

Officials should have known noise law was useless

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What an incredible world in which we live.

It's a world in which a city can create a law then ignore it, a group of concerned citizens can sue the city asking them to enforce its own law, a judge says the law is not enforceable, and then the city sues the citizens for asking them to enforce its own faulty law.

Sounds like fantasy? That's Millville.

So now the city is suing TrackRacket for legal fees. It claims the suit against the city was frivolous -- apparently because the residents should have known that Millville's own ordinance was worthless. This is the same much-touted ordinance that was supposed to protect the thousands of residents in the noise-zone created by the city when a racetrack was approved in the middle of a populated area.

But it gets better.

The lawyer hired by the city calls the citizens a group of "media-savvy individuals" who "acted in bad faith when they, with obvious intent, forced Millville to incur additional legal fees ... knowing that the exact allegation they were pursuing concerning the alleged 'duty' of Millville to 'enforce the laws of New Jersey' was no duty at all."

If that's true, then why did the City Commission pass an ordinance? If the gang of "experts" running the city who are equally as "media-savvy" passed an ordinance they knew to be unenforceable, did they act in bad faith? Did they pass an ordinance they knew (or apparently, according to their own lawyer, should have known) to be unenforceable as a way to pay lip service to the concerns of the neighbors, who all through the approval process warned that the noise would be much worse than the racetrack developers were making out. The city has lawyers on its ample payroll. If they did not know it was non-enforceable, how can a group of citizens be expected to know?

This sounds like a classic SLAPP suit (Strategic Lawsuit Against Public Participation) designed to cow concerned residents from speaking up for fear of being sued. But some good has come of this. We

can now at least discard the notion that city officials have any concern whatsoever for their own residents.

If Millville did not pass the "frivolous" noise ordinance that does nothing to protect the residents, then they would not have been sued. Millville should be forced to pay TrackRacket's legal bills for the suit.

John Worthington

Millville

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