

Commission Chamber, City Hall
Millville, New Jersey
April 20, 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 and deletions to the agenda:

Additions

New Business

- Item No. 7** Report from Engineering regarding bids received by the Purchasing Board on Thursday, April 15, 2010, 10:00 a.m., 4th floor Commission Chambers for the project known as "Maurice River Waterfront Park Improvements Contract No. 4 - Shoreline Stabilization & Riverwalk Extension" recommending the rejection of the lowest bid received from Giberson Plumbing & Excavating, Inc., 7 Park Drive, Shamong, NJ 08088 in the amount of \$22,095.00, disqualifying said bid due to being "unresponsive" and recommending the award of bid to Ranco Construction, Inc., 2 Coleman Court, Southhampton, NJ 08088 for their successful "qualified low bid" in the amount of \$245,228.00
- Item No. 8** Resolution authorizing the rejection of bid regarding project known as "Maurice River Waterfront Park Improvements Contract No. 4 - Shoreline Stabilization & Riverwalk Extension" received from Giberson Plumbing & Excavating, inc., 7 Park Drive, Shamong, NJ 08088 in the amount of \$226,905.00 due to being "unresponsive"
- Item No. 9** Resolution authorizing the award of bid regarding project known as "Maurice River Waterfront Park Improvements Contract No. 4 - Shoreline Stabilization & Riverwalk Extension" to Ranco Construction, Inc. 2 Coleman Court, Southhampton, NJ 08088 for their successful "qualified low bid" in the amount of \$245,228.00

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 noted that he had a couple reports to submit at the regular meeting.

Commissioner Derella indicated he is submitting the Tax Collector's Report for the month of March 2010.

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

Commission Chamber, City Hall
Millville, New Jersey
April 20, 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 Merki 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 Russell M. Samano, Chairman of the Millville Memorial Day Committee, requesting permission to hold the Annual Memorial Day Parade on Monday, May 31, 2010, commencing at 9:00 a.m. at the Millville Public Library and proceeding along Veteran's Way, cross Buck Street to Mulberry Street and south on High Street to Main Street and then proceed west on Main, stopping at the Maurice River Bridge for a brief Memorial Ceremony and then the parade will proceed west on Main Street to Mount Pleasant Cemetery.

A motion was passed to receive and file the correspondence, refer to Traffic Safety for review and recommendations by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

The City Clerk/Administrator read the Audit Report re: Target Millville Urban Renewal, LLC required pursuant to Financial Agreement between Target and the City of Millville.

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

Permit Fee Log Report and the Monthly Fees Report for the month of March 2010 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Commissioner Finch announced that April is the final month the Streets and Roads Department will be picking up loose leaves throughout the City of Millville.

Commissioner Finch reported that on April 5, 2010 a dangerous structure hearing was held by the Board of Commissioners, in which there were four properties addressed and two of the aforesaid properties have had action taken on them as requested by the Board of Commissioners.

Commissioner Finch also expressed his appreciation to the homeowners of the two properties.

Commissioner Quinn announced the Levoy Theatre settlement will officially be held April 21, 2010.

Commissioner Quinn thanked Phil and Lauren VanEmbden for their hard work and perseverance through the steps in the process regarding the Levoy Theatre.

Commissioner Quinn also noted that thanks need to be given to Joe Pierce and Joe Pierce, Jr. for starting the process.

Municipal Court Report for the month of March 2010 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Tax Collector's Report for the month of March 2010 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Mayor Shannon expressed get well wishes to Liz Nicke who is out of work due to health issues.

Mayor Shannon announced that two Millville women, Liz Nicke and Gladys McGraw, will be inducted into the Cumberland County Women's Hall of Fame on April 21, 2010 and expressed his congratulations to both women.

The following proposed ordinance was read on first reading:

An ordinance amending the Municipal Code of the City of Millville, Chapter 11 Bureau of Permits and Inspections, Article X-State Uniform Construction Code-Section 11-82 Construction Permit Fees.

Director Finch moved for the adoption of proposed ordinance on first reading with final consideration to be given on Tuesday, May 4, 2010 after due publication as provided by law.

Director Quinn seconded the motion.

Commissioner Finch indicated reasons for the Permit fee increases will be discussed at the public hearing.

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

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

Ordinance No. 3-2010

An Ordinance approving sale of real estate by the City of Millville in a public sale pursuant to NJSA 40A:12-13 to be held on May 5, 2010, 6:00 p.m.

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

Director Finch seconded the motion.

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

Paul Porreca: *"Good evening, gentlemen, my name is Paul Porreca, I live on Porreca Drive in Millville. The polls are open until nine, so everybody can still go out and vote. Turn off their TV and go vote. Anyway, on this Ordinance, I'm delighted to see it, I'm sure you'll pass it, but the list is kind of short and I wondered why, for example all of the lots at Laurel Lake, well not specifically them, but all of the property that the City has that it has in fact put on a list according to law that it was not, foresee a need for, why the list was so short."*

Mayor Shannon: *"Well, from my understanding, Mr. Porreca, the various Departments looked at all of the lands that were available, and looking at these it was decided that the Laurel Lake properties would be bundled in a separate sale."*

Paul Porreca: *"Oh, okay."*

Mayor Shannon: *"Because there are a lot of issues down there with the sewer and the water, the septic and different things like that, so that was an issue for the Laurel Lake properties."*

