

Commission Chamber, City Hall  
Millville, New Jersey  
December 5, 2011 5:00 p.m.

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

Also present: Don Ayres, Director of Millville Urban Redevelopment Corporation; John Knoop, City Engineer; Richard McCarthy, City Solicitor; Michael Miller, Chief Executive Officer/President Hydro-Lunar Energy; Steve Carnahan, Marine & Maritime Project Consultant Hydro-Lunar Energy and Antonio Bonfiglio, Chief Operating Officer Hydro-Lunar Energy.

Resolution No. R267-2011 authorizing an executive session regarding Proposed Development Agreement; Hydro Lunar Energy, Inc. was adopted by the following vote. Yeas: Finch, Quinn, Derella and Shannon.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Mayor Shannon thanked the representatives from Hydro-Lunar Energy for the presentation and the meeting was adjourned, subject to the call of the chair, by the following vote. Yeas: Finch, Quinn, Derella and Shannon.

Approved: January 3, 2012

James T. Shannon  
Mayor

Joseph J. Derella

James F. Quinn

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Dale L. Finch  
Commissioners

Attest:

Susan G. Robostello  
City Clerk/Administrator

Commission Chamber, City Hall  
Millville, New Jersey  
December 5, 2011 6:00 p.m.

The Board of Commissioners met in an agenda session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Vanaman and Derella. 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 changes to the agenda:

**Resolutions**

- Item No. 10** Resolution authorizing an additional item of revenue in the FY 2012 Budget in the amount of \$1,600,000.00 which is now available as revenue from the New Jersey Urban Enterprise Zone 1st Generation Funds un-appropriated
- Item No. 12** Resolution authorizing the City of Millville to exercise its right to no longer participate in the Cumberland County Improvement Authority Solar Energy Program
- Item No. 13** Resolution authorizing transfer of Plenary Retail Consumption License No. 0610-33-006-007 in the name of SARJE Inc. to an Inactive Pocket License status
- Item No. 14** Resolution authorizing person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 0610-33-006-007, Inactive Pocket License, from SARJE Inc. to Village Culinary Services effective December 6, 2011

The City Clerk/Administrator had no further additions or changes to the agenda.

Mayor Shannon declared a public comment portion open regarding agenda items only and asked if any person present wished to be heard.

Paul Porreca questioned the resolution authorizing the award of contract to Mill-Green Partners and asked for a financial explanation and whether the project was bid with Richard McCarthy responding there was an RFP and he supplied him with his copy of the resolution.

There being no further business, Mayor Shannon declared the agenda session closed, 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  
December 5, 2011, 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.

Luther McDonald 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.

A motion was passed to dispense with the reading of the minutes and to proceed with the regular order of business, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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**

**Report of Commissioners  
Department of Public Works**

Rich Jones, Assistant City Engineer, summarized the proposed solar project at the Wastewater Treatment Plant and Dale Finch made the following motion: A motion to receive and file the report from the committee that recommended the award of contract to Mill-Green was received and filed by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

The Permit Fee Log Report and the Monthly Fees Report for the month of October 2011 were ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

**Report of Commissioners  
Department of Public Affairs**

Director Quinn reminded everyone of the Soul of the Season on Saturday, December 17, 2011 from 6:00 p.m. to 9:00 p.m. in the downtown Arts District where there will be Horse and Carriage Rides, Off-Broad Street Players entertainment, shopping and restaurants would remain open late.

**Report of Commissioners**

**Department of Public Safety**

Fire Activity Report for the month of October 2011 was ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

**Report of Commissioners****Department of Parks and Public Property**

Mayor Shannon announced the Holiday Home Lighting Contest and advised anyone interested to call Samantha White for further information at 825-7000 ext. 7393.

The following proposed ordinance was read on first reading:

An Ordinance amending the Municipal Code of the City of Millville, Chapter 50, Police Department, Article I. Millville Police Department, Section 50-1, Millville Police Department Established: one Chief, one Captain, five Lieutenants, nine Sergeants, and as many Patrol Officers and Civilian Personnel as deemed necessary for the effective government of the department

Director Vanaman moved for the adoption of proposed ordinance on first reading with final consideration to be given on Tuesday, December 20, 2011 after due publication as provided by law.

Director Derella seconded the motion.

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

The following proposed ordinance was read on first reading:

An Ordinance to approve the application and agreement submitted by Goodmill, LLC for a five year exemption and abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Philly Pretzel Factory located at 2102-2198 N. 2<sup>nd</sup> Street.

Director Derella moved for the adoption of proposed ordinance on first reading with final consideration to be given on Tuesday, December 20, 2011 after due publication as provided by law.

Director Finch seconded the motion.

