

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

The Board of Commissioners met in a **WORK SESSION** with Mayor Orndorf presiding. Members present: Hewitt, Sooy, Watson and Romanik. 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 responding that the Community Solar Project at 2102 2<sup>nd</sup> Street Presentation has been removed.

### **Discussion**

1. Status of the April 4, 2023 Appeal Hearing in Rick Abbott vs. Board of Adjustment in light of a pending lawsuit.

Brock Russell reported that when the hearing was scheduled there was no action found in Superior Court, but since then Mr. Abbott has filed a lawsuit in Superior Court called a Prerogative Writ Application and as long as that is pending the City of Millville no longer has jurisdiction, unless Judge Telsey decides to send it back to the City of Millville Board of Commissioners to hear the case.

Brock Russell further advised that he viewed the judiciary website on March 20<sup>th</sup> and noticed that the court scheduled the first appearance for the case and clarified that there will be no decision made at that time, the Judge will establish a scheduling order for brief deadlines.

Brock Russell recommended that the governing body postpone the April 4<sup>th</sup> hearing indefinitely until they hear from the court.

Vice-Mayor Sooy inquired what happens if Mr. Thom proceeds and obtains a CO and either the court or city commission rules against it with Mr. Russell responding that issue arises quite a bit whenever there is an appeal of a land use approval and advised that there is no stay when someone objects to a land use decision and does not stop the individual from doing their development, but if they build a building, for example, and then later a Judge decides the board acted improperly then they may have to take the building down.

Commissioner Hewitt made a motion to postpone the April 4, 2023 Appeal Hearing indefinitely, which was seconded by Commissioner Romanik. The motion was carried, by the following vote. Yeas: Hewitt, Sooy, Watson, Romanik and Orndorf.

### **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, Executive Director of Our Future First, stated that he wants to put on record that while he is appreciative of the fact that the hearing has been postponed indefinitely, at the end of the day they would have preferred to have seen a dismissal from this level, because there is no debating the fact that the appeal was submitted late and in Mr. Abbott's complaint to Superior Court he specifically documents why it was submitted late and at that point the City Commission had the ability to deny hearing the appeal.

Mr. Thom asked if the situation were reversed would they have been given the same courtesy of indefinitely postponing the hearing verses it being immediately dismissed and also questioned why they are discussing the agenda items after they have already been voted on, because it would have been nice to of had the opportunity to provide this information prior to the vote this evening.

Brock Russell advised Mr. Thom that the governing body does not have jurisdiction, which means they do not have the power to take any action on the matter and advised that the Superior Court Judge can decide the notice issue in Superior Court and remand that back to the governing body of the City of Millville for them to make the decision or he could decide the Superior Court will make the decision on the appeal.

Mr. Thom stated that in their consultation with attorneys they were advised that regardless of what the appeal said the governing body of the City of Millville had the ability to dismiss the appeal and allow whatever happens in Superior Court to happen.

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

### **Discussion of Commissioners**

#### **Commissioner Romanik**

Commissioner Romanik asked Commissioner Watson to please remind everyone when he provides his Streets and Roads report that there are no restrictions on the length of trailers at the municipal dump noting that the DEP removed that restriction on the length was removed last year with Commissioner Watson affirming and Commissioner Hewitt also clarified that no commercial trailers and dump trailers are permitted.

#### **Commissioner Hewitt**

Commissioner Hewitt reminded everyone that it is springtime, and they are currently in the middle of red flag season for firepits and there have been two separate brush fires on both sides of the town and urged everyone to please be careful with firepits.

Mayor Orndorf inquired if that information is posted on a website to notify the residents with Commissioner Hewitt responding that the red flag notifications come from the New Jersey Forest Fire Department and advised that he will have Sam Cruz place the notices on the City of Millville website.

Commissioner Watson also advised that residents do need to obtain a burn permit with Commissioner Hewitt confirming and advised that the permits are good for 90 days and are issued by the New Jersey Forest Fire Department.

