

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
November 10, 2014 @ 7:00PM**

In attendance were Mayor Gerry Hocker, Deputy Mayor Bob Gordon, Council Members Harry Kent, Susan Brewer and Steve Maneri; Town Solicitor Seth Thompson; URS representative Kyle Gulbranson; and Town Manager Debbie Botchie and Executive Assistant Matt Amerling.

**1. CALL TO ORDER:**

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

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

**3. ADOPTION OF TOWN COUNCIL MINUTES**

**A. Adoption of Town Council Minutes – October 14, 2014**

Deputy Mayor Bob Gordon motioned to approve the Council minutes for October 14, 2014. Council Member Harry Kent seconded the motion. Motion carried 5-0.

**4. FINANCIAL REPORT – Treasurer**

**A. October 2014**

Treasurer Harry Kent read the Financial Report for the month ending 10/31/14.

**October 31, 2014:**

General Revenue:	\$ 136,825.	General Expenses:	\$ 30,667.
Restricted Revenue:	82,792.	Restricted Expenses:	2,274.

Council Member Steve Maneri motioned to approve the Treasurer's Report for the month ending October 31, 2014. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

**5. ADMINISTRATIVE MATTERS**

**A. Administrative Report for October 2014 – Town Manager**

There were no matters to discuss.

**6. NEW BUSINESS**

**A.** Discuss and possible vote on a request from Miller & Smith, developers of Millville by the Sea (MBTS), to release bond SU5023783. *Synopsis:* The bond was for infrastructure construction in the initial phase of Sand Dollar Village Phase I in MBTS, and all work has been completed and inspected.

Council Member Maneri recused himself. URS representative Kyle Gulbranson stated this bond was one of the earliest bonds established for MBTS, for Sand Dollar Village Phase I

construction. Mr. Gulbranson stated all the improvements in that section have been completed satisfactorily and the request at this time to release the bond is valid.

Town Solicitor Seth Thompson stated to Mr. Chuck Ellison, of Miller & Smith, that Town Code & Building Administrator Eric Evans' notation states "this is not an acceptance by the Town or the Homeowners Association (HOA). Prior to acceptance by the HOA, a warranty bond needs to be put in place ..." Mr. Thompson stated he is trying to think about this logistically and he understands there is now going to be a master HOA and there will be smaller HOAs "underneath that umbrella." Mr. Thompson further stated the public works agreement seems to talk about dedication to the HOA and Mr. Thompson takes it the HOA referred to will be the master HOA, and could Mr. Ellison please explain to Council how Mr. Ellison envisions the roadwork dedication when it comes to the HOA. Mr. Ellison stated there is a master HOA, which governs all of MBTS in its entirety, and underneath that there will be a number of villages (i.e., Summerwind, Lakeside, Sand Dollar, etc.). Mr. Ellison stated there will be a provision between what the master HOA will maintain going forward and what the individual villages would maintain. Mr. Ellison stated in the case of Sand Dollar Village, Miller & Smith are envisioning Huntington Drive being maintained by the master HOA because it is – or will be – easily accessible to the broader community as it develops over time; whereas some of the smaller streets within the village aren't as open to everybody because they don't get as much "through traffic" so the smaller HOAs will handle those roads. Mr. Ellison stated in terms of the Town process, all of those roads are under the same bond with the Town so there is no difference in how Miller & Smith bond it with the Town and how Miller & Smith do the construction and the inspection, but it is simply who is charged with the long-term maintenance as Miller & Smith go forward. Mr. Thompson stated that makes sense but he was trying to find out when the maintenance bond would come into play and whether Miller & Smith would simply use one overall maintenance bond for all of the roads. Mr. Ellison stated he and Miller & Smith have not thought that out at this time. Mr. Ellison stated there are two separate actions: what Miller & Smith have to do to meet the Town Code, and what Miller & Smith have to do to meet the provisions within the HOA and the transfer which is required from there – which Miller & Smith still have to do within this particular case.

Deputy Mayor Gordon motioned to release bond SU5023783. Mr. Kent seconded the motion. Motion carried 4-0.