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

The following proposed ordinance was read on first reading:

An Ordinance to approve the application and agreement submitted by Buck 52 Properties, LLC for a five year exemption and abatement from taxation pursuant to Article I of Chapter 65 of the Municipal Code for the project known as Shore Plastic Technologies, Inc. (Renovations) located at 215 Buck Street

Director Derella moved for the adoption of proposed ordinance on first reading with final consideration to be given on Tuesday, December 20, 2011 after due publication as provided by law.

Director Quinn seconded the motion.

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

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

Ordinance No. 23-2011

An Ordinance amending the Municipal Code of the City of Millville, Chapter 39, Motor Vehicle and Traffic Regulations, Article X, Schedule 21 - Parking Reserved for Handicapped Persons

ADD

| Name of Street    | Placard Number |
|-------------------|----------------|
| 215 Howard Street | P705308        |

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

Director Derella seconded the motion.

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

There being no response 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. R268-2011 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. R269-2011 authorizing the insertion of an additional item of revenue in the FY2012 Budget from the New Jersey Department of Criminal Justice - Body Armor Replacement Fund in the amount of \$6,975.77 and New Jersey Office of Highway Traffic Safety, Drive Sober or Get Pulled Over in the amount of \$5,000.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Vanaman stated the Drive Sober or Get Pulled Over Traffic Safety Program goes into effect on December 6, 2012 through January 2, 2012.

Resolution No. R270-2011 authorizing Special Assessment of Municipal Liens to be collected for Clean Up of Property/Board & Secure and Administrative Fees in the amount of \$450.00 in accordance with Chapter 11, Article VI of the Municipal Code for the following properties:

**Cut and Clean**

Block 98, Lot 7, 404 West Main Street, \$2,500.00  
 Block 293, Lot 4, 218 Broad Street East, \$110.00  
 Block 285, Lot 12, 111 Foundry Street, \$115.00  
 Block 375, Lot 14, 417 Oak Street, \$110.00

**Board & Secure**

Block 279, Lot 26, 1016 Buck Street, \$513.00  
 Block 346, Lot 11, 1240 E. Broad Street, \$162.00  
 Block 306, Lot 11, 4 West Powell Street, \$27.00

Block 375, Lot 14, 417 Oak Street, \$864.00

Block 307, Lot 5, 708 N. High Street, \$378.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R271-2011 authorizing the amendment of Professional Service Contract with Gruccio, Pepper, DeSanto & Ruth, P.A., regarding Resolution No. A-7078, adopted December 6, 2010 in which funding under this contract has been exhausted and additional legal services are required to perform the scope of services through December 31, 2011 at an additional cost of \$18,000.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

Resolution No. R272-2011 reappointing W. James Parent as a member of the Millville Housing Authority with a term expiration date of December 31, 2016 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Mayor Shannon expressed sincere appreciation to Jim Parent for his continued service to the Millville Housing Authority.

Resolution No. R273-2011 authorizing Water/Sewer Termination on December 19, 2011 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. R274-2011 authorizing a Commodity Resale Agreement between the County of Cumberland and the City of Millville for Salt Brine Solution for the period covering December 1, 2011 through November 30, 2012 at a cost of \$0.25 per gallon. was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R275-2011 approving request for Performance Guarantee release in the amount of \$1,238,433.00 as submitted by the City Engineer in compliance with N.J.S.A. 40:55D-53(MLUL) for site improvements associated with the Reserve at Union Lake Hotel Project, Block 18, Lot 7 (formerly known as part of Block 228, Lot 1) on the hotel connector road south of Bluebird Lane, with The Reserve at Union Lake, LLC as the principal and the City of Millville as obligee of the performance surety bond from Lexon Insurance Company. Resolution R258-2011 approved by City Commission on November 14, 2011 is hereby superseded by this resolution was adopted, by the following vote. Yeas: Finch, Derella, Vanaman and Shannon. Abstained: Quinn

Resolution No. R276-2011 supporting the "Drive Sober or Get Pulled Over 2011 Year End Statewide Crackdown" was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R277-2011 authorizing an additional item of revenue in the FY 2012 Budget in the amount of \$1,600,000.00 which is now available as revenue from the New Jersey Urban Enterprise Zone 1st Generation Funds un-appropriated was adopted, by the following vote. Yeas: Finch, Quinn, Derella, and Shannon. Nays: Vanaman.

Resolution No. R278-2011 authorizing increased funding from the Enterprise Zone Assistance Fund in the amount of \$1,600,000.00 in connection with the Levoy Theatre Redevelopment Project, making a loan to Levoy Theatre to complete the project and authorize the execution and delivery of certain loan documents.

