

Richard C. McCarthy Commission Chamber
Millville City Hall
Work Session
March 15, 2022, 5:30 P.M.

The Board of Commissioners met in a **WORK SESSION** with Mayor Orndorf presiding. Members present: Hewitt, Sooy, Romanik and McQuade. City Solicitor, Brock Russell was also present.

Salute to the Flag

The Salute to the Flag was led by Mayor Orndorf.

Open Public Meeting Statement by City Clerk

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975 and 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."

Public Comment

Mayor Orndorf declared the public comment portion open on agenda items only and asked if any person present wished to be heard.

There being no response Mayor Orndorf declared the public comment portion on agenda items closed and asked for comments by the Commissioners.

Discussion Items

Commissioner Hewitt reported that there was a recent fire in town and praised the fire department for a great job and advised Mayor Orndorf that their departments need to work together in creating a protocol on how damaged buildings are handled on these instances.

Commissioner Hewitt stated that the building was deemed an eminent danger and should have been demolished, but instead the city placed a fence around it, which is now going to result in a substantial delay in the demolition and stated that the emergency demolition fund should have been utilized and requested that a protocol be put in place that will be followed moving forward.

Commissioner Hewitt also addressed Vice-Mayor Sooy and asked him if he will be able to put a lien on the property for the fencing with Vice-Mayor Sooy responding that the property owner's insurance company paid for the fence.

Mayor Orndorf confirmed that the property owner's insurance company paid for the fence and that she has been corresponding via emails regarding the incident, the property owners' insurance company wanted a fence placed on the property and an investigation on the cause of the fire.

Mayor Orndorf further stated that she was only notified by the property owner's insurance company that the case was closed and was never informed by the Fire Chief.

Vice-Mayor Sooy advised that there is a procedure in place for unsafe structures and reported that William Davis received three quotes with Mayor Orndorf confirming three quotes were received and that her department was prepared to move forward and again explained that the property owner requested an investigation on the cause of the fire, therefore a fence was erected.

Further discussion took place between Mayor Orndorf, Vice-Mayor Sooy and Commissioner Hewitt regarding better communication between their departments and it was suggested that the Construction Office should notify the appropriate departments on these types of matters in the future.

Commissioner Hewitt also reported the budget is being introduced this evening with Marcella Shepard responding that the budget is being introduced tonight and that she is providing the governing body with the copy of the budget this evening in order to provide each commissioner the opportunity to review prior to the public hearing on April 19th, which is when the budget will be adopted and is when she will provide the power point presentation, in addition the City of Millville Auditor will be present at that meeting to address any questions from the governing body and the public.

Marcella Shepard further reported that the power point presentation, user friendly budget and the introduced budget are posted on the City of Millville website and further advised the governing body that there is a zero-tax increase.

Marcella Shepard reported that most of the budget items are from the previous commission and explained her letters are sent out in August to the department heads and they return their budget information by October, which was approved by their commissioner at that time.

Marcella Shepard further reported that the COLA ordinance on the agenda is done every year, is recommended by the auditors, and explained that the COLA rate allows the city to go up to 3.5% over the CAP, which is banked. She explained that the first few pages of the budget is her CAP calculation, which shows that the city is actually under by \$500,000.00 over the amount to be raised that she could have gone up to and that the city hardly ever goes over the CAP. However, it is nice to have that money in the event of an emergency next year and is necessary to raise taxes; otherwise if there was no monies in the CAP bank a referendum would be required in order to raise taxes.

Marcella Shepard further reiterated the purpose of the CAP bank is to give the governing body and CFO the opportunity to be able to raise taxes over and above the COLA amount which is usually 2.5%.

Vice-Mayor Sooy stated that when he previously served on the governing body, they had voted against the CAP bank, because if the current commission doesn't spend it, then the next commission can.

Mayor Orndorf asked if the CAP bank is yearly with Vice-Mayor Sooy responding that it is voted on every year with the budget and Marcella Shepard responded that the city is allowed to keep 3 years of banking with Vice-Mayor Sooy stating that since they can keep 3 years the governing body should vote for it this year and then worry about next year for the following 3 years.

Marcella Shepard recommended that they always approve the COLA ordinance and recommended they increase the taxes every year by at least one penny; she understands that the public does not like to hear that, but salary and wages go up, unless the city brings in new businesses and raise the ratables.

Marcella Shepard stated the city was fortunate this year because they received the American Recovery money last year which she was allowed to use \$1.7 million of that money due to revenue lost projection from the last 3 years due to Covid.