#### **Vice-Mayor Sooy**

Vice-Mayor Sooy reported the Millville Board of Education is working on a new football field project at a cost of \$5 million dollars and clarified it is not being paid for by the city and the city cannot approve or deny the project.

Vice-Mayor Sooy reported the resolution being removed from the table authorizing the Tax Collector to cancel Certificate of Sale for delinquent taxes and special assessment charges, which is the demolition at 721 N. 3rd Street was on the agenda at the last meeting and advised that Mr. Davis recalled that there was an email from the Fire Chief, which reported there was an insurance adjuster seen on that property.

Vice-Mayor Sooy reported claims were made there was no insurance, but sine there was an adjuster at the property, it is obvious they had insurance and the first floor tracked that information down and discovered that the property is insured for \$250,000.00, therefore the city should not be providing a free demolition for property that is insured.

Vice-Mayor Sooy recommended the resolution be removed from the table in order to send a clear "no" message, which will be up to the governing body when they vote on the resolution.

Vice-Mayor Sooy reported that the budget is being introduced this evening and the CFO will be providing a presentation at the time of the public hearing and adoption of the budget.

Vice-Mayor Sooy stated that he trusts that all of the commissioners have read the budget and expressed his displeasure on the tax increase, which is going to hurt a lot of people on fixed incomes, unfortunately it is beyond their control and urged each governing body member to ensure that they have the money in the budget before they make promises to their employees and called upon Marcella Shepard to provide an explanation on the tax increase.

Marcella Shepard, CFO, reported that the total increase for the 2023 Budget, minus grants, is \$3,592,003.83 and explained that it is mainly due to the following increases:

Utilities:	\$129,500.00
Insurance:	\$889,396.00
Debt:	\$976,473.49
Pension:	\$530,462.95

Marcella Shepard stated that the remainder of the million-dollar increase is due to contractual issues and most of the city's contracts are reaching their term at the end of this year and those contracts for 2023, except administration, all had 3 percent salary increases; the prior years were 2 percent increases. She advised the contractual agreements are beyond her control and she did her best in the areas she was able to cut and emphasized this is the worst budget that she has presented in her 10 years as CFO.

Marcella Shepard stated if they did not increase taxes by 5 cents, she would not be able to balance the budget and she consulted with the auditors, who reviewed the budget and agreed with her numbers. She further advised the budget is posted on the website and will be providing a power point presentation at the public hearing and adoption of the budget, at which time the auditors will be also be present.

Marcella Shepard explained she used a little less surplus than last year, which leaves them with \$1.3 million dollars, which is the same as the prior year, but would prefer that to be higher and advised the only way to make the budget better is to bring more businesses in for more ratables. She also reported that they did utilize quite a bit of CARES monies to offset a higher increase, which was originally going to be over 10 cents.

Vice-Mayor Sooy asked Marcella Shepard to explain the debt increase with Marcella Shepard responding that at the end of last year they did a bond sale, they could have waited one more year and renewed the notes one more year, but Vice-Mayor Sooy wanted to make sure they took advantage of the interest rates that were much lower last year than they are this year, so 2023 will have an additional million dollars in debt, but it will come off next year, therefore they will start next year's budget with \$1 million dollars less in debt service.

Mayor Orndorf asked what is the best way to decrease or not increase next year's taxes, other than bringing businesses in with Marcella Shepard responding that the only other alternative would be layoffs or suggested going to a 4-day workweek, but pointed out that the city is short staffed as it is in just about every department, noting the only department that had a position added was the Fire Department.

Vice-Mayor Sooy stated he is confident they will have more economic development shortly.

Vice-Mayor Sooy reported that the demolition is ongoing at Wheaton's and asbestos removal is still underway with certain buildings and the contractor advised him that he will provide a drone video of the progress so that it can be posted on the website or be shown at a Commission Meeting.