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

William Opperman, 700 East Lakeshore Drive, questioned if the Sun Bank loan to the Levoy Theatre Preservation Society was pulled in April why didn't this issue come up at that time and stated some people are uncomfortable with the bank loan being pulled, therefore this is just the beginning due to pending lawsuits and there is no escaping it.

Mayor Shannon clarified UEZ loan funds are from sales tax revenue.

Mr. Opperman stated the Board of Commissioners are not loan analysts or professional investors, Sun Bank reviewed it and see it as a bad investment and suggested the Board of Commissioners should defer to the professionals.

Don Ayres, Millville Urban Redevelopment Corporation, presented the following report:

### **UEZ Information**

#### **General**

The City of Millville as a joint zone with the City of Vineland, was designated in the mid-1980's and was given the ability for its UEZ retailers to charge 50% of the state sales tax a few years later. This also allowed the City to fund projects from retained sales tax revenues. Starting in 1990 until present, over \$40 million in UEZ funds have been utilized to pay for economic development, certain municipal services and both state and local UEZ administration. Of course, this also means that, due to the reduced sales tax charged UEZ shoppers (taxpayers) have saved a matching \$40 million that would have been paid if the UEZ did not exist. It seems fair to say that the UEZ program represents the biggest tax reduction initiative in the history of the City of Millville. This does not count the benefits of the new tax revenues created by UEZ-induced development, such as Millville Town Center, Union Lake Crossing and other projects.

#### **Eligible Projects & Services**

UEZ projects are generally defined in the statute and all projects must fall into the specified categories. A list is attached. Additionally, projects must be located within UEZ boundaries and must further the zone's economic development. Projects also must be consistent with the zone's five year zone development plan. If UEZ funds are granted or loaned to a business, the company must be UEZ certified and tax compliant.

Projects tend to involve capital improvements of buildings or infrastructure and can include project soft costs, planning and studies, marketing and some special events. Matching grants for special improvement districts or Main Street programs are specifically authorized.

Municipal services, primarily police and fire, within the UEZ can be funded at 80% of their cost up to a maximum cost per zone. Millville's maximum for FY2012 is \$315,000 and is being utilized toward the salaries and benefits of three police officers.

It should be remembered that each project is required to demonstrate a connection to increasing economic activity in the UEZ

### **Ineligible Projects & Services**

First of all, UEZ funds cannot be used to directly offset the city's general fund. Direct property tax reduction is not allowed. Neither are capital improvements for building and facilities used in the general conduct of government or schools:

An example of ineligible versus eligible projects:

- UEZ funds cannot be used to pay for upgrades at Millville's wastewater treatment plant.
- UEZ funds are being used to pay the debt service on bonds that extended public improvements needed so that the Millville Town Center and Union Lake Crossing shopping centers could be built. This investment has resulted in hundreds of thousands of dollars in new, annual tax revenues and hundreds of new jobs for area residents.

### **Project Examples**

- Glasstown Arts District streetscape, façade and infrastructure improvements.
- Fire fighters and police officers salaries, benefits and equipment.
- Runway improvements at Millville Airport (matching FAA grants).
- Water and sewer lines for business areas.
- Loans and grants for UEZ commercial and industrial companies.
- Job training program with Cumberland County College.
- Matching funds for Main Street Millville program.
- Support for Small Business Development Center (SBDC).
- Groupe SEB(T-Fal) loan and grant to facilitate 640,000SF distribution center.
- Loans to facilitate the expansion of many firms: Body Bio, Northeast Precast, Quality Lincoln, Country Inn, Cumberland Family Medical, South Jersey Cardiology, Eagle Pallet, Gaudelli Brothers, Kaffee Magnum Opus and others.
- \$1 million subordinated loan for the Fairfield Inn & Suites, the first new hotel in Millville in 30 years.

### **Summary**

It is hard to dispute that the Millville UEZ has been tremendous positive force for economic stability over the last 20+ years. The great recession has constrained progress and increased the current county unemployment rate to an unacceptable 12%. Prior to the economic downturn, the rate was in the 6% range with prospects for further gains. By 2009 the recession was in full gear and resulted in a severe economic contraction not only locally, but on a worldwide basis. We are now starting to see some investments and new activity. Hopefully, this will grow and expand in the coming years. Retention of UEZ benefits for businesses and taxpayers is essential as we slowly move forward to a local and national recovery.

Mayor Shannon inquired if there is sufficient funds for payment of debt service and for payment of police salaries, with Don Ayres responding in the affirmative.

Dave Ewing, 2402 Newcombtown Road, addressed the Board of Commissioners and stated he has been involved with the Levoy Theatre over the years, but there is nothing left that is historic. He further stated they will not make enough money to stay open and will need more grants and that is not acceptable. He cited several newspaper articles where other theatres have either filed for bankruptcy or needed additional lines of credit and questioned when does it stop. Even though you care and want to believe, no one really believes it can pay for itself.