- B.** Discuss and possible vote on a request from Miller & Smith, developers of MBTS, to release bond PB030104001215. *Synopsis:* The work was for infrastructure construction for Seascape Court (the model home court) in Summerwind Village, MBTS, and all work has been completed and inspected.

Mr. Gulbranson stated this bond was to cover the improvements for the model court in Seascape Court, and a majority of those improvements have been satisfactorily constructed. Mr. Gulbranson stated there was one issue Mr. Evans has picked up on which was the handicapped sidewalk running south to north along Endless Summer Drive was not correct to plan. Mr. Gulbranson stated Mr. Evans recommended the bond be reduced down to \$5,000.00, which will cover the costs of getting the issue corrected. Mr. Kent asked if this money is for a ramp. Mr.

Gulbranson stated yes, for a handicapped ramp at the end of the sidewalk. Mr. Kent asked if the \$5,000.00 will be sufficient. Mr. Gulbranson stated yes, so it will be a total reduction of \$129,418.00.

Mr. Kent motioned to make a reduction of the bond PB030104001215 from the amount of \$129,418.00, leaving \$5,000.00 for necessary repairs. Mr. Gordon seconded the motion. Motion carried 4-0.

C. Discuss and possible vote on a request from Miller & Smith, developers of MBTS, to reduce bond PB03010400611. Synopsis: Given the only remaining work on Endless Summer Drive is the placement of the surface course of pavement from Surfsong Landing to the west entrance to the Lifestyle Center parking lot, the reduction will be from \$556,069.00 to \$25,000.00. The amount to remain bonded was determined using an estimate from Melvin L. Joseph Construction Company. The amount was increased by approximately 25% to cover any contingencies.

Mr. Gulbranson stated this bond is for improvements in Endless Summer Village in the initial phase, and, during the inspection it was found there were several sections of curbing which needed to be removed and replaced so the estimate was bumped up from \$25,000.00 to \$30,000.00. Mr. Gulbranson stated the recommendation is the bond would be reduced down to \$30,000.00, which includes the 25 percent mark-up.

Mr. Gordon asked if there is any set date when these repairs will be completed. Mr. Ellison stated in this particular instance, in Endless Summer Drive, which is the entrance road in, Miller & Smith put surface paving down to the first entrance into the parking lot of the lifestyle center so anyone using that center will have a smooth surface all the way into the parking lot, and the second section is going to be a little bit of a construction access as Miller & Smith build their way out of Summerwind Village. Mr. Ellison further stated Miller & Smith will probably hold off on the surface course until they have a high comfort level that it would not be damaged by the construction vehicles and that will probably put the date at next fall or spring of 2016.

Mr. Kent asked Mr. Ellison if Miller & Smith paved from Substation Road to the lifestyle center. Mr. Ellison stated yes, to the first entrance of the lifestyle center. Mr. Kent stated Mr. Ellison is saying there will be heavy construction vehicles and where are they going to be entering from to be crossing over the remaining section. Mr. Ellison stated the vehicles will be coming in Endless Summer Drive off Substation Road. Mr. Kent asked if that is a finished road. Mr. Ellison stated yes. Mr. Kent stated Mr. Ellison just said that could be a problem with the heavy weight of the construction vehicles. Mr. Ellison stated the potential is there but when the vehicles are coming in there, the vehicles are pretty much going straight whereas when the vehicles are coming out, they are making a turn. Mr. Ellison further stated it is really the turning action which can cause the damage.

Mr. Thompson asked Mr. Ellison if he was aware of Mr. Evans' recommendation to leave \$30,000.00 in the bond. Mr. Ellison stated yes, he is OK with the recommendation. Mr. Gordon asked if \$30,000.00 was enough. Mr. Gulbranson stated yes, according to the estimate by

Melvin L. Joseph. Mr. Kent asked Mr. Gulbranson if this would have any bearing relative to the construction bond only because Miller & Smith is going to use it as a construction entrance. Mr. Gulbranson stated the \$30,000.00 will be held until Melvin L. Joseph is completely finished with the paving so if there are issues which arise between them, the Town will still have the money to finish the street. Mr. Kent stated it was explained to Council something having to do with curbs was the reason for the price going to \$30,000.00. Mr. Gulbranson stated yes, there are several sections of curbs which need to be replaced. Mr. Kent asked does the \$30,000.00 handle the curbs. Mr. Gulbranson stated the \$30,000.00 is to put down a base coat and to replace the curb, which will be replaced quickly. Mr. Kent asked if the \$30,000.00 would be sufficient. Mr. Gulbranson stated yes. Town Manager Debbie Botchie stated, according to the URS engineer Rick Davis, the \$25,000.00 would even be sufficient.

