

**NOTES OF THE MILLVILLE  
TOWN COUNCIL WORKSHOP  
January 22, 2013 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members Robert Gordon, Joan Bennett and Harry Kent. Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

**1. CALL TO ORDER:**

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

**2. PLEDGE OF ALLEGIANCE TO THE FLAG:**

Mayor Hocker led the pledge of allegiance.

**3. NEW BUSINESS:**

- A. Discuss and possible vote on Resolution 13-05 *Synopsis:* The Town Council previously amended Article IX-Sign Regulations. Council is considering the strategy they will undertake regarding timelines and workshops to educate businesses on the newly amended Sign Ordinance. Resolution 13-05, if approved, will allow for some flexibility in the relocations of signs due to the SR26 widening project, which many already non-conforming signs will be affected by this project –** Town Manager Botchie stated because Town Solicitor Seth Thompson would not be in attendance, she asked Town Council via email if they had any questions regarding the Resolution; there were a few and she answered their questions. Council Member Joan Bennett asked in the fifth paragraph that starts “Now therefore be it resolved ...,” where the statement that states “Town limits may be removed by the affected landowner,” why the word “may” was used instead of “shall.” Ms. Bennett stated Mr. Thompson answered her question, talking about the possible need for flexibility. Ms. Bennett read Mr. Thompson’s email response, stating, “The thinking behind the word ‘may’ language was to allow for a scenario in which a sign was within the DeIDOT project area but the project did not actually require the sign to be removed. I do not know if this is likely to occur in reality. It could be that DeIDOT’s project will require all signs within the area be removed or relocated. The other reason for the permissive language is that if the language were the mandatory ‘shall,’ technically, a sign would have to be relocated – it couldn’t just be removed and replaced.” Ms. Bennett stated she understood his answer and agreed. Ms. Bennett stated what she was unclear about was if the Resolution is an action of the Town, and it talks about what DeIDOT may do, then she wanted to make certain that this dovetails in with the Town’s sign regulation. Ms. Botchie stated it will. Ms. Botchie further stated if a business comes to the Town about DeIDOT asking them to relocate their sign, this Resolution will give the Town the authority to do so, however, the Town has to stay within the guidelines of the new ordinance. Mayor Hocker stated the signs now are legally non-conforming signs will remain so. Ms. Botchie confirmed this, stating the signs would remain so until Council decides to amend the ordinance, giving the business 3-5 years (whatever Council decides) until the business has to conform. Ms. Botchie stated that’s why she requested this ordinance be three years in case a business owner needed to request an extension.

Council Member Kent stated he was going to comment the same statement about the expiration issue which was handled by Ms. Botchie talking to Mr. Thompson, who explained by the time Council or a future Council decides the amended time, they could chop it off if they had to for whatever reason. Mayor Hocker stated to keep in mind that if business owners have to move their sign, some of the businesses may choose to make their signs conforming to the Town's new sign regulations. Ms. Botchie stated she should have samples by the end of the week, or next Town Council meeting, for Council's review on a non-conforming sign and what it will look like when it's conforming. Council Member Gordon asked if the Town Council was still planning to schedule Town meetings later on in the next few months, prior to the construction on SR26, to discuss sign issues with the business owners. Mayor Hocker answered yes.

Mayor Hocker asked Deputy Mayor Subity if he had any questions. Mr. Subity answered no. Council Member Bennett motioned to approve Resolution 13-05 as presented, and was seconded by Deputy Mayor Subity. Council Members Bennett, Gordon, and Kent, Deputy Mayor Subity and Mayor Hocker all voted "aye." The motion was carried 5-0.