Ed Slaughter, 200 Riverside Drive, supports the Levoy Theatre Project and believes it is necessary for the downtown.

Clay McClassey, 712 Glenside Road, stated it is a matter of fairness and the taxpayer should not pay for the theatre, the theatre should. Government should not be involved in a movie theatre.

Paul Porreca, Porreca Drive, stated he thought there would be a presentation of facts.

Lauren VanEmbden thanked the Commissioners for their consideration and stated Sun Bank's decision to back out of the commitment resulted in the entire finance plan for tax credits being at risk and the delay will cause irreparable harm. She explained the proforma has been scrutinized and the deal was done and she is here today to get commitment from the City Commission. The Levoy is an Economic Development Project and will stimulate economic growth, create jobs and other outside investments. She stated this is an opportunity for the entire City to support and protect this investment and asked the Board of Commissioners to please do the right thing and support the project.

Paul Porreca, Porreca Drive, questioned the number of job estimates and the total amount of UEZ funding spent so far on this project. Mr. Porreca suggested that regarding the second interest payment due to the CCIA that the City must pay until the Levoy is operating, now would be the time to get an agreement signed for the Levoy Theatre Preservation Society to pay and questioned if that interest had been paid, with Director Derella responding no.

Paul Porreca stated the Levoy Project could be a \$10,000,000.00 project and questioned what due diligence has the City Commission done. He stated there are too many unknowns; the amount they have raised, the amount spent; the unknown liability; how will the City be secured and he does not believe their projections of income and expenses are realistic. He states when the UEZ monies dry up and they come back and ask for more money is when taxes will go up, because this project will not pay its way or save the town. He asked the Commissioners to pledge before voting this evening that they would not spend additional monies to make up any operating expenses in the future or they could require the Levoy Theatre to promise as a condition of the \$1,600,000.00 loan and get a written commitment for them to pay the interest.

Richard McCarthy responded the Resolution with the \$4,000,000.00 amount was prepared by McManimon and Scotland with the intent to identify funds utilized at the settlement and not other funds.

Richard McCarthy also stated that the City will be the first position holder of the loan. He further stated he is not disputing that there were other funds disbursed by the City.

Bob Tesoroni, Howard Street, stated he does not understand the sense of urgency and this resolution to loan the Levoy \$1,600,000.00 should be tabled and recommended appropriating the \$2,000,000.00 for industry to increase jobs and the Levoy and the Broad Street Players should collectively enter into a financial agreement and put up the collateral, which would be a commitment. The Board of Commissioners should not make this commitment to benefit just one group. He noted the poll on the Daily Journal website asking people to respond if they supported the Levoy Theatre Project indicated the majority do not.

Paul Porreca, Jr. stated it is clear to all this project is economically unfeasible and they will not support themselves without tax dollars for continued operation. He stated the Board of Commissioners needed to ask the citizens to vote recently on whether to move the election from May to November even though there was significant savings, however in the case of this loan there is no vote by the public. He stated this is a sure to fail project and even if it were successful it would have no affect on the taxpayer.

Joe Hanlon, Earle Avenue, stated real estate taxes are going up all the time. The County of Cumberland is trying to bring down their rate by selling the nursing home. Here in Millville we support a theatre and the people have no say. We need a due diligence survey to determine what the theatre will do for the taxpayer. Also, in Vineland they required an audit and this is a similar situation. He asked Commissioner Derella what the 2012 tax rate would be.

Director Derella explained that the 2012 tax rate is unknown until later into the budget cycle.

Mr. Hanlon suggested that someone needs to get a handle on projecting the taxes for 2, 3, 4 and 5 years.

Mary Messick, Oak Street, stated people use to band together for a cause and suggested now we need to take stock in what we have here and utilize it to the best of its ability.

Ann Hartman, Oak Road, Vineland, stated she is a Levoy Board member and is impressed with the grass root efforts of the Levoy Theatre Project. She stated the value of theatre has the potential to positively impact youth, who eventually become taxpayers. She respects the City and the honest debate and thinks the Levoy can be a success with broad base support and good management.

Susie Smith, Mallard Street, moved to Millville one week ago and is excited to be in town and supports the theatre.

Wes Rowe, 443 Val Lane, stated the theatre cannot survive on its own merit and that it is a boondoggle and a money pit. He suggested there is already a State of the Art Center at

Lakeside School and cannot understand why another one is needed on High Street.

Commissioner Finch stated the project is the hub of the future of downtown and must be completed. The idea is they will secure funding from other banks in the future and believes it can work, but needs to move forward and he will support the resolution.