Paul Porreca: *"So you will be contemplating a second sale."*

Mayor Shannon: *"They are looking at that."*

Paul Porreca: *"And, I don't know if it's on the Ordinance or not, but there will be no minimum bid, but the right to reject, correct?"*

Mayor Shannon: *"If I'm not mistaken, wasn't there a hundred dollar minimum bid?"*

Richard McCarthy: *"Nominal minimum..."*

Mayor Shannon: *"A hundred dollar minimum bid and I think there were the attorney fees and the right to reject, was my understanding."*

Paul Porreca: *"The only other question, the \$400.00 additional to buy a piece of ground, is that just to draw the deed?"*

Mayor Shannon: *"I would have to defer that to the City Attorney."*

Richard McCarthy: *"It's all the documents that are handled in settlement. Four documents that are prepared."*

Paul Porreca: *"Okay. That's what that's for. Well, I'm delighted to see you're going to sell. Hopefully sell something."*

Mayor Shannon: *"I've got my fingers crossed."*

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

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

Resolution No. A-6848 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-6849 authorizing the award of Professional Service Contract with Pace & Associates, Inc., 115 Smith Street, Millville, New Jersey to perform professional services in connection with a preliminary assessment and site investigation work plan for the former Shone's Auto Body Side, Block 579, Lot 35 in an amount not to exceed \$6,100.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon

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

Resolution No. A-6850 authorizing the award of Professional Service Contract with Triad Associates, Inc., to perform professional services in connection with the administration and execution of its Community Development Block Grant (CDBG) in the amount of \$6,000.00 with the source of funding for this contract from Planning/CD Budget was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon

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

Resolution No. A-6851 approving an application for a disabled veteran property tax exemption pursuant to N.J.S.A. 54:4-3.30 requiring the Tax Assessor to allow for a total exemption from taxation on a complete filing of a claim pursuant to N.J.S.A. 54:4-3.31 for property known as Block 495.01, Lot 1 for a prorated assessment amount of \$182,700.00 and authorizing the Tax Collector to calculate and cancel taxes for the current year based on this prorated assessment pursuant to N.J.S.A. 54:4-3.32 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6852 authorizing Water/Sewer Termination on May 3, 2010 due to payment default pursuant to Section 56-18 of the Municipal Code was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6853 acknowledging and endorsing terms outlined in April 14, 2010 Memo from John Knoop in order to complete Manor Estates Subdivision Improvements without litigation was due to Signature Homes, Inc. the developer of Manor Estates Subdivision, who has been declared in default by the City Commission for the completion of site improvements at Manor Estates, per Resolution No. A-6660 dated October 6, 2009 and an involuntary Chapter 7 Bankruptcy has been declared against Signature Homes, Inc. was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Finch: *"Yes, Mr. Mayor, this is the result of several meetings with Mr. McCarthy and Mr. Knoop and the developer and their attorneys. They have agreed and they have found money to come in and complete this development. There is an extensive punch list that's going to be followed and it is my understanding that this should begin actual work next week. Which includes cleaning catch basins, retention ponds, drainage inlets, replacing trees that have died, repairing curbing and mainly repaving the entire development. So, this will be a good project to get completed, and it should improve a lot of situations that exist out there. So, I'm looking forward to getting this thing up and completed."*

Resolution No. A-6854 authorizing Grant Application #P4890 for the Safe and Secure Communities Program to the Department of Law and Public Safety in the amount of \$90,000.00 and covers a portion of 4 Police Officers Salaries was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6855 authorizing acceptance of Hazardous Discharge Site Remediation grant from the Economic Development Authority of the State of New Jersey in the amount of \$131,587.00 for the Millville Laundry site located at 26-30 McNeal Street, Block 286, Lot 18 Application #P29695 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6856 authorizing acceptance of Hazardous Discharge Site Remediation grant from the Economic Development Authority of the State of New Jersey in the amount of \$187,593.00 for Spinelli Brothers Trucking site located at 1201-1219 Wade Boulevard, Block 576, Lot 6 Application #P29924 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Report from Purchasing re: Public Auction of vehicles, bicycles and equipment held on Thursday, April 8, 2010.

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

CITY OF MILLVILLE



"A MAIN STREET NEW JERSEY COMMUNITY"

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OFFICERS
 MAUREEN P. MITCHELL
 Chief Financial Officer
 JOHN W. KRAUSE
 City Treasurer

April 9, 2010

TO: Board of Commissioners
 FROM: Maureen P. Mitchell

The City of Millville held a public auction on Thursday, April 8, 2010 for the sale of five (5) city owned vehicles, six (6) abandoned and/or confiscated vehicles, one (1) boat, seventy (70) bikes and various other items of equipment and evidence.

The above items were sold, and the amount received from the sale was \$8,328.00.


 Maureen P. Mitchell

lmf



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

A motion was made to authorize a Social Affair Permit in the name of BPO Elk's Lodge No. 580 to be held at the Millville Elk's Lodge located at 1815 E. Broad Street for a Beef "N" Beer to be held on May 15, 2010 from 7:00 p.m. to 11:00 p.m.