#### **Public Comment Portion**

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

Sean Thom, Our Future First, stated that on February 16<sup>th</sup> they received an email stating they need to get their certificate of occupancy and that they had to cease and desist all work and on February 21<sup>st</sup> and 22<sup>nd</sup> and March 6<sup>th</sup> and 13<sup>th</sup> he emailed Wayne Shelton, Construction Official, asking him for guidance and never received a response, noting that every email he sent was preceded with a call that was not answered.

Mr. Thom stated he went to the Construction Office on March 14<sup>th</sup> and had a conversation with the Construction Official, who advised him that Mr. Thom's original email that was sent on February 21<sup>st</sup>, was circulated by Carissa Haas-Green to Commissioner Hewitt and Mayor Orndorf regarding specific things that needed to be completed in order for him to get the certificate of occupancy, but he was not

copied on the email, nor did he receive any information for almost a month even though he reached out countless times.

Mr. Thom stated he met with Mr. Shelton last week, who advised him that he needed to get an architect rendering, but Mr. Thom pointed out they have the exact same blueprints of when the building was constructed, which was presented to the Zoning Board that allowed them to get the site plan waiver and nothing has structurally changed since the building was built.

Mr. Thom stated he made countless attempts to try to be in compliance with the statutes, however he received zero support from the city and understands the city is short staffed, but asked where the professional courtesy is in responding to emails or returning phone calls.

Mr. Thom concluded that he is open to any suggestions and guidance that the governing body can provide to make the process happen a little sooner.

Brock Russell, Vice-Mayor Sooy and Commissioner Hewitt advised Mr. Thom to please contact them on their personal cell phones when he has problems contacting someone in the city.

Commissioner Hewitt stated he is the backup for the Public Affairs Department in case the commissioner of that department is not available and stated that he is aware of what is going on, but he tries to stay within his bounds, as he is reminded to do at times, but understands what Mr. Thom is saying as he has personally experienced similar problems as a resident prior to him becoming a commissioner.

Commissioner Hewitt offered to personally meet with Mr. Thom and advised that he hopes things are improving on the 5<sup>th</sup> floor and inquired if he has reached out to Mr. Davis, who is present at the meeting.

Mayor Orndorf stated she would like to clarify that the email was sent to her and Commissioner Hewitt from Carissa Haas-Green and Wayne Shelton, Raymond Compari, Brock Russell and William Davis were all copied on the email providing the update and addressed Commissioner Hewitt stating that he was clearly made aware of the issue with Commissioner Hewitt agreeing that he was.

Mayor Orndorf reported that they were recently made aware of the situation, which was an appeal on the zoning decision and the things that were needed for Mr. Thom's certificate of occupancy and advised she did not receive anything else other than that email and was not aware Mr. Thom had called or sent other emails.

Mayor Orndorf further clarified that since she has overseen that department, she has requested that the employees provide a call-back within 24 to 48 hours, however if employees choose not to do as they are directed that is on them. She advised that is not how she handled customer service in any of her jobs and extended her apologies to Mr. Thom and advised him that he could have emailed her too and she would have reached out to her department or Mr. Russell for an update.

Vice-Mayor Sooy requested Mr. Thom be provided an answer by Wednesday or Thursday with Mr. Thom expressing his appreciation in advance of the upcoming response and explained it is an expensive process and they are prepared to make the commitment and if they don't have to hire an architect, it would be good to know.

Mr. Thom concluded by expressing his frustration with the customer service and stated a response within 24 hours is a professional courtesy, 48 hours at the most, but weeks without a response is unacceptable.

Commissioner Hewitt agreed with Mr. Thom and agreed with Vice-Mayor Sooy to provide an answer Wednesday or Thursday and also clarified that in no way did he deny that he was copied on the email and was simply following the rule of the chain of command of departments.

Commissioner Romanik stated he will meet with Mr. Davis and get a response for Mr. Thom.

**Adjournment**

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

Respectfully submitted,

  
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Jeannette M. Parkinson, RMC  
City Clerk