Commissioner Quinn stated that the Landis is more like a movie theatre and the Levoy is a Performing Arts Center with support from people from all over the County in the Off-Broad Street Players, who for over 15 years have been filling high school auditoriums for their performances. He stated people will invest in the downtown if the Levoy is built and without the UEZ funding this would not be possible.

Commissioner Derella thanked everyone for their comments and clarified that funding for NDC and McManimon and Scotland were UDAG funds and soft costs and predevelopment costs were not included in the actual construction costs. He stated the balance in the first generation UEZ funds, if this resolution is adopted, will be \$1.5 million and the balance in the Second Generation UEZ funds is \$1,000,000.00 with approximately \$35,000.00 in revenue each month from repayment of loans. JP Morgan Chase Bank has had oversight of the Levoy for several years and the terms of the loan of the \$1,600,000.00 will be 6% and the City will be in a first mortgage position on the real estate, which was the same terms as the original Sun Bank Loan. Why did they back out? The City did change banks recently and he also cited a recent article in the Press of Atlantic City, which showed Sun Bank with who had the lowest rating by bankrate.com for the quarter ending June 30, 2011. He stated this Commission has been criticized for developing the Arts District, the RAD, supporting the New Jersey Motorsports Park Project, the Union Lake Crossing Project and emphasized all the positive facts regarding those projects. He stated that Standard and Poors recently rated the City A+, and there were 68 bids on recent bond sales. He stated we continue to prepare for budgets and continue to track revenues and expenditures monthly and he believes that with ample support this project will succeed.

Commissioner Vanaman inquired about Paragraph 3 on Page 2 of the resolution and stated the last 3 lines are troubling to him. He also read the following prepared statement:

**David W. Vanaman**

**Comments at December 5, 2011 Commission Meeting**

**At our recent meeting with the Van Embdens on November 29, Mr. VanEmbden stated that new management had taken over the Sun Bank.**

**Upon taking over, this new management discovered that the loan had a draw down date and closing of April, 2011 and it was not acted upon.**

**Therefore, the loan was considered cancelled.**

**Mr. VanEmbden stated they never intended to be ready by April, 2011.**

**I find that comment troubling and not necessarily factual. So, I had to review my prior records**

In a news article published May 18, 2010 in The News of Cumberland County concerning the May 17 renovation ground-breaking ceremony, it was stated that the theater's opening ceremony is tentatively scheduled for **second quarter 2011**.

Therefore, most likely they would have been drawing the loan in April, 2011, since this loan was intended for all of the interior seating, equipment, fixtures, etc.

Further research finds the following:

**October 19, 2010**

Lauren VanEmbden speaks at the commission meeting and states

“the Levoy Theater is under construction and is on schedule for a summer 2011 opening.

**December 21, 2010**

The VanEmbden both appeared at the commission meeting to update the progress of the Levoy project.

It is now reported by The News of Cumberland County that it was said the Levoy would open in late July, 2011.

This tells me that there was a “moving target” for the completion date. Having to witness and experience the progress, or lack of, daily had me convinced that the opening was months away.

David W. Vanaman

Levoy Comments

December 5, 2011

Both of the VanEmbden, being lawyers, certainly should understand the effects and consequences of missing deadlines in contracts.

I feel they should have been in discussions all along to move the scheduled closing and drawdown date of the loan.

Next, we had the “project stopping monumental collapse” on January 3, 2011.

That certainly was a signal that the drawdown would not be April, 2011.

There have been some that have stated that if the Levoy Society's business plan and projections were good enough for the banks, then it was good enough for them. Apparently, the bank no longer feels it is good enough.

I would think a good loan would be a good loan regardless of who the management is.

I certainly don't want to see the skeleton of the project sit there, but I do feel the Levoy project has to find other sources of funding.

With our dwindling balance of UEZ funds, I feel we need to hold on to these funds for future economic projects that would create additional jobs and ratables.

Mayor Shannon stated he has supported the Levoy Theatre Project from the beginning and clarified he feels the project numbers are not inflated and that only 3 events are in their projections to be sell outs. He believes the downtown will be complete with the Performing Arts Center and is beyond the point of whether to move forward. The choice is to leave as is or commit the money and complete the project. He encouraged the Levoy Theatre Preservation Society to continue to seek funding, but does support the project.

Resolution No. R278-2011 authorizing increased funding from the Enterprise Zone Assistance Fund in the amount of \$1,600,000.00 in connection with the Levoy Theatre Redevelopment Project, making a loan to Levoy Theatre to complete the project and authorize the execution and delivery of certain loan documents was adopted, by the following vote. Yeas: Finch, Quinn, Derella and Shannon. Nays: Vanaman.

