ELEVATOR	1,403.61
UHLIE SIMMERMAN	71.00
SJ COURT ADMIN ASSOC.	80.00
SJ FARMERS EXCHANGE, INC.	875.50
SJ GAS COMPANY	7,693.98
SOUTH JERSEY SANITATION CO INC	90,759.80
SOUTH STATE INC	508.30
STAPLES, INC.	174.58
STEWART BUSINESS SYSTEMS	105.00
JOSEPH SUTHERLAND	1,200.00
JOSEPH SUTHERLAND	500.00
SYSTEC OF VINELAND, INC.	1,350.00
TEAM LIFE, INC.	395.00
TEPS POWER EQUIPMENT, INC.	375.49
TILL PAINT COMPANY, INC.	1,095.00
TREASURER, STATE OF NJ	8,117.01
TRI-CITY PAPER & JAN. SUPPLIES	316.30
UNITED ELECTRIC SUPPLY, INC.	1,326.12
UNITED PARCEL SERVICE	11.02

UNIVAR USA INC.	670.50
URBAN ENTERPRISE ZONE	496.27
VINELAND AUTO ELECTRIC, INC.	192.66
W. B. MASON COMPANY, INC.	144.99
WEINSTEIN SUPPLY CORPORATION	223.66
WESTERN TERMITE & PEST CONTROL	270.00
WEST GROUP, INC.	1,861.00
ALICE E WOOD	150.00
WYBLE ADVERTISING, INC.	2,000.87
BENJAMIN YODIS	450.00
HARRIET CHEESMAN	425.00
GARI B. CLINE	4,925.00
MATILDA JENSEN	2,300.00
MARY E. JONES	759.87
ROBIN SMALLEY	5,200.00
ANNA VURGANOV	6,345.00
MALCOLM WADLEY	3,800.00
MILLVILLE ARMY AIR FIELD MUSM.	18,809.60
SOUTH JERSEY TIDAL WAVE	200.00
ZELPHY'S LIBERATION CENTER	4,800.00
FAMILY ABSTRACT, INC.	893.98
TOTAL VOUCHERS FOR 04/17/07	1,109,116.18
ST OF NJ PUBLIC WTR SYS TAX HW WIRE	2,430.50
TREASURER, ST OF NJ/1983 HW WIRE	30,905.56
TREASURER, ST OF NJ/1989 HW WIRE	8,117.01
TOTAL HW WIRE FOR 04/17/07	41,453.07
CITY OF MILLVILLE SALARY ACCOUNT	312,402.76
CITY OF MILLVILLE SALARY ACCOUNT	261,447.80
SALARY TOTAL FOR 04/17/07	573,850.56
TOTAL VOUCHERS & SALARY 04/17/07	1,724,419.81