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

A motion was made to approve Bingo License No. 219 on behalf of Saint Mary Magdalen Church to be held on May 15, 2010, 5:00 p.m. to 11:00 p.m., 621 Dock Street.

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 entitled "Purchase of Radio Equipment and Hardware for the Millville Municipal Water Utility" with said bids to be returned to the Purchasing Board on Tuesday, May 4, 2010, 10:00 a.m., Commission Chamber, City Hall.

Commissioner Finch: *"This one is for equipment to be installed by the Water Utility employees to get the SCADA system installed, which is a computerized operation of the wells, tanks and sewage facilities."*

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 entitled "Purchase of Control Components & Instrumentation for the Millville Municipal Water Utility" with said bids to be returned to the Purchasing Board on Tuesday, May 4, 2010, 10:00 a.m., Commission Chamber, City Hall.

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 entitled "Millville Department of Public Works Wood & Stump Grinding and Recycling" with said bids to be returned to the Purchasing Board on Tuesday, May 4, 2010, 10:00 a.m., Commission Chamber, City Hall.

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

Report from Purchasing Agent and Engineering regarding bids received by the Purchasing Board on Thursday, April 15, 2010, 10:00 a.m., 4th Floor Commission Chambers for the project known as "Maurice River Waterfront Park Improvements-Contract No. 4 Shoreline Stabilization & Riverwalk Extension"

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COMMISSIONERS

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

JAMES F. QUINN
Director of Public Affairs

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

DAVID W. VANAMAN
Director of Public Safety

DALE L. FINCH
Director of Public Works

OFFICERS

LEWIS N. THOMPSON
City Clerk/Administrator

RICHARD C. McCARTHY
City Attorney

MAUREEN P. MITCHELL
Chief Financial Officer

SUZANNE L. OLAH
Tax Collector

BRIAN P. ROSENBERGER
Tax Assessor

April 20, 2010

TO: Board of Commissioner

FROM: Maureen Mitchell, CFO/PA

The Purchasing Board received bids on April 15, 2010 for the Maurice River Waterfront Park Improvement Contract #4.

Six (6) bids were received ranging from the high bid of \$425,440.00 to the low bid of \$226,905.00.

The Engineering department has reviewed the bids and has found a deficiency in the lowest bidder which they detailed in the attached memorandum. Therefore I recommend the City award the contract to the apparent second lowest bidder, Ranco Construction, Inc. of Southampton in the amount of \$245,228.00.


Maureen P. Mitchell



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City Attorney

MAUREEN P. MITCHELL
Chief Financial Officer

SUZANNE L. OLAH
Tax Collector

BRIAN P. ROSENBERGER
Tax Assessor

April 20, 2010

Mayor and Commissioners:

On Thursday, April 15, 2010 at 10:00 A.M. the Millville Purchasing Board received bids for "Maurice River Waterfront Park Improvements Contract #4 - Shoreline Stabilization & Riverwalk Extension". There was a total of six (6) bids received ranging from a low bid of \$226,905.00 to a high bid of \$425,440.00. A complete tabulation of the bids received is detailed in a Summary of Bids on file in the City Clerk's Office. The Engineer's Estimate for this work was \$279,288.00. Monies for this project are approved and available through NJ Urban Enterprise Zone Assistance Funds - Project No. 09-154.

Upon review of the apparent low bid submitted by Giberson Plumbing & Excavating, Inc. of Shamong, NJ, the included documents failed to list a NJ Licensed Electrical Contractor on the *List of Subcontractors* as is a mandatory requirement of the *NJ Local Public Contracts Law NJAC 40A:11-16* if the bidder himself does not possess such a license. Furthermore, the *NJ Local Public Contracts Law NJAC 40A:11-23.2* defines this deficiency as "a fatal defect that shall render the bid proposal unresponsive and that cannot be cured by the governing body". Based on this circumstance, I hereby recommend that the bid of Giberson Plumbing & Excavating, Inc. in the amount of \$226,905.00 be disqualified as being "unresponsive".

Upon further review of the apparent second low bid submitted by Ranco Construction, Inc. of Southhampton, NJ, the included documents were all found to be in full compliance with the *NJ Local Public Contracts Law* as well as the requirements of the bid. Upon subsequent review of this bidder's qualifications, Ranco Construction, Inc. was also found to be highly qualified to perform the scope of work required by this project. Thus, I hereby recommend award of contract to Ranco Construction, Inc., 2 Coleman Court, Southhampton, NJ 08088 for their successful "qualified low bid" in the amount of \$245,228.00.

Respectfully Submitted,

Richard S. Jones, PE, CME
Assistant Municipal Engineer

RSJ:rj/rj1038

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

Resolution No. A-6857 authorizing the rejection of bid regarding project known as "Maurice River Waterfront Park Improvements Contract No. 4 - Shoreline Stabilization & Riverwalk Extension" received from Giberson Plumbing & Excavating, inc., 7 Park Drive, Shamong, NJ 08088 in the amount of \$226,905.00 due to being "unresponsive" was adopted, by the following vote: Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-6858 authorizing the award of bid regarding project known as "Maurice River Waterfront Park Improvements Contract No. 4 - Shoreline Stabilization & Riverwalk Extension" to Ranco Construction, Inc. 2 Coleman Court, Southhampton, NJ 08088 for their successful "qualified low bid" in the amount of \$245,228.00 was adopted, by the

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

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

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.

