

Commission Chamber, City Hall
Millville, New Jersey
June 16, 2009, 5:45 p.m.

The Board of Commissioners met in a special session with Vice-Mayor Derella presiding. Members present: Derella, Quinn, Vanaman and Finch. Absent: Shannon.

Vice-Mayor Derella 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.

Richard McCarthy made the following comments:

"This is the return date for a Notice of Hearing and a Complaint in connection with a dangerous, damaged infrastructure located as the City Administrator, Lew Thompson indicated at 1831 Hancebridge Road. All the procedural requirements have been fulfilled, a copy of the notice and complaint were sent by regular and certified mail to the property owners and published in the newspaper, posted on the property and it was recorded at the Cumberland County Clerk's Office on May 28, 2009. Again, this is the return date for that hearing and Mr. Truxton is here to testify concerning the conditions of the property."

Milt Truxton, Construction Official, was sworn-in by Richard McCarthy, City Solicitor.

Richard McCarthy asked for identification from anyone present who may have an interest in the property in question.

Ron Colsen indicated from the audience that he was a party of interest.

Milt Truxton: *"Gentlemen this has been an ongoing problem. If you remember approximately a year ago, a little less than a year ago we were placing this property on the abandoned properties list and of course we had some correspondence at that time that we were going to have the property maintained and taken care of and since then there's been an ongoing problem with property maintenance. The pictures I have here will show that the property has been broken into and most of the plumbing facilities have been stripped out and the air conditioning has been stripped and taken out and there's been a severe leak in the roof for a period of time causing more damage to the property. I'm looking for one or two things at this point. I'm looking to have the roof repaired, the building secured and an ongoing property maintenance program or to have the building demolished, one or the other."*

Richard McCarthy: *"Can you describe the extent of the damage that you witnessed in the interior?"*

Milt Truxton: *"the extent of the damage mainly is that the leak in the roof has caused the ceiling to collapse. The major damage inside would be from vandalism from where people*

have come in and stripped the valuable materials out such as copper plumbing and things like that, the air conditioner and things."

Richard McCarthy: "Would it be correct to say that you have no functioning infrastructure facilities."

Milt Truxton: "no we do not."

Richard McCarthy: "and how serious is the damage that was done to the roof."

Milt Truxton: "the roof, it appears to be just a major leak in the roof."

Richard McCarthy: "but, how much damage to the ceilings in the interior?"

Milt Truxton: "it's collapsed."

Richard McCarthy: "the entire ceiling is collapsed?"

Milt Truxton: "it's down to the floor."

Richard McCarthy: "are there any other structural problems that you noticed."

Milt Truxton: "none that I noticed, except for the roof covering and things like that."

Richard McCarthy: "is there a great deal of debris, I would assume..."

Milt Truxton: "there's debris."

Richard McCarthy: "now, you've sent notices to the property over a period of time have you not?"

Milt Truxton: "correct."

Richard McCarthy: "could you state for the record what length of time you've sent notices..."

Milt Truxton: "well, we're going to go back 4 years, maybe 3 years..."

Richard McCarthy: "Over a period of 3 years there has been notices sent to the property owners to take some action with respect to the property?"

Milt Truxton: "correct."

Richard McCarthy: "and has it continued to deteriorate over that period of time."

Milt Truxton: "the interior has, yes."

Richard McCarthy: "so, there's been no improvements made during that 3 year period, but only continued to deteriorate."

Milt Truxton: "there's copies of pictures again, gentlemen, that were taken at 2:00 p.m. today. These are today's pictures."

Richard McCarthy: "while the Commissioners are looking at the photographs, Mr. Truxton, if someone were to undertake repairs to this structure, how extensive would those repairs have to be and over what period of time would you feel it would be necessary in order to undertake and complete those repairs?"

Milt Truxton: "We want to bring the building back to habitable conditions and you're probably looking at a 6 month period, if you allowed them 6 months to do that it would include the plumbing repair and the roof."

