

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
June 12, 2012 @ 7:00PM**

1. CALL TO ORDER:

Mayor Hocker called the meeting to order with the Pledge of Allegiance at 7:00pm.

2. ATTENDANCE:

Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members' Robert Gordon, Harry Kent and Town Solicitor Seth Thomas. Town Manager Debbie Botchie and Town Clerk Donna Schwartz were also present.

3. ANNOUNCEMENTS:

Mayor Hocker made the following announcements:

- A. Thank you to all for making the Farmer's Market run very smooth;
- B. Tax bill payments are due by July 31, 2012;
- C. Appointment of Treasurer: Mayor Hocker nominated Joan Bennett as Council Treasurer. Deputy Mayor Jon Subity seconded his motion. All present voted in favor. Motion carried unanimously 4/0.

4. ADOPTION OF MINUTES:

Deputy Mayor Jon Subity motioned to accept the Council minutes of May 8, 2012 and May 22, 2012. Council Member Kent seconded his motion. All present voted in favor. Motion carried unanimously 4/0.

5. TREASURER'S REPORT:

Mayor Hocker presented the Financial Report for Council Member Bennett for month ending 5/31/12.

May 31, 2012:

General Revenue: \$122,266.	General Expenses: \$27,353.
Restricted Revenue: 54,080.	Restricted Expenses: 1,597.

Council Member Gordon motioned to accept the Treasurers Report.

Deputy Mayor Subity seconded his motion.

All present voted in favor.

Motion carried unanimously 4/0.

6. ADMINISTRATIVE REPORT:

Town Manager Debbie Botchie's report was included in the Council packet.

7. PUBLIC HEARING:

- A. Consider for possible vote an application submitted by Richard Bloch, LLC, DBA/Dickens Parlour Theatre, located at TMP 134-12.00-282.00, 35713 Atlantic Ave, for an amendment to the existing Conditional Use to increase occupancy in the theatre to 61 maximum.

Synopsis: The Planning & Zoning Commission met on April 23, 2012 to review the application and site plan. With a 5-0 vote P&Z recommends the Town Council approve the above application.

Council Member Gordon read the notice which appeared in the Coastal Point. No written comments were received. Mayor Hocker read the synopsis. Mayor Hocker asked Ms. Cheryl DuBois if she had anything to add, she said no. No comments were made by the public. Deputy Mayor Subity motioned to approve the application by Richard Block. Council Member Kent seconded his motion. Vote: Subity: yes; Kent: yes; Gordon: yes; and Hocker: yes. All present voted in favor. Motion carried unanimously 4/0.

- B. Consider for possible vote an application submitted by Jim and Lynn Richards, owners of Perruci's Classic Italian Restaurant, located at TMP 134-12.00-158.00, 35507 Atlantic Ave, for a Conditional Use to allow outside dining in conjunction with a restaurant.

Synopsis: The Planning & Zoning Commission met on April 23, 2012 to review the application and site plan. With a 5-0 vote P&Z recommends the Town Council approve the above application.

Council Member Gordon read the notice which appeared in the Coastal Point. No written comments were received. Mayor Hocker read the synopsis. Mayor Hocker asked Mr. Jim Rickard if he had anything to add, he said no. No comments were made by the public.

Deputy Mayor Subity motioned to approve the application for Perucci's. Council Member Gordon seconded his motion. Vote: Subity: yes; Kent: yes; Gordon: yes; and Hocker: yes. All present voted in favor. Motion carried unanimously 4/0.

8. OLD BUSINESS:

A. Consider approval for Ordinance 13-01

Synopsis: Ordinance 13-01 if approved will amend the Town's Zoning Ordinance; Article X "Conditional Uses", to allow for Temporary Residential Real Estate Sales Centers, and Article XIV "Terminology", to add Temporary Residential Real Estate Sales Center. Item was discussed at a Public Hearing on May 8, 2012 and was tabled by a majority vote of the Town Council. Item discussed again at the Town's Workshop on May 22, 2012.