Marcella Shepard concluded that most of the increases in the budget are due to salary and wages, which is contractual and further advised that insurance and pension contributions increased, and utilities increased due to inflation.

Vice-Mayor Sooy reported that he signed a bill for gas for the Housing Authority with Marcella Shepard responding that is due to an Interlocal Services Agreement noting that the City pays their bill so they can get the city's rates, but the Housing Authority does reimburse the city.

Commissioner McQuade thanked the Streets and Roads Department for a job well-done for the recent snow removal and filling in potholes and also for cleaning up the railroad track area near the Old Railroad Tavern.

Vice-Mayor Sooy reported that the additional \$70,000.00 for CME on the agenda is due to a change in the scope of services to perform inspections temporarily due to a lot of redevelopers and other projects that require inspections.

Vice-Mayor Sooy also reported that mediation is coming up for the Wheaton property and that they have been meeting with a lot of developers and hopefully there will be more money next year.

Public Comment

Mayor Orndorf declared the public comment portion open and asked if any person present wished to be heard.

Betty Monteleone addressed the governing body and expressed her concerns about phone calls not being returned by certain governing body members to citizens and specifically mentioned a business owner who has been repeatedly trying to contact the Mayor's Office and the City Solicitor's Office to no

avail and advised that he pays a \$150,000.00 a year in taxes and just recently paid two quarters in the amount of \$60,000.00 plus the city receives 3% for room rentals and 2% to the airport.

Betty Monteleone also inquired about the leaf and branch pickup schedule and expressed her concerns about the pickup being done so early in the year and the fact that the residents have no idea when the brush will be picked up in their area and suggested a schedule be provided to the public via flier in tax bill or by some other means.

Commissioner McQuade advised Ms. Monteleone that he will look into the matter and confer with Wayne Gressman.

Betty Monteleone stated that at the last meeting Commissioner Hewitt expressed his concerns, and although he might have been out of line and not have been politically correct; he and everyone, whether they are speaking from the dais, or the podium has the right to ask questions about what happens in the City of Millville.

Betty Monteleone further stated that the people who make comments at the podium really care about Millville and they spend a lot of time researching and that their opinions need to be taken into consideration and the governing body shouldn't take it personal if they don't agree with them.

Mayor Orndorf advised Ms. Monteleone that she did receive an email yesterday from Mr. Patel and apologized for not responding to it then and informed her she was copied on the emails that were directed to Wayne Caregnato, who was unable to answer Mr. Patel's inquiry, but he should have returned the call to Mr. Patel and directed Mr. Caregnato to work on Mr. Patel's inquiry and provide him with an answer.

Mayor Orndorf stated that Mr. Patel's inquiry needs to be addressed by the Zoning and Planning Board to see if it is permissible within the city ordinance and indicated that she researched the ordinance and could not find anything addressing the inquiry, but again she will need to confirm with the city professionals.

Further discussion took place between Ms. Monteleone and Mayor Orndorf concerning the inquiry and the possibility that the business owner does not need permission, because he already has suites with kitchens.

Ms. Monteleone expressed her displeasure on the length of time it is taking for the business owner to receive an answer from the commission with Mayor Orndorf agreeing but informed Ms. Monteleone that she relies on the city professionals to provide accurate information.

Brock Russell indicated that he has spoken to Mr. Patel on other matters and does not recall receiving a call on the matter in question but indicated that the governing body cannot answer complex zoning issues, which needs to be addressed by the zoning officer who may have to refer the matter in question to the planning board.

Brock Russell further advised that if the Zoning Officer doesn't issue or issues a permit and someone disagrees with the Zoning Officers' decision or non-decision, they have a right to make an appeal to the Zoning Board of Adjustment.

Ms. Monteleone again expressed her displeasure that the city cannot provide an answer with Mr. Russell responding that when the Master Plan was reexamined, the Land Use Element was to try to make the zoning simpler and advised that the city still needs to implement that by amending the zoning ordinance, which is currently being worked on.

Further discussion took place on the complexity of planning and zoning board issues and the inability of the professionals to provide a response to Mr. Patel.

Vice-Mayor Sooy stated that they are currently working on making the zoning process simpler and advised that it is impossible to anticipate every question when writing an ordinance and he totally understands the frustration and referenced the plan that previously passed through the Zoning Board to build the trailer park out on Cedarville Road, which resulted in an appeal process that cost more money than it would have if it was done right originally.