Richard McCarthy: "What's the condition of the exterior of this property?"

Milt Truxton: "The condition of the exterior is basically what it shows in the pictures. The grass is normally high, high grass and weeds, it needs paint, the roof shingles are deteriorating, outside of that it's not too bad."

Richard McCarthy: "What's your recommendation with respect to this property?"

Milt Truxton: "Well, like I previously stated that we are looking to either have an ongoing maintenance program and have the roof repaired, have it fixed up a little bit and cleaned up or to demolish it."

Richard McCarthy: "Could you give an estimate on what the cost in repairs might be?"

Milt Truxton: "No, sir, I didn't go that far at this time."

Richard McCarthy: "Do you have the assessed value of the property? For the record."

Milt Truxton: "No, I don't. The assessed value, I really don't know, because it's a nonprofit."

Richard McCarthy: "I have nothing further with Mr. Truxton. Do the Commissioners have any questions?"

Vice-Mayor Derella: "I guess my concern, I guess we're going to hear from a representative from them. My only concern would be the investment and if they don't finish that investment, how far along do you let someone go before you say you're not getting it done? That's the question we're going to have to weigh in our own minds here when the decision is rendered."

Richard McCarthy: "Absolutely. I assume there's people here that want to testify on behalf of the owner, but I just wanted to give the Commissioners an opportunity to direct any questions they may have to Milt Truxton."

Commissioner Finch: "How extensive, how much repair work needs to be done to make it secure and water free and usable?"

Milt Truxton: "The roof would need to be repaired and then if you just want to make it secure, I'd say repair the roof and secure the property and then have an ongoing maintenance program for cutting the grass and weeds and things like that."

If you want to make it habitable, then you're looking at pretty extensive stuff, because you got to replace all the plumbing and whatever else has been taken."

Commissioner Quinn: *"How old is that building? Do you know? Thirty years..."*

Milt Truxton: *"yeah, probably..."*

Commissioner Vanaman: *"sixties?"*

Commissioner Quinn: *"I remember being in there for a meeting. It certainly is... was a very nice building. I mean I see that the water damage has, the water coming in has damaged the ceiling tiles and all that and of course vandalism is something, obviously the property owners did not want to see happen. But, that happens in abandoned buildings, so you know, I think it's a very nice building if it can be... I'd hate to see it be demolished, I'd like to see the roof fixed, so it doesn't leak and then hopefully that there would be some use... I know they were using it for a church and I actually happen to know someone who talked to me who had some interest in the building for a church as well. So, maybe they could get together with these people and it's a win, win and the City has a building restored and you don't have to worry about the grass and the debris and all that..."*

Milt Truxton: *"I think Mr. Mayor, we're looking at and in having conversations with these people that the property owners are out of the country and have not responded, but I think they resolved that problem now... If you want to let them have an opportunity and then maybe I can make a recommendation after I find out exactly what they want to do..."*

Commissioner Finch: *"What about the tax exemption status? I mean the building hasn't been used for years?"*

Milt Truxton: *"well, it's not being used for what it was intended to be used for."*

Commissioner Finch: *"so, should it not be back on the tax roles?"*

Richard McCarthy: *"Brian Rosenberger is already aware of that situation and he plans to take action, but he's basically waiting for us to determine what the Commissioners intend to do tonight with respect to the subject matter that's before them, before he takes further action in that regard. But, he's prepared to take the appropriate action. I think we should hear from the other parties of interest."*

Ron Colsen was sworn-in by Richard McCarthy.

Richard McCarthy: *"Would you state your name and address for the record?"*

Ron Colsen: *"My name is Ron Colsen, the address is 1519 West Mossmill Drive in Galloway Township, New Jersey."*

Richard McCarthy: *"The listed property owners are Vaughn and Jennifer Brown Ministries, Inc. Could you indicate what your relationship or interest is in connection with that organization?"*

Ron Colsen: "Actually one of my companies, Devine Performance Consulting is the church consultants for this property and as of yesterday the property has been put into a Land Trust with my company."