Council Member Gordon read the official notice from the previous Public Hearing. Mr. Thompson, Town Solicitor remarked this was the updated version they were voting on which included the following requirements, one sales center, contiguous and within 500ft of the planned development and must post one \$25,000 performance bond. No additional questions were raised by the Council Members. Mayor Hocker motioned to approve Ordinance 13-01. Council Member Gordon seconded his motion. Vote: Subity, yes; Kent, yes; Gordon, yes; Hocker, yes. All present voted in favor. Motion carried unanimously 4/0.

9. NEW BUSINESS:

Mr. Bob Powell, Public Information Officer and Mr. Greg Tietmeyer, President, of the Millville Volunteer Fire Department were present to address Council regarding the annual financial donation from the Town.

Mr. Powell stated they made 1,819 emergency calls in 2011, which is equal to hitting the road approximately 5 times a day and they would like more flexibility in how their

money from the Town is utilized and also be the beneficiary of some of the Realty Transfer Fund money the Town has.

Ms. Botchie noted the Town Charter, which is the law of the Town, allows the Town to give a total of 6% of the levied tax as a donation, 3% for Fire and 3% for Ambulance and without a change to the Town Charter no changes can be made to what the Town gives yearly.

Ms. Botchie continued on explaining that use of the Realty Transfer Money is regulated by the State and cannot be used for fire departments, especially when they are independent and not under Town authority. Although Mr. Powell and Mr. Tietmeyer presented documents from 1990 which they believed supported their request, Ms. Botchie informed them the law had changed in 1998, making the 1990 decision null and void. They said they were unaware of the change and would do further research into the matter.

Mr. Powell explained the EMS side of the organization is no longer volunteer and the staff in both station are all paid employees. The yearly operating budget for the EMS is \$601,000 with the payroll alone being \$548,000. and they are having a hard time paying for pensions.

Mr. Thompson noted the difference between the Town contracting State Police services and the volunteer Fire Company that protects the Town. The police service is a cost, which falls under Title 22 and the donation the Town gives the Fire Department is different than a cost. When the Town contracts with the State Police they receive services they would not get under normal circumstances.

The question was raised as to who made the decision to “pay” the staff, to which the reply was it was a decision of the Millville Fire Company. Ms. Botchie asked if the County and State donations were the same every year, and the answer was “no, the County gives based on amount of equipment in use,” answered Mr. Powell.

Mayor Hocker stated the financial situation the Fire Company is in is very disappointing to him, citing all the support his family has given through the years. He also recalled a time about ten years ago when he presented an idea to the Town Council to charge a mandatory fee of \$100 on all lots sold in Millville and give it to the Fire Company to aid them with the growth that was taking place. He said, he was told by the powers they did not want the money and to drop the idea, so he dropped it. Mr. Tietmeyer replied “perhaps they went in the wrong direction there.” He also added while the chicken dinners and the jamborees are great they do not bring in the dollars needed to operate the ambulance company. Mr. Tietmeyer suggested the Fire Company would like to tap into the Town’s Realty Transfer Fund which is sitting idle getting very little interest, saying without the additional money there may be no EMS service someday. Mayor Hocker asked if the Council could look at the Fire Company’s books, Mr. Tietmeyer replied, “Our books are open anytime you want to see them.”

Mr. Thompson said the Council could consider in the future a Charter change amending the total donation of 6% to be used at the Fire Company’s discretion. Council Member Kent questioned what would happen if the two companies were separated in the future, how would the Charter change effect the donation. Mr. Thompson said it was not a problem they could add conditions to the Charter change.

Mr. Powell and Mr. Tietmeyer thanked the Council for their time and listening to the Fire Company's concerns.

10. COMMITTEE REPORTS:

None

11. PROPERTY OWNERS/AUDIENCE COMMENTS:

Linda Kent, of Coventry, offered an update on the Farmer's Market. Mrs. Kent thanked the Council and the staff for all their support and handed out her monthly report. (Included in the meeting packet.)

12. ADJOURNMENT:

Mayor Hocker announced there would be no monthly Workshop on June 26, 2012, and the next meeting of the Council would be July 10, 2012.

Council Member Gordon motioned to adjourn the meeting at 8:07pm. Council Member Kent seconded his motion. All present voted in favor.

Motion carried unanimously 4/0.

Respectfully submitted,
Donna M. Schwartz, Town Clerk