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City to issue its position on land seizure
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MILLVILLE -- Vice Mayor Joseph Derella tonight delivers the City Commission's answer to a demand for an official vote on a proposal to restrict eminent domain here.

His answer is likely to be no, based on an opinion city Solicitor Richard McCarthy submitted last week.

That opinion has not been released, but McCarthy discussed parts of it last week.

The memo responds to a statement from the group Millville First last week. The group argues the commission needs to go on record as opposing or favoring an ordinance that would ban land condemnation to facilitate private development.

The commission a week earlier had rejected a petition asking for an ordinance or a ballot referendum.

"They are not legally required to do anything further with this petition," McCarthy said. "Can they respond to it? They can voluntarily respond."

The city last year used eminent domain in the Center City Redevelopment Zone in only one case, and also threatened to use it.

The city could do that because a master plan for the zone allowed it in specific cases.

That plan does not allow for further seizures, however.

McCarthy said that there can be no more seizures unless the city amends that plan.

The memo discusses whether the commission may approve an ordinance.

"It's crystal clear this commission can not bind future commissions," he said. It is "problematic" if it can pass an ordinance to bind itself, he said.

Ray Papperman, an attorney with Stark & Stark, a firm that handles eminent domain cases, said such an ordinance is possible.

"Whether it makes sense is another matter," Papperman said.
