

Commission Chamber, City Hall
Millville, New Jersey
October 19, 2010 6:00 p.m.

The Board of Commissioners met in an agenda session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Derella and Vanaman. Absent: None.

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

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975", was advertised, posted and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting.

The City Clerk/Administrator reviewed the following additions to the agenda:

Resolutions

Item No. 13 Resolution authorizing a professional services contract with Adams, Rehmann & Heggan Associates in connection with the completion of the Municipality's Wastewater Management Plan in an amount not to exceed \$68,862.00 (Source of Funding: \$8,862.00 from Sewer Operations and \$60,000.00 Grant from Cumberland County)

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

Mayor Shannon asked if the Commissioners had any comments regarding the agenda.

Director Vanaman stated he would be abstaining on Item No. 10, Page 6 under Resolutions regarding the authorization of a Subordination Agreement between the City of Millville and Diane M. Chance and asked Director Finch if he would second that motion with Director Finch responding he would.

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

Bob Tesoroni questioned Resolution No. 1 on Page 3, which is authorizing Richard H. Daniels, Esquire, of Brock D. Russell, LLC to proceed to foreclose Tax Sale Certificates set forth in the Tax Foreclosure list and asked how many properties are listed with the City Clerk/Administrator responding twelve (12) properties.

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

Commission Chamber, City Hall
Millville, New Jersey
October 19, 2010, 6:30 p.m.

The Board of Commissioners met in a regular session with Mayor Shannon presiding. Members present: Shannon, Finch, Quinn Derella and Vanaman. Absent: None.

Pastor Lamb delivered the invocation followed by the salute to the flag.

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

"This meeting is being conducted in accordance with the Open Public Meetings Act of 1975", was advertised, posted and made available to the public as required by Statute. The Municipal Clerk is directed to include a statement in the minutes of this meeting.

The following bills were ordered paid, when properly certified, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

COPY OF BILLS SEE PAGES

THROUGH

The City Clerk/Administrator read correspondence received from the Secretary of the Millville Firemen's Relief Association regarding request for approval to admit Tyler VanLeer as a volunteer member of the Millville Fire Department

A motion was passed to receive and file the correspondence, 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 September 2010 were ordered received and filed, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Finch stated the Recycling Tonnage Grant for the Year 2008 has been received in the amount of \$141,265.53 and commended City residents for recycling and noted those monies can be utilized to continue programs in the Public Works Department.

Director Vanaman stated Police Officers Keith O'Brien and Joe Probst remain in the hospital and announced a blood drive to be held on their behalf at the New Jersey Motorsports Park on October 29, 2010 from 2:00 p.m. to 8:00 p.m. at the New Jersey Motorsports Park's Officers Club House.

Director Vanaman also announced a Beef & Beer Fundraiser to be held on behalf of Keith O'Brien and Joe Probst at Millville Elks Lodge on November 27, 2010 from 6:00 p.m. to 10:00 p.m. at \$25.00 per ticket.

Mayor Shannon further announced bracelets are also being sold for \$5.00 each in order to raise funds for the officers.

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

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

The following proposed ordinance was read on first reading:

An Ordinance amending the Municipal Code of the City of Millville, Chapter 39 Motor Vehicle & Traffic Regulations:
Article X- Schedules:
Schedule 5- Turn Prohibitions- No left turns at intersection of Crescent Boulevard and Route 49
Schedule 16- No Stopping or Standing- Court Boulevard and West Forest Glen Drive.

Director Finch moved for the adoption of proposed ordinance on first reading with final consideration to be given on Monday, November 1, 2010 after due publication as provided by law.

Director Quinn 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 accepting the dedication of streets known as Ettie Drive, Cecile Drive, Dayle Drive and Crest Avenue within the Newcombtown Crossing Major Subdivision.

Director Finch moved for the adoption of proposed ordinance on first reading with final consideration to be given on Monday, November 1, 2010 after due publication as provided by law.

Director Quinn seconded the motion.

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

Resolution No. A-7037 authorizing Richard H. Daniels, Esq. of Brock D. Russell, LLC to proceed to foreclose Tax Sale Certificates set forth in the Tax Foreclosure List submitted and certified by the Tax Collector that the lands and Tax Sale Certificates are subject to foreclosure IN REM was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7038 authorizing the reading of the FY 2011 budget by title only pursuant to NJSA 40A:4-8 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7019 authorizing the adoption of the FY 2011 municipal budget was read by the City Clerk/Administrator.

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

Paul Porreca, Porreca Drive, addressed the Board of Commissioners and commended the governing body for significantly

reducing many appropriations; however, the deductions were not universally applied and questioned why.

Director Derella stated there had been a reduction in the workforce, therefore the percent decrease would vary depending on salaries.

Paul Porreca specifically asked about the Municipal Prosecutor and the Planning and Zoning Board Secretaries.

Maureen Mitchell, CFO, explained that some are based on steps and have not yet reached their 5 year level and there was some reallocation of salaries also and the reduction would appear someplace else in the budget.

Maureen Mitchell also explained the Public Defender did take a 10 percent reduction.

Paul Porreca inquired why Emergency Management, Planning and Zoning Board did not show a reduction in the budget and why is the Social Security contribution the same, since there were so many cuts in salaries.

Maureen Mitchell responded there were payouts to retirees that Social Security was paid for.

Paul Porreca questioned why General Revenues have several categories that show lower receipts such as: Municipal Court and Interest on Delinquent Taxes.

It was explained the lower interest was due to a combination of items such as: tax appeals and less interest on municipal charges due to the tax sale held earlier in the fiscal year.

Mr. Porreca questioned why the UEZ Anticipation increased in the amount of \$50,000.00.

Maureen Mitchell explained the UEZ amount anticipated is based on the new projects already approved to be funded.

Mr. Porreca inquired why on Sheet 10 is only the New Jersey Motorsports Park listed there when there are other Pilots in the City and also why in the amount of \$70,000.00 and not \$175,000.00.

Maureen Mitchell stated that only the New Jersey Motorsports Park Pilot is listed separately.

Paul Porreca stated that is confusing and they all should be shown separately.

Director Derella explained the difference between the \$70,000.00 and the \$175,000.00 is due to the land taxes deducted from the \$175,000.00.

Paul Porreca referenced an article in today's newspaper, which indicated the City was considering partnering with or loaning money to entrepreneurs out of the RAD monies and explained this is 50% of tax collected that come from new ratables.

Maureen Mitchell explained the RAD budget included debt service, operating expenses, and salaries and stated the RAD balance is approximately \$2,000,000.00.

Paul Porreca advised that the word on the street is there is no money left in the RAD.

Director Derella responded there is a RAD balance and the reason applications would be denied is based on the application itself.

Paul Porreca asked what amount of revenue from real estate is diverted to the RAD with Maureen Mitchell responding that is on Page 36A of the budget and in 2010 the amount was \$103,200.00 and the City is anticipating \$509,000.00 for Fiscal Year 2011.

Paul Porreca concluded that without the RAD \$509,000.00 would be in general revenue, which amounts to 3 cents on the tax rate and that the City would have a 3 cent lower tax rate if there were no RAD.

Bob Tesoroni, Howard Street, addressed the Board of Commissioners and asked if there were any budget meetings since the last Commission Meeting with Director Derella responding no, however each Commissioner had an opportunity to review their budget with the CFO.

Bob Tesoroni stated at the last meeting he spoke about the budget review that was done in the year 2000 and submitted suggestions to each Commissioner and asked them to review the recommendations on that report.

Bob Tesoroni stated the Board of Commissioners did not review that report and asked how they can walk the streets and face the people when there are 12 properties on the foreclosure list, noting that's a small number now, but it is going to multiply now that the City is raising taxes. He stated \$7.00 is a lot of money to some people and reminded everyone that one Commissioner stated in the past he would not vote for a tax increase and it will be interesting to see the result of the vote.

Director Derella stated he always welcomes comments from the public and noted the budget process has resulted with much debate and sacrifice to get to a zero tax increase, unfortunately the City was hit by an increase in the pension bill in a net amount of \$108,000.00, which is approximately eight tenths of a penny or \$9.00 per \$100,000.00 of assessed value.

Director Derella stated the goal of the RAD is to finance improvements in the oldest neighborhoods that need help desperately. He stated there is a philosophical difference that may never change, but is proud of the budget being proposed.

Director Finch stated everyone worked hard over many hours cutting the budget, but there needs to be a balance between cutting and providing services. He stated Public Works cut \$441,000.00 from last year and realizes all communities are struggling and employees are taking a 10 percent pay cut, which is a significant issue, but also residents deserve services and we will strive to become more efficient.

Director Vanaman stated he and Commissioner Derella had met with Public Safety who agreed to concessions and that helped reduce the budget and noted there was a lot of time and effort put into this budget.

Director Vanaman stated the County of Cumberland increased the County Tax for the City by 9 cents this year and is confused why residents do not go to the county meetings.

Director Derella stated there was 3.7 million dollars cut from last year to this year.

Mayor Shannon stated he is the one that said he would not support a tax increase and the budget was introduced with a zero increase. However, the pension bill increased 24 percent and the City had set aside 18 percent, therefore supports this budget, and challenged anyone to review the budget with him.

Mayor Shannon applauded each Commissioner for the many hours they have spent on this budget and stated that preparation for next years budget will be a new challenge.

Director Quinn stated he also made the comment that he was not going to support a budget increase and has a difficult time voting for the budget; noting his department is 1 percent of the budget and public safety is approximately 62 percent of the budget.

Director Quinn stated he is already looking at next years budget noting he would prefer not to have a tax increase and further stated he feels 24 percent pension bill increase is unfair since everyone worked very hard to have no tax increase and it is a tough decision he will have to make soon.

There being no further comments Mayor Shannon declared the public hearing closed.

A motion was made to table the adoption of the FY 2011 budget, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7039 authorizing amendment of the approved Fiscal Year 2011 budget due to increased pension obligation in the amount of \$108,000.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Derella stated the City had budgeted a 14 percent for PERS and 18 percent increase for PFRS and the bill came in at a 24 percent increase due to the State of New Jersey not meeting their obligation for the past several years.

Director Derella stated he has met with the CFO several times and sees no other option except to increase the budget by 8 tenths of a penny.

The fiscal year 2012 budget process will begin as soon as the FY 2011 budget is adopted.

Resolution No. A-7040 authorizing the Tax Collector to execute an Assignment of Tax Sale Certificate 08-00073 dated August 13, 2008, held by the City of Millville, and set over to Sylvia Brown who has offered to take an Assignment of said Tax Sale Certificate pursuant to N.J.S.A. 54:5-113 in the amount of

\$4,787.30 including interest effecting property located at 1010 Archer Street, Block 274, Lot 9, owned by Aaron Kellner was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7041 authorizing adjustments to the City of Millville Tax and Utility Records was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7042 authorizing cancellation of mortgage in the name of Jeanette Streeter, in the amount \$4,781.25 and interest pertaining to Block 564 Lot 36, on the Tax Map of the City of Millville, paid in full was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7043 authorizing approval of the standard terms of the Power Supply Agreement for the potential bidders of the Energy Auction (which the City of Millville is engaging World Energy Solutions, Inc. (World Energy) to procure services for the supply of energy to save on the cost of electricity) scheduled for October 20, 2010 and authorizing the Chief Financial Officer to execute a Power Supply Agreement with the successful bidder forthwith, provided the auction provides favorable electric utility rates for the City of Millville was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Director Derella stated that the lowest price for electricity will be bid during the reverse energy auction and the cost to the taxpayer for the energy auction is zero.

Director Derella noted this resolution authorizes the CFO to execute the power supply agreement, because the decision must be made immediately at the end of the auction due to the volatility of the market.

There are 14 potential bidders and the possibility for an approximate 10 percent savings.

Resolution No. A-7044 approving request for Performance Guarantee Release as submitted by the City Engineer in compliance with N.J.S.A. 40:55D-53 (Municipal Land Use Law) for Newcombtown Crossing Major Subdivision located at Newcombtown Road and Crest Avenue, original tract of land being Block 495 Lot 5 & 64, with Lennar Corporation (formerly U.S. Home Corporation) as principal of the performance surety bond No. SU 5009576 from Arch Insurance Company in the amount of \$2,193,631.88 which is to be released in its entirety was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7045 authorizing a Subordination Agreement between the City of Millville and Diane M. Chance to subordinate its first mortgage held by Citimortgage Inc. for property located at 320 F Street in Millville, more particularly described as block 314, lot 19, in the amount of \$87,240.00 dated September 1, 2010 and the owners of the property desire to refinance the first mortgage to a new mortgage with Citicorp Trust Bank FSB in the principal amount of \$87,240.00 was adopted, by the following vote. Yeas: Finch, Quinn, Derella, and Shannon, Abstained: Vanaman.