Richard McCarthy: "Do you understand that this proceeding was recorded in the County Clerk's Office on May 28, 2009, so any actions that were taken subsequent to that is subject to the public record with respect to these proceedings? Are you aware of that?"

Ron Colsen: "Yes."

Richard McCarthy: "Do you have any plan or proposals that you would like to submit to the governing body concerning the rehabilitation of this structure in lieu of its demolition?"

Ron Colsen: "actually not completely together, we just got the trust done yesterday and the trust... this agreement was not put in place, because we were coming here today. This was something that had been a long time coming, we had been working on it and of course getting the entire church to agree was a little bit of a hassle. So, since we're at that point now, we have as of today, since the Land Trust was put in place yesterday and I have a copy of that Land Trust agreement and the Declaration of Trust. We've contracted with a company in Bridgeton, Green Lawn Maintenance and Landscaping, with them to do a biweekly maintenance on the grounds and we've contracted with Russell Construction Company, licensed contractor here in New Jersey to do the regular maintenance on the building, which at this point we're still working out the details. The building is secure, the front doors and the side window that was broken into have been re-secured as of today, since my company has it. Again, the landscaping was taken care of as of today and we have an agreement for them to do bi-weekly maintenance on the grounds. As far as the roof, the roof is really the main problem at the property. As far as the roof is concerned, the roof was repaired last year by a construction company in Delaware... the extent of the roof leak, it's a flat roof, so, you know, leaks are prone for that and it's old. The bottom line is we want to replace the entire roof. The problem is the funding and we had a situation at the church where the organization, the church organization was going through a reorganization process and at this point that process is done and that's how we are where we are today with the Land Trust Agreement in place. So, my company is now responsible for the maintenance and everything, the upkeep of that property and making sure that it is maintained. Again, like I said the landscaping maintenance agreement is in place. I'll have in writing the one from Russell Construction on the construction side later on this week, because we haven't quite worked out the details as to what the regular maintenance is, we kind of wanted to wait for this meeting and see what you guys were looking for as far as regular maintenance. You know, we had, I had a conversation last week with Mr. Truxton, so I think we're working on the same page and now it's just a matter of going through this process. Also, on a lighter note, the property is officially listed for sale with Springtime Realty and I have that listing agreement here, so it is listed and I have pictures as well from an hour ago of what the property looks like now after cleaning there today."

Commissioner Finch: "What's your timeframe, if you're given permission to secure the building, what's your timeframe on that?"

Ron Colsen: "the building is secure."

Commissioner Finch: "the roof leak..."

Ron Colsen: "the roof leak is an issue in and of itself at this point. We have several different bids so far from me as the consultant for the church that put us in about \$150,000.00 to \$180,000.00 price range. So, it's just a matter now of whether it's going to be worth doing that or if we want to wait and see if we get any responses to the sale and I think that's what we're going to do. So, we haven't really put a timeframe on it. We can move forward, if we want to at this point and I think we kind of want to wait and see if we get any responses to the sale."

Commissioner Quinn: "Is the sale price the \$475,000.00 is that with the new roof or is that as is."

Ron Colsen: "as is."

Richard McCarthy: "we have several issues that are going to effect a sale at this point. We have recorded this Notice of Hearing and Complaint at the County Clerk's Office, which will show up in any title search of the property and somebody needs to come forward with a plan on the rehabilitation of this property. Putting it up for sale accomplishes absolutely nothing, unless there's somebody prepared to come forward with a plan. So, we need to see financial capability and a plan of action to put this structure in a habitable condition."

Commissioner Quinn: "Rob, would it not make more sense, based upon what Mr. McCarthy said, and I know flat roofs are horrible, they always have been, schools, wherever they are they do leak. There's no question. But, I guess based on what he is saying, what you're saying, the cost is, have you looked into doing the repair again? I know that's something, obviously time wise would probably be your best bet."