#### **4. OLD BUSINESS:**

- A. Discussion and possible vote on two (2) proposals for "Bid Drawings" for the proposed retrofit of Town Hall with a Fire Sprinkler System** – Council Member Bob Gordon stated he had been given the two submittals -- one from Wayman Fire Protection and another from Bayside Fire Protection – for the sprinkler system for the Town Hall. Mr. Gordon stated when he got the first proposal, from Wayman, the company was kind of in-line price-wise with what he thought the cost would be, whereas Bayside's price is way out of line. Mr. Gordon continued to state Wayman says they will give the Town their plans so we may review them, send them out to however many contractors we would like and let someone bid on the design. Mr. Gordon stated this is just the design phase to give the Town an idea of a system to review with the Fire Marshall, get the blessings from the Fire Department, and send it out for bids. Mr. Gordon stated everything is covered and it is "apples to apples." Mayor Hocker stated this is simply the first step in the process. Mr. Gordon stated this is more of the second step in getting the sprinkler system installed. Ms. Botchie stated Wayman is going to give the Town Council the specifications and all the information needed to put the bid together for notice, but it is based on Wayman's design. Ms. Botchie further stated when the project goes out to bid – which will probably be over \$10,000 – if the Town Council chooses another company other than Wayman, then the \$7500 is just the cost of the design phase. Mr. Gordon stated if the Town Council sends out a bid stating the Town of Millville is looking to install a fire suppression system, whoever comes in will charge the Town for designing the system and engineer it, as well as get it blessed by the Fire Marshall, so the Town is going to pay no matter what. Mr. Gordon stated there is a big difference between Wayman and Bayside. Council Member Bennett asked if it is conceivable that if the Town Council goes forward and puts out a bid package then Wayman could also become the builder? Mr. Gordon answered yes. Mayor Hocker asked if Wayman were to acquire the project, would there be any credit from the \$7500 submitted for design? Mr. Gordon stated whatever bids went out are just for the installation of the system and the materials needed to complete that system, and there are no design fees.

Mr. Gordon stated it scares him when someone you're working with says, "We'll work with you.

You give us the bid, we'll work with you." Mr. Gordon stated he does not believe in that and would rather see the deal as a contract. Ms. Botchie stated what would most likely happen is if another company gets the bid, other than the one that designed, the builder may come in and say the system cannot be built the way of the design and the Town Council will need a change order. Mr. Gordon stated it is a possibility. Ms. Botchie stated it happened with the renovations of Town Hall, and although it still remained under budget, it does happen and this is a challenge to face in this situation. Council Member Kent stated there is always a possibility you can run into something that no one knew was there, so there will be change orders regardless. Mr. Kent stated he did not like the other proposal (Bayside) because of item #2-I, which states "Any item not specifically referenced in #1 above." Mr. Kent stated the terminology was a way for the company to cover themselves for costs they should know but because the company and the Town did not agree, it is an added cost and then the Town would have to bear the cost. Deputy Mayor Subity asked if both companies are proposing the same type of fire suppression (i.e., water, etc.). Mr. Gordon stated the bulk of fire suppression would be a water system, but there has been discussion about the file room and that would be something other than water. Mr. Gordon further stated regarding the eaves outside and could that be dry, one company said, "We might have to fill the sprinklers with anti-freeze so it wouldn't freeze on the outside of the building." Mr. Gordon stated some would use a dry powder system and there are three different ways to configure a system, but at this point, the Town Council will not know until they get a set of plans to sit down with the Fire Marshall and pick it apart so when the Town Council sends it out for bid, we'll have the understanding of what we need to do to reduce some of the change tickets and get everything in one set of plans that everyone is happy with. Mr. Gordon stated you could see the difference in the pricing between the two design fees and one is not supplying any more or different than the other one. Deputy Mayor Subity stated what he is wondering is if through either design or someone else's design, if they would design it in such a way that would limit the number of potential contractors that would do the work. Mr. Subity asked if, for example, Bayside designs a completely wet sprinkler system, does that limit the number of potential contractors that would want to do this work? Mr. Kent stated he did not want to see a proprietary-type product, and these organizations are talking about using NFPA standard and state-code standard equipment which presents two sets of problems: 1) reduction of potential of anyone else bidding on the job, and 2) this questions whether the Town could bid out the job with off-the-shelf equipment. Mr. Kent stated sprinkler systems are not that unique so it should be off-the-shelf equipment used in building the system so the product is readily available in the open market. Mr. Kent stated as far as the discussion about the sprinkler system in using dry and antifreeze, the dry air system that can be used outside, there is a charging with air to keep water out of it and theoretically if it lets go, the air releases and the water flows so there are no freeze conditions. Mr. Kent stated as far as antifreeze goes, he's never had any experience with it, but both antifreeze and dry air have pros and cons. Deputy Mayor Subity stated the company that installs the system will have to be liable for any technical issues/difficulties. Mr. Kent stated when the Town accepts the bid, that will have to be one of the criteria – the company will have to know what their liabilities are for warranty and maintenance. Mayor Hocker stated if someone was bidding it that saw something they would do differently, they would note it accordingly and disclose it as part of the bid. Deputy Mayor Subity stated he doesn't know how specific the work gets so if the job is more specific, maybe that will limit the field to three potential people capable of doing the work. Mr. Kent stated the main thing is to stay out of proprietary equipment because when that is introduced into the bid process then there will be a problem with limited bids.

