

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
November 12, 2013 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Jon Subity, Council Members Robert Gordon and Harry Kent; Town Solicitor Seth Thompson, and URS representative Kyle Gulbranson. Council Member Joan Bennett, Town Manager Debbie Botchie and Town Clerk Matt Amerling were absent.

1. CALL TO ORDER:

Mayor Gerry Hocker called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Hocker led the pledge of allegiance.

3. PRESENTATION TO INDIAN RIVER HIGH SCHOOL JROTC – DEPUTY MAYOR JON SUBITY

Deputy Mayor Jon Subity stated Town Manager Debbie Botchie was unable to attend tonight's meeting and asked him to thank Gunnery Sergeant James and the Indian River High School (IRHS) JROTC for all of their invaluable assistance during the planning, preparation and volunteer work at the Millville Great Pumpkin Festival on October 5, 2013. Deputy Mayor Subity stated the Town of Millville graciously donates a check for \$500 to the Indian River JROTC.

4. ADOPTION OF TOWN COUNCIL MINUTES

Council Member Harry Kent motioned to adopt the Council minutes and Executive Session minutes from October 8, 2013, as well as the Council Workshop minutes from October 22, 2013. Deputy Mayor Subity seconded his motion. Motion carried 4-0.

5. ACCEPTANCE OF TREASURER'S REPORT

Mayor Hocker stated in the absence of Council Member Joan Bennett, the treasury report will be presented by Council Member Bob Gordon. Council Member Gordon read the Financial Report for the month ending 10/31/13.

October 31, 2013:

General Revenue:	\$ 76,327.	General Expenses:	\$ 28,308.
Restricted Revenue:	54,148.	Restricted Expenses:	11,934.

Deputy Mayor Subity motioned to approve the Treasurer's Report for the month ending October 31, 2013. Council Member Gordon seconded his motion. Motion carried 4-0.

6. ADMINISTRATIVE REPORT

Mayor Hocker stated in the absence of Town Manager Botchie, the report would not be read but all of Council had received a copy and a physical copy has been entered into record.

7. NEW BUSINESS

A. Discuss and possible vote on Bid 14-01 Monitored Fire & Security Alarms System.

Synopsis: The committee received three (3) bids as advertised for a proposed Monitored Fire & Security Alarms System. After reviewing the bids, the committee recommends Delaware Electric Signal.

Council Member Gordon stated back in July, Council sent out a bid packet and received three (3) bids back, from Quality Security, Delaware Electric Signal (DES), and Tyco. Mr. Gordon stated the committee – he, Mr. Kent and Town Code & Building Administrator Eric Evans – picked DES because they provided the Town with the most information and answered all of the committee’s questions. Mr. Gordon stated the committee had some concerns about monitoring fees because the Town currently pays a monitoring fee for just the burglar system, and the committee was not sure what the monitoring fees were going to entail for the fire system. Mr. Gordon further stated DES responded above and beyond by providing the commission with the annual and bi-annual inspections the Town would need. Mr. Gordon stated the commission recommends going with DES, who will go to the Fire Marshal for his approval. Mr. Kent stated once DES gets Fire Marshal approval, they will bring the plans to the commission for final approval.

Deputy Mayor Subity asked what the annual maintenance and inspection is comprised of. Mr. Kent stated under the fire code, there are certain precautions the company needs to install – such as strobe lights, sound alarm – and these systems need to be monitored to make sure they are functioning properly. Mr. Kent stated the inspections for each system have their own schedule and will also require separate inspections by the Fire Marshal.

Council Member Gordon motioned to accept DES as the winner of the bid for the monitoring of the Town Hall fire and security. Council Member Kent seconded his motion. Deputy Mayor Subity voted yes. Mr. Kent voted yes. Mr. Gordon voted yes. Mayor Hocker stated he would be abstaining from the vote due to a possible conflict of interest. Motion carried 3-0.

B. Discuss and possible vote on a site plan submitted by Millville Town Center, LLC:

- to relocate the existing Propane Tank Farm for Millville By The Sea (MBTS) located at the end of Huntington St. Parcel 1-34-16.00-3.02 (part of) to the parcel of 134-16.00-20.02 (part of), off Substation Road; and
- to approve the three (3) temporary propane tanks to be utilized prior to the construction of the actual Propane Tank Farm.