Mr. Patel addressed the governing body and stated that he is from the Quality Inn/Motorsports Inn and Joy of Life Medical Daycare Center and has been located in Millville for the past 21 years. He

stated that Quality Inn is a Choice Hotel brand and due to the pandemic, he has been receiving a lot of extended stay requests.

Mr. Patel explained that Choice has an Extended Stay brand and they are allowing him to convert 45 out of 102 of his rooms to a Suburban Extended Stay, therefore he needs to install small kitchenettes that is comprised of cabinets, sinks, refrigerators and microwaves.

Mr. Patel stated he needs a construction permit in order to install the kitchenettes and was advised by Mr. Caregnato that he could not do that and referred him to the zoning board.

Mr. Patel stated he applied with the Zoning Board and reported he spent \$10,000.00 in attorney and architecture fees in order to meet at the March 3rd meeting and at that meeting his attorney and the board attorney agreed that he withdraw his application due to a misunderstanding by the city, who thought he was going to convert his hotel into an apartment building and clarified he was not converting his hotel into an apartment building and that it is an extended stay brand like Marriott.

Mr. Patel reiterated that he just needs a construction permit which he has been trying to obtain for the past three months and he does not want to pay eighty to ninety thousand dollars in material, if the city is going to say he cannot do it anymore.

Brock Russell asked Mr. Patel to have his attorney contact him with Mr. Patel responding that it was decided at the board meeting that the issue could be worked out with the Construction Official and indicated that it took him a week to contact Mr. Caregnato, who stated that he does not know the answer yet and required several identifications from him.

Mr. Russell reminded Mr. Patel that there are several steps in obtaining the several types of permits required for the project and advised Mr. Patel that if he wants to change the amount of efficiency apartments he was originally approved for that the Zoning Officer has to make that decision, which will require a review of the previous site plan approval and it has to be determined if a site plan review is necessary for the project and advised Mr. Patel if he disagrees with the determination made by the Zoning Officer he can then make an appeal to the Zoning Board of Adjustment and make his argument.

Mr. Patel again stated that at the Planning Board Meeting on March 3rd his attorney stated it was agreed that they withdraw the case, because it had nothing to do with zoning and was advised to wait one more week to see if the Construction Official would get back with him, which he has not.

Mr. Russell again advised Mr. Patel to have his attorney contact him with Mr. Patel stating he would do that and expressed his frustration on how long it is taking to get the matter resolved.

Mayor Orndorf advised Mr. Patel that she has not seen any plans on the matter and was not aware he attended the March 3rd Planning Board meeting and assured him that she will follow up on the matter with the Planning Board Solicitor and the City Solicitor and asked Mr. Patel to please email her with the information that he provided to the Planning Board.

Vice-Mayor Sooy stated that there appears to be systematic breakdown in Mayor Orndorf's department on the matter and advised that problems are currently being addressed in her department, which unfortunately does not help Mr. Patel, but assured him that those problems will be corrected, and Mr. Patel will get an answer as soon as possible.

There being no further comments Mayor Orndorf declared the public comment portion of the meeting closed and asked if the Commissioners had any closing comments.

Commissioner McQuade thanked everyone for attending the meeting this evening and advised everyone that the Mayor and Vice-Mayor are working hard on bringing businesses to the community.

Vice-Mayor Sooy extended his appreciation to Ms. Monteleone for attending the meeting this evening and for encouraging Mr. Patel to attend the meeting and making the governing body aware of the problems he has been having with the zoning and construction department and urged everyone to please contact the commission if they ever have similar problems.

Commissioner Hewitt thanked Ms. Monteleone for attending the meeting this evening and asked Mr. Patel if he is doing any material adjustments or modifications to the hotel rooms or just simply installing a miniature sink and refrigerator with Mr. Patel responding that there are no actual modifications being done to the rooms, except he will be attaching sinks to the existing water and drain line and that the square footage of the room and exit and entrances are not changing.

Mayor Orndorf thanked Ms. Monteleone and Mr. Patel for attending the meeting this evening and bringing his matter to the governing body's attention and again advised that they are currently working on personnel issues.

Adjournment

There being no further comments the meeting was adjourned on a motion made by Vice-Mayor Sooy and seconded by Commissioner McQuade subject to the call of the chair. All were in favor. None were opposed.

Respectfully submitted,



Jeanne M. Parkinson, RMC
City Clerk