Mr. Kent motioned to reduce bond PB03010400611 from \$556,069.00 to \$30,000.00. Mr. Gordon seconded the motion. Motion carried 4-0.

**D.** Discuss and possible vote on a minor subdivision plan application submitted by Millville Seaside Properties II, LLC; in MBTS / Lakeside Village. The applicant is requesting a relocation of lot lines for lots 259 and 260. *Synopsis:* Millville Seaside Properties II, LLC is looking to expand lot 259 by 2.26 feet and lot 260 by 3.19 feet, and doing so would decrease the open space by 275 square feet. The Town Planning & Zoning (P&Z) Commission approved the recommendation at its regular meeting on October 20, 2014, with the condition of “requesting the developer to put in a capital improvement,” such as a pergola, bench or something of that kind on the corner area.

Mr. Ellison stated when Miller & Smith’s production team designed the two-story homes now in Summerwind Village, there was a small “cut-out” in the back designed so there could be a covered porch. Mr. Ellison stated Miller & Smith found out the small size was a little too small for most of the purchasers, so Miller & Smith made the decision to make the cut-out a little bigger and have been increasing the size of it on Miller & Smith’s model homes because there was plenty of room for it on that lot. Mr. Ellison further stated on all of the lots in Summerwind Village that Miller & Smith have designated for the two-story homes – with the exception of these two lots – there is plenty of width to build the additional width of the porch so the cut-out will fit in. Mr. Ellison stated on these two lots, they sit on the inside of the curb, and when that happens and the side lot line is radial to the curb, the lot narrows down a little bit in the back, and these two lots narrowed down a bit too much to support the larger screened porch. Mr. Ellison stated the request is to make the lots a little bit larger so Miller & Smith can put the larger porch on those two properties. Mr. Ellison further stated, with respect to the open space, Miller & Smith was well over the required amount of open space when Summerwind Village was approved somewhere in the 10 to 15 percent range, so even though Miller & Smith is reducing the amount of open space a little bit, Miller & Smith is still well within the Town’s requirements. Mr. Ellison stated, in terms of P&Z’s recommendation, Miller & Smith have no problem putting another bench in.

Mr. Gulbranson stated basically both lots are being shifted over three (3) feet, with each gaining three (3) feet; and P&Z reviewed this and recommended approval but P&Z asked the developer

provide some type of amenity as compensation for the loss of open space. Mr. Kent asked if any remaining lots in this section will all have sufficient space and if the Town will be revisiting this kind of issue with any other lots. Mr. Ellison stated these are the only two lots on a curve so these two lots will be the only lots with this kind of situation.

Mr. Gordon motioned to approve the expansion of lot 259 by 2.26 feet and lot 260 by 3.19 feet, thus decreasing the open space by 275 square feet, on the condition that Millville Seaside Properties II, LLC put in a capital improvement such as a pergola, bench or something of that ilk – of which improvement is to be decided by the developer – on the corner area. Mr. Kent seconded the motion. Motion carried 4-0.

**7. PROPERTY OWNERS/AUDIENCE COMMENTS AND QUESTIONS**

There were no comments. Mr. Maneri rejoined the Council dais.

- 8. ANNOUNCEMENT OF NEXT MEETING** – The next meeting will be the Town’s workshop on November 25, 2014, unless otherwise noted on the Town’s Web site.

**9. ADJOURNMENT**

Mr. Kent motioned to adjourn the meeting at 7:29 p.m. Mr. Gordon seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Executive Assistant