Resolution No. R279-2011 authorizing the City of Millville to exercise its right to no longer participate in the Cumberland County Improvement Authority Solar Energy Program was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R280-2011 authorizing transfer of Plenary Retail Consumption License No. 0610-33-006-007 in the name of SARJE Inc. to an Inactive Pocket License status was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R281-2011 authorizing person-to-person and place-to-place transfer of Plenary Retail Consumption License No. 0610-33-006-007, Inactive Pocket License, from SARJE Inc. to Village Culinary Services effective December 6, 2011 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Report from Purchasing regarding Request for Proposals (RFP's) for project known as the "Millville Sewer Authority Wastewater Treatment Plant Solar Power Purchase Agreement" was received and filed by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. R282-2011 authorizing award of contract to the lowest responsible bidder, Mill-Green Partners, LLC, 328 South 2nd Street, Millville, for Project known as Millville Sewer Authority Wastewater Treatment Plant Solar Power Purchase Agreement" for a term not to exceed 15 years was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Mayor Shannon thanked Richard Jones and Richard McCarthy for working on this project and looks forward to annual savings on electrical costs and maintenance at the wastewater treatment plant.

A motion was made to authorize the following Raffle and Bingo Licenses:

- a) RL-947 on behalf of the Parish of All Saints for Pull Tabs for the period covering January 1, 2012 through December 31, 2012 at 2 Hillcrest Avenue
- b) BL-229 on behalf of St. Mary Magdalen Regional School Alumni Association to be held on every Tuesday beginning January 3, 2012 through December 18, 2012, 10:15 a.m. to 3:00 p.m. at 621 Dock Street
- c) BL-230 on behalf of The Parish of All Saints to be held on every Friday beginning January 6, 2012 through December 28, 2012, 7:00 p.m. to 10:30 p.m. at 2 Hillcrest Avenue

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

A motion was passed to authorize Social Affair Permit on behalf of the BPOE #580 Elks for a New Years Eve Party to be held on December 31, 2011 from 7:00 p.m. to 1:00 a.m. by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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.

George Cooper, Whitemarsh Estates, stated he came to the meeting to oppose the Levoy Theatre and stated the \$1,600,000.00 loan resolution should have been tabled and a poll taken. He resents the Board of Commissioners did not do their due diligence and suggested they could sell the theatre or knock it down and cut their losses.

Ed Slaughter, 200 Riverside Drive, is in favor of the Levoy Theatre and appreciates the Board of Commissioners support of the project and suggests if you live in Millville you need to be a part of the solution. With a neighborhood watch he believes the downtown will thrive and it will be nice to see private investors.

Paul Porreca, Porreca Drive, stated it is not a true statement to say that the Union Lake Crossing Shopping Center would not have happened without the RAD. He asked the Commissioners if they are prepared to make the promise that they will not give anymore money if they are asked again by the Levoy Theatre Preservation Society.

Mayor Shannon stated he will not poll the Commissioners.

Director Vanaman stated he will not support paying operating expenses to the Levoy.

Mayor Shannon stated he would listen, if they come back to the governing body with further requests.

Mr. Porreca inquired who is in charge of the RAD loans and mortgages with Director Derella responding Maureen Mitchell and the Revenue and Finance Department.

Mr. Porreca asked if prevailing wage applies for contractors that perform work in the RAD. He also stated he does not think it is legal to pay the phone bill of the Director of the Millville Urban Redevelopment Corporation.

Mr. McCarthy confirmed that a bill from an outside contractor cannot be paid.

Paul Porreca asked what money was set aside for the Millville Urban Redevelopment Corporation with Richard McCarthy responding \$21,000.00 per month for 20 months. He further questioned if the Millville Urban Redevelopment Corporation is paying rent to the MDC with Director Quinn responding yes they will be paying rent.

Mr. Porreca stated he would like to know the results of the \$21,000.00 monthly payment and will be asking at future Commission Meetings.

Bob Tesoroni, Howard Street, stated he has participated in Neighborhood Watches, however the problem is that they get no support from law enforcement agencies and there is a breakdown in the enforcement of the curfew law. He suggested if you take care of little problems, that helps with the big problems.

Mary Messick, 318 East Oak Street, got involved in crime watch when she was a victim of crime at Millville Garden over 20 years ago and has always had support from the Police Department, however she feels differently now and feels like the lone ranger.