Paul Porreca: "Good evening, Mr. Mayor and Commissioners, Paul Porreca, I still live at Porreca Drive. I read about the approval by the Board of Public Utility Commissioners approving the sale at Holly Ridge preserve, you know what I'm talking about, and what intrigued me, and what caught my interest was the abstention by former Senator Asselta. I figured for him to abstain, he must have had some kind of legal opinion that there was a problem there, and according to the paper, he abstained because he had previously taken a position in favor of the project, he apparently had announced it or whatever, I didn't follow it that closely. Now, what made me wonder and what struck me about it was, how is that different from some local official actions in connection with the New Jersey Motorsports Park? Because some Commissioners have taken very aggressive in favor of the Motorsports Park. Over the years, some have been and are still listed as green flag members which purpose is to promote the park, and there seems to be a parallel situation there in my reading of the paper and looking at some of the past conduct and activity. I know that some of the Commissioners went down to the Virginia Raceway which is owned by the same folks. I don't know who picked up the tab, I would have no way of knowing, but it could be a problem, and I'm just wondering if the same rules apply at the State level as apply here. There's a lot of public action required in connection with the park, both past, present and I know in the future according to the contracts that exist. And I think there should be, not for me to ask, but, I think maybe some of you fellows should have some formed legal opinions exactly what has happened, who has done what or taken what, or has had business associations with the track and how that affects your ability to vote on this project. And it's not just the Commission, and of course it's not your problem, it just shows you how much public money and public official, public actions required over at the Empowerment Zone, a few months ago, there was a loan approved of \$425,000.00 for the Motorsports Park, a motion made by the Mayor, who sits on the Empowerment Zone, seconded by Mayor Romano who has issues according to the paper and Mayor Garrison, who is the Chairman of the Empowerment Zone all voted yes for this loan and all have been, matter of fact, I think Garrison is still a member or was, of the Green Flag Committee. I think it poses problems, gentlemen. It certainly does raise a question and appearance of who's side is everybody on, or is there some predilection in connection with these things that come about? So, I guess my difficulty is in understanding whether there is and if there is, what is the difference between the rules for State Senator, Public Utility Commissioner, and the local officials, and I didn't know if I was missing something, but I don't expect, you know, an answer off the top of anybody's head, but it would seem to me that it might be appropriate to get some thorough legal analysis and opinion in connection with everybody's position and whether they can belong to the Green Flag Committee and pass on

these things that concern the Motorsports Park, which will be an ongoing thing, I can see. Thank you very much."

Marie Cherry, 416 Spencer Place, addressed the Board of Commissioners and expressed her appreciation for the amicability expressed by John Knoop during the circumstances surrounding Manor Estates.

Marie Cherry questioned who's responsibility it is to take care of the basins in the development, as she has gotten conflicting answers.

Commissioner Finch: *"I can say that we've had meetings, Mr. Knoop and I met with the State DOT because they are doing the major project on 49 and they're doing all kinds of work all the way through up through 55 on drainage issues and we had a meeting with the County and they were going to do a walkthrough with their people involving drainage concerns and with the City. So, at this point, everyone is still doing their due diligence to find out what can be done and how it can be done. On the basin issue, I don't know the answer. I don't know whether if there's some legal issue there or..."*

Marie Cherry explained that she just wants some answers and doesn't want the current issue to be an ongoing problem.

Commissioner Finch: *"When the contractor comes in, Mr. Knoop will be in touch with them regularly out there the next several weeks, so maybe we can continue that discussion on the basin issues."*

Commissioner Derella noted the Planning Board sets up who is responsible for basins in their Resolutions while in negotiations with the builder for any and all developments.

Commissioner Derella indicated the Commission will get copies of all of the minutes from those particular meetings to try to resolve the matter regarding what the developer had agreed to.

Commissioner Derella informed Mrs. Cherry that she is able to go to City Hall and request copies of those Resolutions from the Planning Director, Kim Ayres.

Mrs. Cherry stated that her contract states that she is responsible for maintenance, but that is very unclear and could go anywhere from maintaining the grass to trying to unclog the basin when there is a clog.

Commissioner Finch assured Mrs. Cherry that the City will find out the answer to her questions so that she can fully understand her responsibilities.

Mayor Shannon agreed with Commissioner Finch and Commissioner Derella that the issue needs to be resolved by the City so that all of the residents of the development can be clear on the regulations.

Commissioner Finch noted that Ronald D'Adamo, the Resident Engineer from the State of New Jersey, is in Millville looking into the issues at Manor Estates as well as the current Route 49 project.

George Cooper, 348 Briar Drive, addressed the Board of Commissioners and thanked Commissioner Finch for his prompt attention to the matters brought before the board at the April 6, 2010 Commission Meeting.

George Cooper stated that City employees had visited the properties in question the day after the April 6 Commission Meeting, but had not come back until 8:00 a.m. on April 20.

George Cooper noted that his three properties are still receiving the same amount of water that has been received for the past five weeks.

George Cooper also indicated that according to the maps shown to him by John Knoop, the workers that have come to jackhammer the area for the sewer pipe are working approximately 50 or 60 feet from where the pipe should be.

George Cooper commented that at the rate which the work is being done, it will be a significant amount of time before the work is completed.