Ms. Botchie stated she thinks the Town should go forward with a pre-bid meeting and invite all of the potential contractors to Town Hall. Ms. Bennett asked if one of the two companies was awarded, then would that company act as the architect. Ms. Botchie stated yes. Ms. Botchie further stated the pre-bid meeting is very beneficial. Mayor Hocker stated if the Town proceeds, then the expense can come out of the Town's restrictive funds. Ms. Botchie stated the Town already budgeted \$250,000 in the current fiscal year for the design and building of the sprinkler system as well as the wheelchair lift. Ms. Botchie stated the \$250,000 has not been used so the \$14,000 comes out of the Town's transfer tax budget line item. Ms. Bennett stated regarding the agenda item is written tonight, she asked is the Council to vote to move forward without specifying a chosen company or to go forward and award to a particular company. Ms. Botchie stated the Council is to vote on one of the two companies who have presented a proposal. Ms. Bennett asked Mr. Gordon when he looked at the two companies was Wayman the most responsive? Mr. Gordon stated the gentleman from Bayside did not take any notes and was out of the building in a few minutes, whereas the two gentleman from Wayman had taken several notes and had suggestions for Mr. Gordon and Building and Code Administrator Eric Evans regarding the concerns for bulkheads in the ceiling to hide pipes, and Bear came in and did not respond to several questions which Mr. Gordon presented. Ms. Bennett asked Mr. Gordon if the 30 days from the November date of the Wayman proposal is going to be OK even though the 30 days has since expired. Mr. Gordon stated Wayman stated they realize we are a Town and it takes a lot of time for the Town to decide. Mayor Hocker asked Mr. Gordon how long Wayman has been in business. Mr. Gordon stated over 20 years, and Wayman, Bear and Bayside were the most respected three companies recommended by the Fire Marshall. Mr. Gordon motioned to accept the Wayman proposal bid of \$7500 to design a fire suppression system for Town Hall, and was seconded by Council Member Bennett. Council Members Bennett, Gordon, and Kent, and Mayor Hocker all voted "aye"; Deputy Mayor Subity voted "nay." Motion carried 4-1.

**5. PROPERTY OWNERS/AUDIENCE COMMENTS:**

Linda Kent, of Cypress Point Trail, stated as Chair of the Millville Volunteers, the 24 volunteer letters are ready to go out, there were two new volunteers, and she will call the State Police to find out the exact price for fingerprinting if the Town wishes to do so. Ms. Kent stated the Town should continue to fingerprint so they have them on file. Ms. Kent stated two volunteers, Susan Brewer and Maggie King, will be headed up to the DeIDOT building in Georgetown on February 11, 2013, for a full-day class entitled "A Matter of Balance," which is about balance, overcoming the fear of falling and how balance can be improved in the elderly. Ms. Kent recommended holding eight day classes like this at Town Hall for people 60-years-old and older. Ms. Kent stated the next program would be mentoring and one of the new volunteers would be contacting Michelle Murphy of the George Washington Carver School in Frankford to get involved in that program. Ms. Kent stated she is receiving information on the Read Aloud program and it will require background checks. Ms. Kent further stated she's checked with RSVP and they do not have a program for the Town to use their ID for getting background checks or fingerprinting. Ms. Bennett stated the fingerprinting and background check are requirements worth spending money on. Ms. Bennett asked when the Town sends volunteers to programs, if there is a fee or transportation cost, does the Town absorb the costs, such as registration fees? Ms. Botchie stated every training session that the Town is involved in, there is no fee except the AARP safe driving course and CPR courses. Ms. Bennett asked if the Town's insurance covers any accidents that may cause injury when holding a class at the Town Hall. Ms. Botchie stated that the Town's liability insurance does cover

any injuries through accident while on Town property. Ms. Kent stated the letter and application for the Farmer's Market are revised and ready to go out.

6. **ANNOUNCEMENT OF NEXT MEETING** – **February 12, 2013** – Mayor Hocker announced the next meeting of the Town Council will be February 12, 2013, at 7:00 p.m.

7. **ADJOURNMENT**:

Council Member Kent motioned for adjournment at 7:34 p.m. Council Member Gordon seconded his motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk