

Richard C. McCarthy Commission Chamber
Millville City Hall
Work Session
February 21, 2023, 6:00 P.M.

The Board of Commissioners met in a **WORK SESSION** with Mayor Orndorf presiding. Members present: Hewitt, Sooy, Romanik and Watson. 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 Mayor Orndorf

"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."

City Clerk To Review Changes To the Agenda

Mayor Orndorf asked the City Clerk if there were any changes to the agenda with Jeanne Parkinson, City Clerk reporting on the following changes:

1. Addition of discussion item regarding the appeal of decision by the Zoning Board of Adjustment by Richard Abbott.

Presentations

1. Cut Film Festival 2023 - Bill Horin

Bill Horin introduced himself as the co-founder of the CUT Film Festival and founder and director of ArtC. He extended his sincere appreciation to the governing body for their support of the CUT Film Festival last year, which was very successful and this year they will be implementing a lot of changes to make it even better. He stated last year's film makers were very proud to receive their awards, pleased to be a part of the film festival, he reported they are all coming back this year and he has already received quite a few submissions.

Mr. Horin announced that they have received a five-star rating on the Film Freeway Page, which will assist them on getting better films this year.

Mr. Horin stated this year it will be a two day festival and they have already paid and booked the Levoy Theater, they have a new logo design, new poster and have updated their website and promotional video, etc.

Mr. Horin announced they will be live streaming this year, because a lot of people that entered their film festival were from Europe, Asia and from all over the world who were not able to attend, including people in the area and with live streaming of the event it will increase their reach.

Mr. Horin further announced they will be premiering one of their ArtC documentaries the first night of the film festival which will be on the Off Broad Street Players.

Mr. Horin explained a lot of the best film festivals are now hybrid, which began during Covid, but some began before Covid, so besides having a live event people will attend, it will also be live streamed and will allow them to do other things, for example at intermission they can show 30 second commercials such as for the City of Millville and advised the Cumberland County Cultural and Heritage is interested in doing a commercial and several other businesses.

Mr. Horin further stated the CUT Film Festival is going to be featured in two different magazines, Lifestyle Magazine and SJ Magazine and their goal this year is to attract people from different areas of South Jersey and not just the Millville area.

Mr. Horin explained they provide short films that are not more than 20 minutes, which was very successful for them last year and they are sticking to that format this year. He stated they have international appeal and stated that 30 countries participated last year in the film festival.

Mr. Horin advised that they utilized Film Freeway for submissions and to promote the film festival last year, which was very successful and they are sticking with them this year.

Mr. Horin stated that they have a five year plan to make the film festival a really big deal, noting this year is Year 2 and advised that they have added a lot of new things and will be growing a lot this year noting they will be including a lot of downtown businesses, restaurants and are reaching out to a larger audience such as Philadelphia, noting that last year they held their film festival in October, which was the same weekend as the Philadelphia Film Festival that they did not realize and they are seeking to get that Philadelphia market this year that they lost to the Philadelphia Film Festival last year.

Mr. Horin advised they are working on getting sponsors and it all starts with the City and are hoping to get the same support as they received last year. Mayor Orndorf extended her appreciation to Mr. Horin for attending and stated that unfortunately she missed it last year but heard great things about it and is looking forward to it this year.

Vice-Mayor Sooy advised he attended the film festival last year and really enjoyed it, noting some of the short films were very, very interesting.

2. Library Annual Report - Courtenay Reese

Courtenay Reese, Library Director, announced there is construction going on at the library, which is very exciting noting the library's size will almost double, which will provide more space for children, teens and space for people that need a place to utilize to hold meetings.

Courtenay Reese advised that the approximate completion date will be March or April of 2024.

Courtenay Reese presented the Millville Public Library's Annual Report and reviewed the following bullet points:

- The library was open 2,704 hours in 2022
- 35,965 people used the library in 2022
- The library owns nearly 70,000 items
- 26,187 print materials were checked out
- 5,570 e-books and e-audio books were downloaded from their digital collections
- Services are delivered to patrons by a dedicated 10.5 FTE staff
- 19,034 people have a library card
- The library has 16 public computers for adults, teens and kids
- 5,670 people used computers to apply for jobs, do schoolwork and register for fishing license
- There were 5,838 connections to the library's WiFi for a half our or longer
- There were 139,383 visits to the library's website
- 211 Programs were offered to children and teens
- 1,665 kids participated in summer reading
- 172 programs were planned for adults
- The library's reference staff answered 6,795 questions last year
- The library provided 64 computer classes for adults including seniors
- 42 students studied to obtain their high school diplomas
- Local government revenue was \$599,159.00
- The library raised \$30,543.00 in notary fees, printing and other services to the public
- The library raised \$146,566.00 in grant money for library services and materials
- The amazing friends of the library raised \$14,484.00 for library materials

Ms. Reece stated the library has support through local partnerships and one of them assisted the library in getting \$920,000.00 to help build the new library and advised that they really do value their partners as a great source for funding, in addition to their community support.

Public Comment on Agenda Items Only

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

Sean Thom addressed the governing body and asked permission to distribute documentation to the governing body with Brock Russell interrupting and asked Mr. Thom if he planned on discussing the appeal with Mr. Thom responding yes. Mr. Russell advised Mr. Thom he spoke with his attorney, Mr.

DeSanto, this morning and the purpose this evening is just to schedule a date for the hearing with Mr. Thom responding he is asking for it to be dropped because of issues that have not been followed.

Mr. Russell explained that the issues will be heard at the date of the hearing and pursuant to statute, notice must be provided to Mr. Abbott as well, so he can attend the hearing with his attorney and advised Mr. Thom that the governing body cannot entertain evidence or arguments outside of the hearing.