Synopsis: The Tank Farm was originally located at the end of Huntington Street. The property owners are requesting to relocate the Tank Farm to the new permanent location so the Tank Farm can serve the entire MBTS development. The Planning and Zoning Commission met on September 9, 2013, and voted 3-0, recommending that the Town Council approve the above application.

Mr. Chuck Ellison, of Miller & Smith, introduced Mr. Benjamin Cataldi, of Pep-Up. Mr. Ellison stated when the master plan was originally approved for MBTS, the plan created a “back the

house” area behind the power station and at that time, that was where the propane tank farm – which would serve the entire community – would be located. Mr. Ellison stated for some reason unknown to him, the first tank farm was planned to be located at the end of Huntington Street. Mr. Ellison stated Millville Town Center LLC’s request is to relocate the tank farm from the Huntington Street to behind the Sussex County pump station off of Substation Road. Mr. Ellison further stated the relocation is a two-step plan with the first step being to locate up to three (3) 1000-gallon tanks, which would service the community for a very long time, and there is a pre-existing driveway off of the pump station, which will be upgraded – with the DelDOT permit – to move the driveway. Mr. Ellison stated they do have DelDOT approval for the new entrance, as well as all of the other necessary approvals required by Millville’s Planning & Zoning (P&Z) Commission. Mr. Ellison stated ultimately, at some time in the fairly distant future, there would be permission for up to two (2) 30,000-gallon tanks which would replace the temporary tanks on the same site, but there is no approximate timeline for that plan at this moment.

URS representative Kyle Gulbranson stated Mr. Ellison was right that when MBTS was originally planned all of the utilities were to be placed off of the location on Substation Road, and in terms of the plans, all of URS’s comments have been addressed and the requirements have all been met. Council Member Kent asked if it is the intent to provide cooking surfaces and water heating. Mr. Ellison stated Miller & Smith does offer all buyers the option of using propane for cooking, heating and fireplaces, and there is an added expense to the house. Mr. Kent asked if Miller & Smith currently have a 1000-gallon tank providing the existing 180 homes. Mr. Ellison stated yes and it is currently about 250 homes, and it is maintained about once a month. Mr. Kent asked with the three tanks above-ground, would they be behind Jersey barriers. Mr. Cataldi stated there is already an existing fence and it is under the jurisdiction of the Fire Marshal as well as the Public Service Commission in terms of barriers and it is they who make the judgment. Mr. Kent stated currently he does not know what security is around the tanks. Mr. Cataldi stated there is a breakaway lock on the lid so nobody can tamper with the tanks. Mr. Kent asked why Miller & Smith would want to upgrade when their current tanks are not fully used. Mr. Cataldi stated the area is growing and he does not want to bill for the day but rather for five years – it all depends on the demand with the market changing. Mr. Kent asked Mr. Cataldi when he thinks he would abandon the 3000-gallon tanks. Mr. Cataldi stated when delivery is a problem and Pep-Up is worried about delivering more than once a week. Mr. Kent asked with Bishop’s Landing whether the Council insisted on Jersey barriers. Mr. Gulbranson stated it was not Jersey barriers but a fence around the entire facility. Mr. Cataldi stated Pep-Up usually puts breakaway locks on the lids so there can be no tampering with the tanks, but Pep-Up can put anything the Town wants. Mr. Gulbranson stated Bishop’s Landing had a fence. Mr. Cataldi stated he thinks it is simply Jersey barriers. Mr. Gulbranson stated Bishop’s Landing is supposed to have a fence as well, and that is not Code requirement but just an agreement with the Town. Mr. Kent stated he would have more of a comfort if he knew there were some kind of security provided to the tank farm and he would prefer Jersey barriers or a fence put around it. Mr. Ellison stated there was a recommendation from Planning & Zoning (P&Z) that if the tanks are above-ground then adequate protection would be provided. Mr. Ellison further stated the fence around the pump station is a solid fence. Town Solicitor Seth Thompson asked if the easement has been prepared because he knows the plan said “proposed easement.” Mr. Ellison stated Miller & Smith are in the process of revising their current agreement with Pep-Up so they will writing up either a formal agreement or letter, so that Pep-Up has the right to use that land.