Commissioner Finch explained that there are many drainage issues throughout the City that the employees are trying to resolve as soon as possible.

George Cooper added that he was surprised at Mr. Porreca's comments regarding the Commission and the Green Flag Committee.

George Cooper noted that the residents are still not informed as to what "favorable" decision had been made according to Commissioner Vanaman at a previous meeting.

George Cooper indicated that he is a member of TrackRacket and proceeded to question each Commissioner if they were members of the Green Flag Committee or taken part in any "perks" from the race track.

Mayor Shannon explained that those issues should be addressed in a private meeting between Mr. Cooper and the Commissioners, as a public forum is not the time or place to address such matters.

Rodolfo Balatbat, 433 Spencer Place, noted that the sump pumps in the basements of the residents of Manor Estates have been constantly running, resulting in water going into the residents lawn, making them "soggy".

Rodolfo Balatbat questioned what will be going to the drains as to a resolution to the problem of all residents of Manor Estates having tubes and hoses in their front lawns.

Commissioner Finch replied that there are several issues on the punch list to be addressed, and noted that with the final paving resulting in better flow for the drainage.

Commissioner Finch added that the developer will be cleaning the pipes and the inlets in hopes that it will help to resolve some drainage issues.

Commissioner Derella indicated the City is not able to go onto privately owned property to extend drainage from the street.

Rodolfo Balatbat noted that his landscaper can not cut his grass and manicure his lawn due to the amount of water in his front yard.

Commissioner Derella explained that the water that gets pumped from a homeowner's basement is the responsibility of the homeowner.

Commissioner Vanaman suggested that once the streets are paved, Mr. Balatbat could come up with a unique way to pour his water into the street, which would solve his problem.

Commissioner Finch added that the City is in talks with the State DOT for ideas for better drainage and to clean the basins and inlets in the development.

Rodolfo Balatbat indicated that the hoses coming out of the front of his house would discourage prospective buyers if he decided to try to sell his property.

Commissioner Finch assured Mr. Balatbat that the City is working to try and fix what they can.

Commissioner Vanaman stated that a part of the overall problem is the extreme weather conditions that we have experienced, which is causing water to accumulate in places that normally have no water accumulation.

Commissioner Finch commended the Engineering Department for the work that they have done, and further explained that it is not solely the responsibility of the City to help his drainage from his property.

Michelle Post, 818 Hogbin Road, indicated that in the General Development Plan of the Motorsports Park there are two endurance races that are scheduled, but the length of time is not specified.

Michelle Post explained that endurance races can stretch anywhere from twelve to twenty-four hours with no breaks, which would result in an onslaught of noise pollution.

Michelle Post noted that the first endurance race is scheduled for June 18 and June 19 which starts at noon on June 18, and questioned whether it is two twelve hour races or one twelve hour race.

Commissioner Vanaman indicated that he believes it is one twelve hour race that they have to list under both days due to the closeness of the race ending on Saturday morning.

Michelle Post questioned if there were any concerns from the Commissioners regarding such a long race.

Commissioner Vanaman explained that he had questioned it when he first became aware of the possibility.

Michelle Post questioned if there was any way to find out more information on these endurance races.

Richard McCarthy explained the schedule does not indicate a starting time for the race, but that it is a single twelve hour race.

Michelle Post commented that if it is scheduled into two days that could mean the race could go on to early hours in the morning.

Commissioner Derella suggested that there may be a normal event the following day.

Michelle Post explained that on the schedule it states the same description on both days.

Commissioner Finch assured Mrs. Post that he would find out and clarify the issue.

Commissioner Vanaman commented that Mrs. Post is able to call the race track to try to get clarification to find out sooner without having to wait for a Commissioner to get back to her.

Michelle Post explained that she also wants the Commissioners to be clear, as they have had many chances to look over said plan.

Commissioner Finch noted that when they received the preliminary schedule, the times of the races have yet to be set.

Richard McCarthy: *"Mayor Shannon, if you wanted to dwell on the point I would make this comment by way of clarification. On those two enduro's, they are part of that litigation involving Citizens United that was filed against the developer, against the City, the Planning Board before the project would have been started and those two enduro's were part of that settlement agreement."*

Commissioner Derella: *"These have been discussed at the Planning Board and through the newspaper."*

Richard McCarthy: *"By a number of attorneys. I did not participate in the negotiations, but we had outside counsel. There was a number of attorneys involved with all of the different parties that were involved in that litigation, so it's part of that settlement agreement."*

Bob Tesoroni: *"Good evening, Mr. Mayor, Commissioners, Bob Tesoroni, Howard Street. Mr. Mayor, I'd like to go back to the properties that's owned by the City at Laurel Lake. You had used, because they're kind of like hodge podge down there, they're kind of a 20 x 100 lot here and a 20 x 100 there, maybe on Ivy, Tulip, University. When you used the term that we're looking at 'bundled', could you define what 'bundled' is? Do they plan on putting all of those together and selling them as one?"*

Mayor Shannon: *"No, maybe bundle is not the right term, but the bottom line is you've got hodge podge down there, so you're going to have to contact a lot of the property owners, the contiguous property owners to see if they are interested in buying."*

Bob Tesoroni: *"Oh, okay."*

Mayor Shannon: "The other thing is that the situation down there, and the City of Millville was not in favor of seeing much more development down there at this point because of the situation we're having with the water and the septic systems down there, we've had quite a bit of problems down there, so that was one of the reasons they didn't include that the first time and they're re-examining the properties down there that are available and I'm talking about bundling, Bob, what I was talking about is there are a couple of properties that are put together and sold under one deed could possibly be a buildable lot, but that's when the discussion came up whether we would actually be in favor of more development down there or not. So that's where those discussions took us."