Resolution No. A-7046 authorizing the cancellation of outstanding checks from the court bail account records of the Municipal Court was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7047 endorsing Arts Plan New Jersey was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

Resolution No. A-7048 authorizing a professional services contract with Adams, Rehmann & Heggan Associates in connection with the completion of the Municipality's Wastewater Management Plan in an amount not to exceed \$68,862.00 (Source of Funding: \$8,862.00 from Sewer Operations and \$60,000.00 Grant from Cumberland County) was adopted, by the following vote. Yeas: Finch, Quinn, Derella, Vanaman and Shannon.

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

A motion was made to authorize the City Clerk/Administrator to advertise for bids for the project known as "Geissinger Avenue Test Well No. 18 and Aquifer Pump Test", said bids to be received by the Purchasing Board, November 10, 2010, 10:00 a.m., Commission Chamber, City Hall.

The motion was passed, 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.

Gladys McGraw, Columbia Ave stated as a member of Weed and Seed Steering Committee she has had a good experience working with the committee, with good people that love the City and want to see the grant have success. She highlighted ways the money has been used noting the Wood School Literacy Program match came from the Weed and Seed Grant and this is to motivate children to read, 99% of the students at Wood School qualified for reduced lunch and this grant allows for each student to get three free books.

The grant also funds the supplies used for the Mentorship Program where volunteers mentor children, they play board games, ballgames etc. The Weed and Seed also was responsible for the implementation of the rowdy house ordinance where the Weed and Seed Coordinator tracks violations which saves the Police Department money and this program greatly benefits inner city residents.

Janice Graff, Roosevelt Park, read a petition signed by 70 people requesting to name the new Millville Regional Senior Center "The Sylvia H. Stites Millville Regional Senior Center" The petition was submitted to the City Clerk.

Lauren VanEmbden, Carlton Ave. stated the Levoy Theater is under construction and is on schedule for a Summer 2011 opening, they plan to expand the ACE Program and partner with the Levoy. There are 25 live performance dates already booked and approximately 25 extra curricular events confirmed.

She anticipates a third Friday atmosphere downtown ten times a month instead of only once. She stated at the recent induction of the new President of Cumberland County College in his speech he said "It is not where you start it is where you end up". She stated that investing in projects such as the ARTS District, hotels, Levoy Theater, New Jersey Motorsports Park will all make Millville more attractive to business and potential home purchasers and it is well documented that issues improve culturally and economically and asked the Commission to use good judgment although the challenges are great and thanked the Board of Commissioners for their time, efforts and commitment to the City.

Rev. Charles Wilkins, Bethel AME Church and Bethel Development Corporation partner with the Weed and Seed Program. The Weed and Seed funding is helping to feed four thousand people per month plus seventeen other programs many for at risk youth. He stated citizens should be proud we were awarded this grant, it has provided utility assistance, soup kitchen, 27 students in the GED program, and teen/parent counseling. All accomplished due to the partnership with the City and the Weed and Seed Program, this program has reached young people in need and done great things and benefited Millville youth.

Jennifer Webb-McCray, Cumberland County Prosecutor stated the Weed and Seed Program is important to Millville, \$412,000.00 goes to law enforcement, \$132,000.00 overtime for Police Officers, \$69,000.00 for special patrols, \$13,060.00 for Police special training. This grant not only helps Millville, but the entire county and encouraged the Board of Commissioners to continue to support the program.

Brian McGahhey, 16 Plum Street asked about moving the Municipal Election to November.

Director Quinn stated he supports moving the Municipal Election to November, however, the City of Millville's Election is not until 2013. He does believe this would save money and increase the voter turn out.

City Solicitor Rich McCarthy stated the Commission could petition the voters to decide either for the current term or future terms.

Commissioner Finch also suggested legislation is needed to move the school election to November.

