

Commission Chamber, City Hall
Millville, New Jersey
December 21, 2009, 12:00 p.m.

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

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

"This meeting is being conducted in accordance with the Special Meeting Provisions". The Municipal Clerk is directed to include a statement in the minutes of this meeting.

The City Clerk/Administrator read the following resolution:

Resolution No. A- 6737

Whereas, Mayor J. Timothy Shannon and Commissioner Dale Finch, Director of Public Works have requested a special meeting to be conducted at 12 noon, December 21, 2009, Commission Chamber, 12 South High Street, Millville NJ for the purpose of declaring an emergent condition regarding the public health, safety and welfare of the citizens in certain residential developments; and

Whereas, the aforesaid residential developments have streets which are not completely improved and have not been dedicated to the municipality for which the developers are responsible for maintenance and snow plowing; and

Whereas, the aforesaid developers were contacted on Friday, December 18, 2009 by the municipal engineer to advise them to assume responsibility for the plowing of the aforesaid streets; and

Whereas, as of Monday December 21, 2009 the aforesaid developers have not plowed the aforesaid streets as they are legally obligated to do.

NOW THEREFOR BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MILLVILLE AS FOLLOWS:

1. An emergency is hereby declared to protect the public health, safety and welfare.
2. The CFO and the Director of Public Works Department is hereby authorized to engage an outside contractor to plow the streets in the aforesaid residential subdivisions
3. All costs incurred by the municipality shall be borne by the developers or their bonding company's , as applicable, and the appropriate city officials are authorized to seek reimbursement from the developers or bonding company as applicable for all costs incurred by the municipality

Resolution No. A- 6737 was adopted, by the following vote:
Yeas: Finch, Derella and Shannon.

Director Finch made the following comments:

"I can explain a little bit. What we had was a very large snowstorm and a very difficult storm to manage and maintain. The City crews have been doing their best to handle that. All City departments, Parks Department, Streets and Roads, Water and Sewer Utilities everyone have been chipping in. But, what developed and what we knew with going into this storm that there are 5 developments that did not provide or do not have approved streets, thereby meaning that we cannot legally go in and plow those streets without some exposure. They were put on notice last Friday, just to remind them of this and ?????????? it was their responsibility to take care of those streets. What has happened due to this large amount of snow, those areas have not been maintained, the streets are not plowed and it has created a health and safety issue. These areas include Manor Estates, Forest Walk, Pleasant Woods, Tomasello Drive and Quality Management Development, which includes a section of Roselle and the Lloyd Terrace Area. We've received numerous complaints today and yesterday about the streets, the people can't get out, they can't get in and we're concerned about the safety and the welfare of those resident to be able to get out and have people get in. So, with that we are going to take the lead and we have secured private contractors to go in and plow these streets and we will then go after the developers in terms of reimbursement once it is completed. At this time this is all we can do, we're trying to make sure these residents are safe and secure and we are beginning that as we speak, as we adopt these documents, the contractors will proceed to run in and plow the snow. That's the reason for this action. We could not wait any longer to see what's going to happen. People need to get to work, eventually to school, maybe tomorrow. Other areas, health concerns, hospital, doctors, etcetera. So, we feel it's in the best interest of the City and the residents of these area, they're paying property taxes, that they receive this service."

Commissioner Derella: "Quickly, from a budget standpoint, if we need to we will go into our snow trust fund, which is something that builds up year over year, if you don't utilize it, a portion of that can go in, so you can carry that over for such emergencies. We're also going to look into as you saw other performance bonds, if need be legal action is another step and also checking the escrow accounts of each of these developments to see what kind of money are available there in case we cannot get a prompt response and payment in regards to what this is going to cost the City. So, we're going to ensure, that residents No. 1, as Commissioner Finch said, safety and their welfare and that their well-being is the No. 1 thing, secondly we got to look out for the budget and make sure these people are held accountable and that we get reimbursed for our efforts."

The City Clerk/Administrator read the following resolution:

Resolution No. A-6738

WHEREAS, the City of Millville has experienced a record amount of snow fall which created the need to contract with outside vendors on behalf of several developers to remove said snow fall in a timely manner to provide for the safety of its residents; and

WHEREAS, the developers have not contracted with private entities to address the safety issues caused by the current snow conditions; and

WHEREAS, the estimated cost of these emergency contracts is expected not to exceed \$15,000.00 in aggregate; and the City has made available adequate funds in the City of Millville Snow Removal Trust Fund to finance this emergency snow removal; and

WHEREAS, the City will take the necessary action to recoup the costs associated with this emergency contract from the applicable developers.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the City of Millville, County of Cumberland, and State of New Jersey that emergency contracts be awarded to various contractors listed on the attached Schedule "A" for the emergency removal and disposal of snow at the state rates.

Resolution No. A- 6738 was adopted, by the following vote:
Yeas: Finch, Derella and Shannon.

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

Approved: January 5, 2010

James T. Shannon
Mayor

Joseph J. Derella

Dale L. Finch
Commissioners

Attest:

Lewis N. Thompson
City Clerk/Administrator