Ron Colsen: "well, I mean at this point, if you told me and what he says is correct then..."

Vice-Mayor Derella: "it's correct..."

Ron Colsen: "if that's the case then, you know, then that's the course we would... would be the quick fix."

Vice-Mayor Derella: "I think we need to do that. Not to interrupt you Mr. Colsen, but Mr. Truxton may have a suggestion on what direction he would like to see it go, since he's seen the building and he's our construction official."

Milt Truxton: "yes, as I listened, I understand that there is a money problem to fix the roof, so I would like to make a recommendation here, if they're trying to sell it that we at least get a performance bond in the amount of maybe \$30,000.00 or \$35,000.00 so that if this building is left to deteriorate that the City is not left with the burden to tear it down and it does not become a taxpayers burden."

Commissioner Quinn: "well, is it possible Mr. Truxton to give them a 30 day window or something to make their repairs, I mean is there some?"

Milt Truxton: "I don't, that's up to him, I don't know what kind of timeframe he's talking about, but if they're trying to sell it, while they're trying to sell it the building is only going to deteriorate further, what I'm looking for is maybe something where the taxpayers are protected from having to pay the cost of demolition on this building. In the meantime if he gets a sale, then it should be fine."

Vice-Mayor Derella: "see that can't happen, because of the process that we've put in place. So, they either have to put a plan in place and begin to act on that plan and be followed up, obviously by your office and making sure they stay by that for this thing to be able to be rehabbed to a substantial point where we're all comfortable and plans followed before it can be. Correct Mr. McCarthy?"

Richard McCarthy: "somebody's got to come forward with the financial capability and a plan of action as to how they intend to address the problem here. It's not just the taxpayer problem on demolition, it's the neighborhoods problem for the people that live there. That's why we bring these proceedings. Not because we're interested in demolishing properties all the time, but we're interested in correcting the problem in some fashion for the neighbors who are experiencing an ongoing problem. We have the ability, in other words the Board has the ability to say, look, we come back in two weeks or something and come forward with a plan. Up to this point all we've heard is the original owners transferred the property, they transferred it subject to what I recorded two weeks ago in the County Clerk's Office, so that's public record. They transferred the property to Land Trust, who's in the business of, who want to sell it to a third party. Again, I don't see anything being done concerning the whole intent of this Ordinance, which is to correct the problem. Either correct the problem or eliminate it. This is a public nuisance problem and with nuisance properties you abate the nuisance and you can do that in a number of ways, you either fix the problem or we demolish the structure. I'm not opposed to if the governing body wants to give them a little time to come forward with a plan, because of the fact that things have happened kind of quickly for them. That's within your authority. But, I would respectfully submit that it be a short duration, give them an opportunity to come back with proof of financial ability and a plan of action as to how this problem is going to be corrected. There's nothing wrong with that. But, to prolong this thing, it's been a 3 year problem already."

Commissioner Vanaman: "If I may that's one thing I was going to mention, since Mr. Truxton had indicated that it's been going on for at least 3 years, waiting to the day of this condemnation hearing, doesn't really impress me, to cut the grass. I think we need a plan."

Commissioner Finch: "and just to put the property up for sale doesn't rectify anything and in this economic times with this market to sell a building with those kinds of issues is going to be a difficult thing to do. I concur."

Vice-Mayor Derella: "another situation I think, maybe 2 years ago with a property that was in similar condition, actually Dale it was behind your old, the same street that your old house was on where we grew up. They came here and we had given them 2 weeks to make substantial improvements, which was roof, I think they had some rafter issues and all that was tracked by the Construction Office and then we moved forward and they ended up rehabbing that whole property within 60 days or whatever and it became a usable piece of property again. I'm not quite sure what the direction is we would like to do. Again, I'm going to have to rely on Mr. Truxton, I do like his suggestion of a performance bond, because I really agree with him, we should not get stuck if this thing doesn't move forward having the cost be borne by the City once again and then try to recapture those funds."