Mayor Hocker asked if the Jersey barriers are noted on the plan. Mr. Ellison stated this question came up at P&Z and whether the tanks would be above-ground or underground, and Miller & Smith did not have an answer at the time but language was added that if they are above-ground, there would be extra protection. Mr. Kent asked if there is an option to put these tanks underground now. Mr. Ellison stated these types of tanks are oftentimes put underground, depending on location and the preference of the supplier. Mr. Kent asked if there was a reason to do one way or another. Mr. Cataldi stated it cost more money to bury the tanks and the temporary is going to cost him more money to get them out of the ground, so Pep-Up is hoping to save more money by placing the tanks above-ground. Mr. Ellison stated if vandalism is the concern, then fences are better protection than Jersey barriers. Mr. Gulbranson stated Jersey barriers are just beyond the perimeter on three sides, but there is one side where the tanks are exposed, and he agrees a fence is better protection. Mr. Ellison stated he has no problem adding a fence. Mayor Hocker asked Mr. Ellison if he would be comfortable if Council added the fence as one of the conditions. Mr. Ellison stated yes, he would be comfortable with it. Mr. Thompson asked Council if they were suggesting that if Miller & Smith do not place the tanks underground, then Miller & Smith will place a fence around the tanks. Mr. Kent stated yes, if Miller & Smith want to place the tanks underground, he would have no issue with that decision, but he would not like the tank simply sitting above-ground with no protection.

Mr. Kent asked Council if there should be some definition of “temporary” for this plan. Mr. Ellison stated the tanks Miller & Smith have will last a “very, very long time.” Mr. Cataldi stated the temporary tanks will last until the demand becomes too big for the established tanks and they have no way of knowing that time right now. Mr. Kent asked Mr. Cataldi if Pep-Up could not place a 30,000-gallon tank by a water tower. Mr. Cataldi stated the Fire Marshal would not permit it. Mr. Kent asked Mr. Thompson if Council does not address these issues now, is there anything that could “come back to bite the Town.” Mr. Thompson stated the Fire Marshal controls his element and the Town has to go with what he says, and when it comes to the 30,000 gallon tank, Miller & Smith will have to get the Fire Marshal’s approval again. Mr. Kent asked if that request would come back to P&Z. Mr. Thompson stated putting a water tower up would mean seeing a revised site plan. Mr. Kent stated the biggest issue he has, then, is putting in a fence for security.

Deputy Mayor Subity motioned to approve to relocate the existing Propane Tank Farm for MBTS located at the end of Huntington St. Parcel 1-34-16.00-3.02 (part of) to the parcel of 134-16.00-20.02 (part of), off Substation Road, with the condition should the tanks not be buried, then they will be fenced in to prevent damage and there can be no more than three (3) temporary propane tanks and two (2) permanent tanks. Council Member Kent seconded his motion. Deputy Mayor Subity voted yes. Mr. Kent voted yes. Mr. Gordon voted yes. Mayor Hocker voted yes. Motion carried 4-0.

8. PROPERTY OWNERS/AUDIENCE COMMENTS:

Linda Kent, of Cypress Point Trail, stated the volunteers are preparing for the Holiday Market and there are 12 vendors at this time; and after the November 20, 2013, volunteer meeting, the Town Christmas tree will be put up in the Town chambers. Mr. Gulbranson asked what day the Holiday Market is on. Mrs. Kent stated it will be on Saturday, December 7, 2013, from 10 a.m. to 2 p.m.

9. ANNOUNCEMENT OF NEXT MEETING:

Mayor Hocker announced the next meeting of the Council will be a Workshop on November 26, 2013.

10. ADJOURNMENT:

Council Member Gordon motioned to adjourn the meeting at 7:38 p.m. Deputy Mayor Subity seconded the motion. Motion carried 4-0.

Respectfully submitted,
Matt Amerling, Town Clerk