Keith Walters, Director of Shine Ministries stated he represents volunteers and the Weed and Seed has made an impact on creating connections and made a difference in children's lives. The federal money has been spent here with integrity, due diligence and appropriate oversight. He stated he is trying to make a difference and invited all to help and that there is more work to be done.

Bob Balicki, East Main Street, Cumberland County Jail Warden stated the crime rate is down which is not an accident, it is due to people that are dedicated to helping kids and to education. He stated 85% of people in jail have a learning disability so education should continue.

Liz Nicklus, 415 Sassafras Street read a letter from the Joseph L. Carley Foundation in support of the Weed and Seed Program. The letter stated that for 20 years the Carley Foundation has been servicing homeless, poor and other marginalized people of Millville and Cumberland County and it is only thru the Arts that they have seen true progress in youth awareness and City pride, it states without all the official and unofficial Arts contributors to our community they have no doubt that vacant buildings and gangs would rule High Street. Their foundation, against their original mission, has become so convinced of the power and success stories that the Arts have generated that they now contribute to Arts driven programs. The letter further states the Arts are one of the key measures of quality of life by many businesses and industry leaders and by cutting support for the Arts would only make things worse.

Bob Tesoroni, Howard Street questioned who drafts the City Solicitor contract with the City.

Director Derella stated the CFO with his review.

Rich McCarthy clarified he prepares the language with the CFO review.

Mr. Tesoroni encouraged the Commissioners to explore and review the ordinance submitted previously from Bogota and further suggested to visit there and see how it works. He stated they actually take public employee contracts to the voters.

Mr. Tesoroni also said that moving the election to November is a good idea and stated that to attract people to the City they need to reduce debt and stabilize taxes otherwise college kids are never going to come here. His final statement was the budget is 31 million dollars, couldn't the commission have found that \$100,000.00 in savings rather than increase tax.

Joe Sutherland, Coordinator for the Millville Municipal Alliance announced the Pumpkin Extravaganza this Saturday from 11:00 am to 2:00 pm at Corson Park and the Culmination Dinner on December 5th at the Elk's which is free and he encouraged anyone that would like to help to please contact him.

Joe Sutherland also thanked the commission for their hard work on the budget and thanked the Police Officers for accepting furloughs and all others for taking cuts in their pay.

Mayor Shannon thanked Joe Sutherland for all his help with the Municipal Alliance.

Skip Dargis, City of Vineland stated that changing the election date would turn the election into a partisan election but suggested that the voters should decide. He commended the commissioners for their hard work and commended the employees for taking a pay cut. He stated there are 30 million people in America looking for work that would be happy to take a job with less pay.

Mayor Shannon stated that the City has done a good job in stabilizing the tax rate over the past several years from a \$1.14 in 2008 to \$1.22 in 2010. This years budget was quite a task for all the departments, he thanked each Commissioner for their hard work.

Director Quinn stated he hoped the tools will be set to help with the 2% cap and suggested he would like to do what ever it takes to have a public question on the ballot in 2011 to address moving the Municipal Election to November.

Director Derella stated the City has increased taxes 9 cents since 2007 and the county has raised taxes 27 cents, he explained with the 2% cap in place next year it will be required to go to the voters to exceed the cap, which would be a huge challenge. He stated that at the last meeting Millville First said the Weed and Seed had failed its mission, which he feels is incorrect and that violent crime has actually decreased and not increased. The neighborhood committees had been working and planning together for over a year prior to the Weed and Seed application and we were honored for this Arts program and noted a newsletter that was distributed to all the Weed and Seed Programs regarding how the Arts Work Program has worked and benefited the City of Millville and the youth.

Director Derella further added that there are different philosophies on whether Arts benefit the City and requested for everyone to please find the good and acknowledge it

Director Finch stated the speakers this evening indicate to him that the Weed and Seed Program is successful and thanked everyone for participating tonight.

Director Vanaman stated the Weed and Seed grant has been effective at the Police Department and overall the program has benefited many areas especially the Millville PD.

Director Vanaman also stated he is waiting for the legislature for the laws to be passed for the tool box and hopes especially that the legislation to set arbitration limits is passed.

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: November 1, 2010

James T. Shannon
Mayor

Joseph J. Derella

James F. Quinn

David W. Vanaman

Dale L. Finch
Commissioners

Attest:

Susan G. Robostello
City Clerk