Commissioner Quinn: "I can't imagine this type of building with the problems that it has would ever get to the point where it would be demolished. I do know people that are interested and it is another church. So, I am really optimistic and in fairness to Ron, you've only had it for a few days, I know that as Mr. McCarthy points out that what they were doing at this point and time was a little late to do that. But, I would hope maybe, could we give him 30 days to get the roof repaired. I know you can't do the construction to get a new roof, but if we could have that repaired and if you feel Mr. Truxton that if the roof is repaired then they could start working on cleaning up the debris inside and doing other things that need to be worked on. This is a very nice building, it's a shame that we're in this situation, I understand finances and nonprofits and all that kind of stuff is probably the reason it is in the situation it is today."

Milt Truxton: "The building by not being habitable right now and not having any facilities is at the point of demolition right now. You know, whatever you gentlemen decide to do from here, if you want to give him a period of time, 2 weeks, 3 weeks to submit a plan and some time to get the roof on, that will be up to you. But, we have reached that point, it's been an ongoing process now."

Ron Colson: "I do not wish to see the building tore down."

Commissioner Finch: "give him a time period to come back with a plan and in the plan there is a time frame of which the building will be completed in a very, expedited reasonable manner."

Commissioner Quinn: "Is 30 days okay?"

Commissioner Finch: "the next meeting, that would be my suggestion, the end of the year meeting is June 30th."

Commissioner Quinn: "that's 2 weeks from today."

Commissioner Vanaman: "for just the plan."

Commissioner Finch: "just the plan and then and in the plan it would say we'll fix it in 30 days or whatever. I mean we want to really condense this thing to make it happen quickly. Does that sound reasonable to you Mr. McCarthy?"

Richard McCarthy: "yeah, but, obviously you have the, the governing body has the ability to retain jurisdiction as you suggest and to give an opportunity, a reasonable period of time to submit a plan. All that is within your authority."

Vice-Mayor Derella: "So, let me summarize, Mr. Finch, since it is your department that's handling this situation, you're looking for within 2 weeks a plan should be presented to..."

Commissioner Finch: "a plan of action..."

Vice-Mayor Derella: "a plan of action directly to Mr. Truxton for review by you and him. Do we want to include a performance bond in case this thing doesn't move forward appropriately, instead of that cost being on the City?"

Milt Truxton: "you also want to take the solicitors advice and get their capability of paying for it is there, because you don't want to get caught part way through..."

Commissioner Finch: "I think that's reasonable..."

Richard McCarthy: "you go back a few years when we had the problem too. When we started the process and it took forever to..."

Vice-Mayor Derella: "many years ago..."

Richard McCarthy: "you're going back quite a few years. I would prefer not to revisit that..."

Vice-Mayor Derella: "I know that was my concern openly, if you start doing something when is the point of no return. So, your recommendation to Mr. Finch would be in 2 weeks a plan of how it's going to be achieved, financially how is it going to be done and if it's not here or it does not meet the standards that we're looking for and then we'll move to the next level. Do we need a motion?"

Lew Thompson: "A motion to authorize a 2 week extension until June 30, 2009 at 11:30 a.m. to be submitted including a performance bond and how they plan to proceed with repairs and/or bringing the building up to code."

Commissioner Finch made a motion and Commissioner Vanaman seconded the motion.

Milt Truxton: "Gentlemen, do you... when you're saying bring it up to code you're including the entire building or are we looking at just the roof repair and allow them to sell the structure and then bring it up or do you want to bring it up to code."

Richard McCarthy: "they're coming forward with a plan of action in 2 weeks..."

Vice-Mayor Derella: "right, which would be starting with the roof immediately and then subsequently the plans to continue to make that habitable again."

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

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

Approved: June 30, 2009

Mayor

Joseph J. Derella

James F. Quinn

David W. Vanaman

Dale L. Finch
Commissioners

Attest:

Lewis N. Thompson
City Clerk/Administrator