Bob Tesoroni: "Oh, okay. Because I don't think that, you know, if there was a 20 x 100 lot and you couldn't do anything with it, no one is going to buy a bunch of those because some of those properties..."

Mayor Shannon: "We were looking at trying to assemble enough that there were certain ones that we could assemble to make a buildable lot. But that's, like I said, going back, that's where the discussion came in that we weren't really endorsing more development down there because of the septic problems and other problems that we were having down there."

Bob Tesoroni: "Okay, that answers it, because some of those properties..."

Richard McCarthy: "We should point out the fact that these are something that was a problem back in the 1940's. When lot sizes were different than what would be today and actually the term bundled is correct in a sense because what we used to do then and what we've done down there on occasion is bundle a group of lots together that are immediately adjacent to one another to provide an adequate minimum building lot. There's also environmental overlays zoned down there which addresses those that deals with the additions of septic systems and water wells because none of that area is sewerred and watered. And while you have minimum lot size of five lots making up 100 x 100 which might be a buildable lot. In other words, bundling five together. What has happened on occasion, on many occasions is, when they actually did the testing they needed to actually have more lots in order to have sufficient acreage there in order to be able to address the environmental issues that related to sewer and water. So often times it might have required seven or as much as ten lots to be bundled together in order to make a buildable lot where you could put a septic system on and put a water well on because of the high water table down there. So, we have a couple environmental issues and what the Mayor has already articulated is a number of administrative, we're looking at this carefully to evaluate the environmental ramifications of putting together the whole series of lots down there for a public sale, land sale. So, we're looking at it where we have an idea to consider it, but there's got to be a lot of factors taken into consideration including environmental."

Bob Tesoroni: "Actually, it might assist you by getting rid of some of those, because if there's only a 20 x 100 lot there, then the person can have some flexibility and..."

Richard McCarthy: "We have sold those over the years and when you have a lot like 20 x 100, which is what the subdivision has set up those lots to be and if they're between adjacent property owners and it's obviously not a buildable lot by itself, but over the years we've sold those to private individuals that have been interested in buying them and when the market was different, we were selling those for \$2,000.00 a lot. And, I'm not suggesting that's the price now. It's been a number of property owners down there who have owned lots that were adjacent to them to purchase these lots who wouldn't give so much as \$2,000.00 a lot. We've also at times sold a bundle of lots to individuals at public sale that would have expressed an interest in developing the particular area and when we thought that the environmental issues aren't as severe as they are in other areas. But when you look at Laurel Lake as a whole, you need to evaluate not just the number of lots that's over there, but also the environmental implications in selling off a lot of lots and having a lot of development in an area that's already sensitive."

Lewis Thompson: "One of the first questions that's asked every time and we don't have it, 'is the City going to pay for PERC tests?' No, we are not. And the ability to have a 20 x 100 lot bundled with five lots to have 100 x 100 many people found that the PERC tests in separation of a septic system and a well and the requirements by the Cumberland County Health Department sometimes wasn't sufficient based on the water table."

Bob Tesoroni: "I think you answered my question on the bundling, though, and there are a lot of lots down there, because I looked at the tax map. There's a lot of them that we've had since the, the one's I'm looking at, 1946 they've been off our tax rolls, but we've had them and can do nothing with them."

Richard McCarthy: "What happens is, it get's sold, and sometimes they're private sales and sometimes they're even public sales and then thereafter, something happens and they end up getting them back. It's not a situation where they've been there for seventy years, sometimes these are properties that have been foreclosed and come back to the City through that process. So, that's another thing. You know, a problem here where you're selling lots, selling lots and then for a low price, a few years later you're foreclosing and paying counsel fees and getting them back. You know, you always have to look at things from, things are never as simple sometimes as they appear to be. When you get into a situation, the City ends up paying more money."

Bob Tesoroni: "Well I agree, but sometimes they're not as complicated as we make them either. Thank you. The other thing that I would like to commend the Commissioners on relinquishing their health plans. I brought that issue up and I know that it's a very sensitive area and it's a costly one for some of the members but I think it's the thing you need to do, I think it was the right thing to do. Now I challenge you to take it one step further. Now is the time to have the Solicitor draft an Ordinance saying that no future elected and/or part time employees will enjoy health benefits. I think now is the time to do that."

Commissioner Derella: "The State Legislation is coming out to eliminate that..."

Bob Tesoroni: "No, you don't have to wait for State Legislation, I think we can do that by Ordinance."

Commissioner Derella: "...can't supersede that, but it's already in the works there and we may follow suit, but right now we're focused on trying to get the budget in place and making all of the sacrifices that we can in order..."