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

Approved: January 3, 2012

James T. Shannon  
Mayor

Joseph J. Derella

James F. Quinn

David W. Vanaman

Dale L. Finch  
Commissioners

Attest:

Susan G. Robostello  
City Clerk/Administrator

**BILL LIST  
CITY OF MILLVILLE  
MEETING DECEMBER 5, 2011**

|                                |            |
|--------------------------------|------------|
| ADAMS, REHMANN & HEGGAN ASSOC. | 14,144.20  |
| ADVANTAGE OCCHEALTH MEDICAL    | 2,940.00   |
| AFTER HOURS AUTO GLASS         | 365.00     |
| NAT ALEXANDER CO., INC.        | 1,838.95   |
| ALL CLEAN BUILDING SERVICES    | 3,000.00   |
| ALL INDUSTRIAL SAFETY PROD INC | 269.00     |
| PAUL G. KANIGOWSKI             | 286.20     |
| ALARM SECURITY GROUP LLC       | 637.32     |
| ATL. CO. UTILITIES AUTHORITY   | 21,508.00  |
| ATLANTIC CITY ELECTRIC         | 50,679.25  |
| ATLANTIC CO. FIREFIGHTERS' ASN | 270.00     |
| AUTOZONE NORTHEAST, INC.       | 7,407.76   |
| DON AYRES                      | 1,470.66   |
| B & H CONTRACTING INC.         | 133,280.00 |
| GERALD A BARRETT               | 8,620.20   |
| BERCO FLEET SERVICE INC        | 46.79      |
| BOWMAN & COMPANY LLP           | 34,669.20  |
| REGINA BURKE                   | 43.00      |
| JOHN A CASAROW, ESQ.           | 780.00     |
| CITY MILLVILLE PAYROLL DED ACC | 315,588.79 |
| CITY OF MILLVILLE PETTY CASH   | 69.65      |
| CITY OF MILLVILLE UTILITY      | 3,993.50   |
| CLARKE CATON HINTZ, INC.       | 36.25      |
| CLEAN CHEM INC.                | 798.00     |
| COBRA ELECT                    | 72.21      |
| COMCAST, INC.                  | 412.81     |
| CONTINENTAL FIRE & SAFETY, INC | 767.90     |
| CUMBERLAND CO. CLERK'S OFFICE  | 100.00     |
| CCIA                           | 1,360.84   |
| CUMBERLAND COUNTY S.P.C.A.     | 3,227.60   |
| WILLIAM W. PATRICK, SR.        | 291.00     |
| CUMBERLAND PAINTING &          | 950.00     |
| CUMBERLAND VALVE INC           | 1,417.44   |
| GANNETT SATELLITE INFORMATION  | 973.45     |

|                                 |            |
|---------------------------------|------------|
| LINDA A. DEDRICK                | 400.00     |
| DELL COMPUTER CORP.             | 730.00     |
| DENNIS SALES & SERVICE INC.     | 241.25     |
| DIRECT ENERGY MARKETING, INC.   | 73,225.62  |
| DISPLAY SALES, INC.             | 99.00      |
| DIV OF CRIMINAL JUSTICE ACADEMY | 300.00     |
| E. SAMBOL CORP.                 | 174,834.00 |
| SHIRLEY EVES CENTER             | 2,492.50   |
| F & S PRODUCE CO., INC.         | 375.00     |
| FEDEX                           | 58.42      |
| FERGUSON ENTERPRISES, INC.      | 1,059.47   |
| FIREMANS CHORE, INC.            | 86.99      |
| FIRST PRIORITY EMERGENCY        | 357.00     |
| DEARBORN NATIONAL               | 1,642.50   |
| GARDEN STATE HIGHWAY PROD. INC  | 360.00     |
| SHARON GATIER                   | 1,945.00   |
| GENTILINI FORD, INC.            | 480.15     |
| COLT GIBSON                     | 81.91      |
| GIORDANO VINELAND SCRAP, LLC    | 92.50      |
| GOVDEALS                        | 25.20      |
| W.W.GRAINGER, INC.              | 8,377.24   |
| JAMES C. HARDEN, JR.            | 7,000.00   |
| GREG L. ERBER, SR.              | 1,275.00   |
| CARL L. HUND PLUMBING, HEATING  | 539.57     |
| JACOB & CHIARELLO, LLC          | 200.00     |
| KAVANAGH, KAVANAGH &            | 2,812.50   |
| JUDGE PAUL KIENZLE              | 975.00     |
| MACALASTER BICKNELL CO., INC.   | 411.87     |
| MARLEE CONTRACTORS, LLC         | 305.75     |
| RICHARD C MCCARTHY ESQ          | 3,333.34   |
| MES/ALL SAFE,INC.-PENNSYLVANIA  | 152.00     |
| QUAKER CITY MOTOR PARTS CO.     | 59.40      |
| MILLVILLE BOARD OF EDUCATION    | 140.00     |
| MILLVILLE DEVELOPMENT CORP      | 22,635.95  |
| MILLVILLE PUBLIC LIBRARY        | 42,333.37  |
| MAUREEN MITCHELL                | 135.00     |
| NATIONAL MEDAL OF HONOR INC.    | 269.85     |
| VERIZON                         | 1,288.37   |
| VERIZON                         | 15,584.89  |
| NJ EDGE.NET INC                 | 26,636.06  |
| NJOIT FISCAL SERVICES           | 819.00     |
| NRAAO                           | 60.00      |
| OCEANPORT INDUSTRIES, INC.      | 9,550.20   |
| TODD OLIVER & SONS, LLC         | 2,306.00   |
| ONE CALL CONCEPTS, INC.         | 157.76     |
| ORIENTAL TRADING CO., INC.      | 523.01     |
| PENN JERSEY MACHINERY, INC.     | 222.16     |
| PERRYMANS EXCAVATING INC.       | 5,500.00   |
| STEVEN PIERCE                   | 60.00      |
| PRINT O STAT, INC.              | 123.00     |
| QUALITY CONTROL LABS, INC.      | 1,274.50   |
| JIM RHUBART JR. & SR. CONST.    | 11,650.00  |
| ROCTRONICS CORP.                | 200.00     |
| BROCK D. RUSSELL, LLC           | 2,656.00   |
| ST OF NJ DEPT COMMUNITY AFFAIRS | 6,996.00   |
| SAFEGUARD BUSINESS SYSTEMS      | 398.53     |
| THYSSENKRUPP ELEVATOR CORP      | 1,749.45   |
| SERVICE TIRE TRUCK CENTER, INC  | 822.88     |
| SOURCE MEDIA, INC.              | 1,633.50   |
| SJ GAS COMPANY                  | 4,018.88   |
| SOUTH JERSEY PICKUP TRUCK, INC  | 1,710.00   |
| SOUTH JERSEY SANITATION CO INC  | 126,184.84 |
| SOUTHERN NJ NIGP                | 80.00      |
| SPIRIT ENVIRONMENTAL SERVICE    | 240.00     |
| S & S WORLDWIDE, INC.           | 252.63     |
| STANDARD & POOR'S FINANCIAL     | 15,000.00  |
| STAPLES, INC.& SUBSIDIARIES     | 154.89     |