Mr. Thom began to cite New Jersey statute with Mayor Orndorf interrupting and advised him that Mr. Russell just stated the topic cannot be addressed at this time with Mr. Russell explaining there has been no notice provided to the other party and it is a procedural issue, which he previously discussed with Mr. Thom's attorney, who will make that argument at the hearing. Mr. Thom responded he would prefer not to have an attorney, because he would have to pay attorney fees and it should not have gotten to this point anyways, because the filing deadline was not met.

Vice-Mayor Sooy made a motion for a five-minute recess in order to confer with the City Attorney. Mayor Orndorf seconded the motion. The motion was passed, by the following vote. Yeas: Hewitt, Sooy, Romanik, Watson and Orndorf.

Sean Thom stated that he is not going to discuss what he was planning on discussing this evening after speaking with the City Attorney.

Sean Thom introduced himself as the Executive Director of Our Future First and is in attendance this evening regarding the appeal by Mr. Abbott challenging the approved use variance by zoning. He stated he will not make any further comments on the matter because he cannot speak on it without being bias to his own cause and would like to allow the people who are in attendance to speak on it instead.

Brock Russell explained to the audience members that the agenda item is not a closed session item and is an open session item, but the purpose of it is to schedule a hearing date. Once the hearing date is determined the city is required to send notice to all interested parties notifying them of the date, along with the transcript via certified mail.

Brock Russell continued to explain that once all parties are served the notice there will be a public hearing at which time everyone will have an opportunity to speak and if there is a motion to dismiss that will be heard first and both sides will have an opportunity to comment.

Mr. Russell further explained when the governing body hears something of this nature they are acting as criers of the law and facts and that they are acting in a judicial capacity, therefore it has to be conducted like a court room.

Mayor Orndorf stated that the meeting needs to be reopened after the recess.

Commissioner Hewitt made a motion to adjourn the recess portion of the meeting, which was seconded by Commissioner Watson. The motion was carried, by the following vote. Yeas: Hewitt, Sooy, Romanik, Watson and Orndorf.

Kim Ayres inquired if the appeal has been ruled to be legitimate with Mr. Russell responding nobody has ruled anything and anyone can file an appeal and once filed the governing body is required to hear it. The appeal can be filed in Superior Court, which requires a 45-day deadline, or it can be filed before the governing body, which would require a 10-day deadline. The question is when does the timeline start, which involves legal issues he cannot get into at this time. If there is a challenge to the timeliness, which may be the case, the governing body would rule on that, if someone is dissatisfied with the action taken by the governing body then either party can appeal their action with the Superior Court.

Kim Ayres stated she understands what Mr. Russell conveyed since she is a licensed planner, but questioned if the City receives an appeal and recognized that the date is not within the timeframe why wouldn't they say there is no need to schedule a meeting with Mr. Russell responding there is legal argument that can be made either way, therefore the parties need to attend the hearing and make their argument and the governing body can then make their ruling at that time.

There being no further comments Mayor Orndorf declared the public comment portion closed.

Discussion Items

1. Appeal of decision by Zoning Board of Adjustment by Richard Abbott

Brock Russell advised that the transcript has already been prepared, therefore there is no issue in waiting for the transcript, but on the other hand lawyers like to submit legal briefs, which they are allowed to do and they will need some time to prepare their brief. In addition, the governing body needs to select a date when all members will be available.

Mayor Orndorf inquired if there is a timeframe, because she wants to ensure that all requirements are met within the required timeframe with Mr. Russell responding that the notice of the appeal was filed on the February 1st and the City of Millville has 95 days to decide, which is the timeframe that applies to the city. The other timeframes involved are whether or not the appeal was timely, which the governing body would need to decide after that has been briefed, after the attorneys have been noticed and they are here to argue.

After further discussion took place amongst the governing body members and the City Attorney regarding scheduling the date and time of the hearing it was decided that the hearing be scheduled to be held on April 4, 2023, 4:00 p.m. and cancel the work session scheduled to be held on that date.

Commissioner Hewitt made a motion to schedule the Appeal Hearing to be held on April 4, 2023 at 4:00 p.m., which was seconded by Commissioner Watson. The motion was carried, by the following vote. Yeas: Hewitt, Sooy, Romanik, Watson and Orndorf.

Brock Russell advised Sean Thom that if he has a motion that he would like to file, it would be heard first at the hearing prior to them getting to the merits of the appeal.

Discussion of Commissioners

Vice-Mayor Sooy reported that he had a discussion with Commercial Township concerning the water project in Laurel Lake and advised that they are sharing in the engineering services, which is good news since it will save the City and them some money.

Public Comment Portion

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

Stephanie Risley stated she is a volunteer for Our Future First and she will not be able to attend the appeal hearing, because she has to work. She advised she is upset the appeal hearing is being scheduled so late, because the community center has been a work in progress for five years and by delaying it another 6 weeks it makes it another 6 weeks that they cannot use their center.

Stephanie Risley addressed a statement that was made at a prior meeting on the appeal concerning youth that rely on public transportation and commenting on them hanging out until they're picked up. She stated it is not a crime for the children to have a safe place to wait for their rides; noting that not everyone has the privilege of having their parent pick them up from events that they may attend and stated she hopes if that is part of the negative criteria on the basis of the appeal that it would not outweigh the inherent good of which was the basis on which the variance was approved.


Stephanie Risley explained the mission of their organization is to help our youth overcome any barriers they may face on their road to success and hopes this appeal is just another obstacle that will prove when you work hard and are dedicated, that the community will come together and can overcome anything.

Brock Russell clarified the appeal does not act as a stay that would prevent the applicant from moving forward with their project and noted the applicant has the resolution that approved the use variance.

Adjournment

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

Respectfully submitted,


 Jeanne M. Parkinson, RMC
 City Clerk