Bob Tesoroni: "I'm sure that Mr. McCarthy is not real involved in the budget though, so it's something to think about, gentlemen, I think it's time that we need to do that. You've made the sacrifice and now we can pass it on to those future ones. The last thing is, Millville First will be hosting Senator Jeff VanDrew on Tuesday, May 11 at 7 p.m., the American Legion. It's an opportunity for the public to come out. Any questions that they want to pose to Senator VanDrew at that time, and we hope to see you there and I would like to thank Mr. Vanaman for his appearance at the last meeting of Millville First in which we had the candidates night. We had a very successful night and all of the candidates did appear. It gave us an opportunity to meet them, and it's not too late to go vote if you haven't."

There being no further comments, Mayor Shannon closed the public comment portion and asked for any comments from the Commissioners.

Commissioner Finch: "Just to clarify the Green Flag Committee issue, I was a member of the Green Flag Committee prior to my election to this office. When I won the election last May, I resigned the next day. I sent an e-mail to the Motorsports Park and Donald Fauerbach, so I am no longer a Green Flag member. I was prior to being elected, just to clarify that."

Commissioner Derella: "One comment, and I should have made this during the public portion for Mr. Porreca, I do know a little bit more about Senator Asselta's reason for his abstention from that vote. He did appear in front of representatives and BPU Board. Mr. Butler, the Commissioner at the time, had a hearing here in regards to that project, and he did speak at the microphone as a Senator representing that, so he elected and thought that he should abstain from any vote that had to do with that project. That was the main thrust of that. He put that on public record that he did do that. As far as visiting the VIR before the project even happened, I did go, I did ride in a City vehicle, but all expenses in regards to my room, meals and any other thing that was associated with it I paid out of my own pocket, so we're trying to be, we are sensitive to some of those things. We will look for direction from our attorney to make sure that we don't violate those things. But I should have said that at the open session."

Commissioner Vanaman: "Yeah, Mr. Cooper, I'm not a member, I've never been a member, and I'm not even a race fan."

Commissioner Quinn: "It's difficult, I don't think I was ever a member of the Green Flag Committee, but, you know, when you're in the position I was in, trying to attract a ratable, I know I paid for my room when I went down there, and we flew

down, so I don't know what that was as far as that. I'd have to check into, I think the City paid because I know Magazzu went with us, we had a contingency here to go down. It's pretty tough when you're trying to attract to not have to go and do things to interact. So, if that puts me in a conflict, and I certainly will ask the Solicitor, I have no problem being conflicted out. I certainly don't want to do something that would not be proper. But it is hard, when you work with the Economic Development side because you're always being pro, you know what I mean? And you're always having to promote the City, and I mean, let me tell you something, I was Mayor twelve years and I'll bet eleven of those twelve years I've worked on trying to get somebody to come and I mean, I remember going up to the New York area, I had Bruton Smith here, and we were lobbying, Mr. Smith, I went to his track and those type of things to see their operation. Again, I don't know we have to check this. But, you know, it is a difficult balance to have because you want to draw, at least we felt, that the ratable base and the tourism base would be very important to our City. And, you know, the tourism base has been important, the ratable base somewhat is valuable at this point in time and it was something that was coveted by many communities, I think would like to have that. Certainly, the noise becomes a factor. Whoever dreamed it would be the situation we're in today and things like that, but it is hard. It's something, especially when you have to do the Economic Development angle of it, you're there to try to rule. You know, you're trying to get them to come and that was what I felt was important at that time in representing the City and the best interest that I thought would be at that particular time."

Mayor Shannon reminded everyone that the polls are still open and encouraged everyone to vote.

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

Approved: May 4, 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 APRIL 20, 2010

ADAMS, REHMANN & HEGGAN ASSOC.	1,330.00
AECOM USA, INC.	52,562.49
RAY ALLEN MANUFACTURING, LLC	609.00
ALL INDUSTRIAL SAFETY PROD INC	757.00
A.M./P.M. SERVICES	184.00
ARCHONIX SYSTEMS, LLC	25,250.00
AMERICAN SOC CIVIL ENGINEERS	225.00
AT & T	42.58
ATLANTIC CITY ELECTRIC	81,851.51
AUTOZONE NORTHEAST, INC.	953.37
J P BAINBRIDGE & ASSOC., INC.	15,807.50
BANK OF AMERICA, N.A.	2,320.13
BIG WIRELESS, LLC	1,238.54
BIRCH'S COMMUNICATIONS, L.L.C.	9,571.25
ZACHARY BISHOP	50.00
JOHN BOJACIUK	932.83
SUMMER BRECHT	100.00
CAMDEN COUNTY COLLEGE	175.00
COMMUNITY DEVELOPMENT SERVICES	409.00
CERTAPRO PAINTERS OF SJ LLC	3,486.88
CIFALOGGIO INC	410.40
CINTAS FIRST AID & SAFETY CORP	427.87
COIA'S GARDEN MARKET	79.98
COMCAST, INC.	81.12
COMMERCIAL TRAILER SERVICE INC	233.01
COURTYARD BY MARRIOTT	154.10
CRAIG AUTO RADIATOR WRHSE, INC	300.00
COUNTY OF CUMBERLAND	567.18
CCIA	13,092.04
CUMBERLAND CO. CLERK'S OFFICE	326.00
CUMBERLAND EMPOWERMENT ZONE	6,000.00
CUMBERLAND TREE SERVICE, LLC	550.00
CUSTODIAN OF SCHOOL MONIES	672,218.00
CUSTOM GRAPHICS, INC.	57.00
GANNETT SATELLITE INFORMATION	39.78
CORETTA DAVIS	150.00
DDK CONSTRUCTION	1,997.00
DELTRONICS CORP	124.00
TERRI DELVICARIO	200.00
EDWARD DUFFY	1,014.00
THOMAS J MORRIS, JR	16,054.03
JOSEPH C. ELWELL, SR.	250.00
EMTEC, INC.	333.00
FEDEX	34.91
GARDEN STATE HIGHWAY PROD. INC	60.00
GENTILINI FORD, INC.	709.84
COLT GIBSON	1,113.92
GLOBAL TRACKING COMMUNICATIONS	519.87
JOHNATHAN GOMEZ	733.00
W.W.GRAINGER, INC.	2,605.83
GREENBAUM, ROWE, SMITH AND	420.00
GRUCCIO, PEPPER, DESANTO	20,204.35
HANSON AGGREGATES BMC, INC.	4,371.99
JAMES C. HARDEN, JR.	6,500.00
HOWARD HEE	375.00
GLENDALE HOWARD	50.00
JCI JONES CHEMICALS, INC.	297.00
JUDGE PAUL KIENZLE	195.00
JOHN KNOOP	99.00
NOREEN D LANZA	26.00
LAWMEN SUPPLY CO, INC.	807.00