|                                  |              |
|----------------------------------|--------------|
| STEWART BUSINESS SYSTEMS, INC.   | 961.80       |
| JOSEPH SUTHERLAND                | 1,200.00     |
| STEPHEN L. SWENK                 | 3,800.00     |
| JAMES R. SWIFT                   | 200.00       |
| TARGET BANK                      | 321.69       |
| MYRON TEPPER INC.                | 422.95       |
| WES THOMPSON                     | 2,825.00     |
| THR & ASSOCIATES, INC.           | 410.00       |
| TRACTOR SUPPLY                   | 959.96       |
| TRACTOR SUPPLY                   | 880.97       |
| TREASURER, STATE OF NJ           | 60.00        |
| TRI-CITY PAPER & JAN. SUPPLIES   | 46.85        |
| TURF EQUIPMENT & SUPPLY CO LLC   | 107.94       |
| UNITED ELECTRIC SUPPLY, INC.     | 250.00       |
| HD SUPPLY FACILITIES MAINT LTD   | 62.40        |
| VERIZON WIRELESS                 | 1,040.54     |
| VINELAND AUTO ELECTRIC, INC.     | 37.00        |
| VITAL COMMUNICATIONS, INC.       | 100.00       |
| VWR INTERNATIONAL, INC.          | 1,595.19     |
| WASTE MANAGEMENT                 | 947.80       |
| W. B. MASON COMPANY, INC.        | 504.41       |
| WHIBCO OF NJ, INC.               | 552.34       |
| WOODRUFF ENERGY COMPANY, INC.    | 205.75       |
| WPCS INTERNATIONAL INC.          | 12,751.50    |
| WATER WORKS SUPPLY CO., INC.     | 402.04       |
| XEROX CORPORATION                | 959.81       |
| PERFIL LATINO TV INC.            | 2,070.00     |
| CLARENCE W. HOFFMAN              | 386.72       |
| RALPH H LANE                     | 162.40       |
| KATHLEEN MEALE                   | 107.94       |
| TRIDENT LAND TRANSFER CO OF NJ   | 681.81       |
| SINGH REAL ESTATE                | 150.44       |
| <br>                             |              |
| TOTAL VOUCHERS FOR 12/05/11      | 1,235,175.12 |
| <br>                             |              |
| CITY OF MILLVILLE SALARY ACCOUNT | 119,908.91   |
| CITY OF MILLVILLE SALARY ACCOUNT | 378,444.68   |
| CITY OF MILLVILLE SALARY ACCOUNT | 125,169.73   |
| <br>                             |              |
| TOTAL SALARY FOR 12/05/11        | 623,523.32   |
| <br>                             |              |
| TOTAL VOUCHERS & SALARY 12/05/11 | 1,858,698.44 |