LILLISTON CHRYSLER/PLYM., INC.	291.76
LINCOLN NATIONAL INSURANCE CO.	1,150.00
LOWE'S CO., INC.	956.35
LYNN RESCH	250.00
TAYMARK	981.13
MAIN STREET SUPERMARKET CORP	43.96
MARLEE CONTRACTORS, LLC	1,447.52
MAZZARA TRUCKING	130,267.48
RICHARD C MCCARTHY ESQ	15,230.55
MES/ALL SAFE, INC.-PENNSYLVANIA	1,605.46
MGL FORMS-SYSTEMS, LLC	943.00
MILLVILLE BABE RUTH JR LEAGUE	600.00
MILLVILLE DEVELOPMENT CORP	13,608.94
MILLVILLE RESCUE SQUAD	4,833.33
MOD-CON, INC.	875.00
MCAA OF NJ	400.00
LIZ NICKLUS	55.60
AMERICAN WATER WORKS ASSOC.	1,260.00
NEXTEL COMMUNICATIONS, INC.	4,040.74
VERIZON	224.92
NJ STATE DEPT OF HEALTH	1,314.00
NEW JERSEY PEST MANAGEMENT	125.00
NJ STATE LEAGUE MUNICIPALITIES	55.00
OFFICE BASICS, INC.	138.45
PEDRONI FUEL CO, INC	28,842.53
POLICE ON BIKES, INC.	550.00
QUALITY CONTROL LABS, INC.	1,345.00
NRAAO/ME 2010	390.00
REDCORN, INC.	2,450.00
JAMES F. REEVES	375.00
RUTGERS, THE STATE UNIVERSITY	227.50
STATE OF NEW JERSEY	3,130.00
SEASHORE ASPHALT CORP.	2,393.70
THE SHERWIN-WILLIAMS COMPANY	152.70
SJ COURT ADMIN ASSOC.	60.00
SJ GAS COMPANY	1,096.18
JAMES P SMITH	750.00
SOUTH JERSEY SANITATION CO INC	130,089.33
SOUTHERN NEW JERSEY NIGP	110.00
STATE OF NJ, FOREST SERVICE	25.00
JOSEPH SUTHERLAND	1,500.00
SYNERTECH INC, ENVIRONMENTAL	275.00
T & F CAMERA SHOP INC	58.00
TAX COLLECTOR & TREAS. ASSN NJ	1,115.00
TEPS POWER EQUIPMENT, INC.	433.00
TOTAL VIDEO PRODUCTS, INC.	495.00
TRACTOR SUPPLY	95.97
TREASURER, STATE OF NJ	940.00
TREASURER, STATE OF NJ	8,117.01
TRI-CITY PAPER & JAN. SUPPLIES	423.05
UNITED ELECTRIC SUPPLY, INC.	75.80
UNITED PARCEL SERVICE	38.56
UNIVERSAL SUPPLY CO., INC.	265.84
USPS	5,345.00
URBAN ENTERPRISE ZONE	9,995.47
VERIZON CABS	201.86
VERIZON WIRELESS	200.04
WEINSTEIN SUPPLY CORPORATION	137.94
WESTFIELD ARCHITECTS &	2,907.50
WATER WORKS SUPPLY CO., INC.	462.22
AMY ZIMMERMAN	25.00
RONALD J. CHARLESWORTH	200.00
RONALD J HARVEY	260.00
CLARENCE W. HOFFMAN	460.00
RALPH H LANE	450.00
ASA F. SWAN	10.00
LEON WILLIAMS	180.00

TOTAL VOUCHERS FOR 04/20/10	1,338,989.69
CITY OF MILLVILLE SALARY ACCOUNT	139,352.15
CITY OF MILLVILLE SALARY ACCOUNT	460,760.85
TOTAL SALARY FOR 04/20/10	600,113.00
TOTAL VOUCHERS & SALARY 04/20/10	1,939,102.69