

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
April 11, 2017 @ 7:00 p.m.**

In attendance were Mayor Bob Gordon; Deputy Mayor Steve Maneri; Secretary Valerie Faden; Council Member Peter Michel; Town Solicitor Seth Thompson; Town Manager Debbie Botchie; Town Clerk Matt Amerling; Town Code & Building Official Eric Evans; and Town Finance Director Lisa Wynn. Treasurer Susan Brewer was absent.

1. CALL MEETING TO ORDER

Mayor Bob Gordon called the meeting to order at 7:00 p.m.

2. ROLL CALL

Mayor Gordon stated everyone was present except for Treasurer Susan Brewer, thus there is a quorum.

3. PLEDGE OF ALLEGIANCE TO THE FLAG

4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

- A. Adoption of Town Council Special Meeting & Executive Session Minutes – March 7, 2017
- B. Adoption of Town Council Minutes – March 14, 2017
- C. Adoption of Town Council Workshop Minutes – March 28, 2017
- D. Adoption of Town Council Executive Session Minutes – March 28, 2017

Mayor Gordon stated Council does not have the Executive Session minutes from the March 28, 2017, meeting, so those minutes are not up for review this evening. Council Member Valerie Faden stated she had one change to the March 28, 2017, Town Council Workshop minutes, on page six (6), in the first paragraph, six (6) lines up from the bottom, Ms. Botchie states “Council has the financials from this past November (2016),” when, in fact, Council only has financials from the Millville Volunteer Fire Company (MVFC) dated December 31, 2015. Mayor Gordon motioned to adopt the minutes from the March 7, 2017, Town Council Special meeting, the March 14, 2017, Town Council meeting, the March 7, 2017, Executive Session minutes and the March 28, 2017, Town Council meeting with the correction to page six (6), paragraph one (1), line six (6), as pointed out by Ms. Faden regarding MVFC’s financials. Ms. Faden seconded the motion. Motion carried 3-0-1 abstention from Deputy Mayor Steve Maneri.

5. FINANCIAL REPORT – Mayor Robert Gordon

- A. March 2017

Mayor Gordon read the Financial Report for the month ending 3/31/17.

March 31, 2017:

General Revenue: \$ 89,239. Restricted Revenue: \$ 80,530.
General Expenses: 43,540. Restricted Expenses: 182,551.

Ms. Faden motioned to approve the Treasurer's Report for the month ending March 31, 2017. Mayor Gordon seconded the motion. Motion carried 4-0.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for March 2017 – Town Manager

Town Clerk Matt Amerling stated he heard back from his contact at the Delaware Forest Service, Ms. Kesha Braunskill, and the Town will be awarded the grant in the form of a reimbursement to cover half the cost of both purchasing and planting the trees at seven-hundred-eighty-seven dollars and fifty cents (\$787.50). Mr. Amerling stated he and Town Solicitor Seth Thompson had a few questions on the contract that needed clarification, and Ms. Braunskill informed Mr. Amerling the contract is a simple contract used for all municipalities that win the grant, and the work mentioned within the contract's language the money applies only to the trees which were originally presented to the Delaware Forest Service. Mr. Amerling stated he will sign the contract and send it forward tomorrow. Town Manager Debbie Botchie thanked Mr. Amerling for his work on the grant.

7. CITIZENS' PRIVILEGE, VISITORS, PRESENTATIONS & APPOINTMENTS

There were no comments.

8. NEW BUSINESS

A. Discuss and possible vote on a request from Millville Town Center LLC to release bond #PB03010400588 for Sand Dollar Village II in Millville by the Sea (MBTS). *Synopsis:* A final walk of the affected section was performed on May 23, 2016, and all of the items which needed to be corrected have been completed at this time.

Mr. Maneri recused himself from the dais. Mr. Irfan Ali, of Land Development Consultants (LDC) Advisors, stated LDC has Town Code & Building Official Eric Evans' official report and it states he has not found anything significant and Millville Town Center LLC would appreciate it if Council would please release the bond as requested tonight. Ms. Botchie stated the original bond was one-point-four million dollars (\$1,400,000.00), and what is remaining is seventy-six-thousand dollars (\$76,000.00), and Council last reduced the bond in February 2014. Mr. Ali stated Millville Town Center LLC also posted a warranty bond. Ms. Botchie stated yes, there is a warranty bond for one-hundred-forty-seven-thousand-four-hundred-seventy-nine dollars (\$147,479.00). Ms. Faden asked if the request is to release both bonds. Mr. Evans stated no. Ms. Botchie stated the warranty bond is in place for one (1) year. Mr. Evans stated there is separation in blacktop and there are already contracts in place to have cracks sealed and Summerset Boulevard is not paved with a final top coat yet; however, sections one (1) and two (2) of Sea Star Village will be accessing onto Summerset Boulevard

and go across to tie into the sewer and the water line. Mr. Evans stated it will be “eating up the road” again so to put in the final top coat for Summerset Boulevard would be a waste and Mr. Evans would rather see a nice, smooth coat all throughout rather than a potentially messy patchwork job. Ms. Botchie asked if Summerset Boulevard is between the two villages of Sand Dollar Village and Sea Star Village. Mr. Evans stated yes. Ms. Botchie asked if the language which is in the new public works agreement is adding Summerset Boulevard or adding a section. Mr. Evans stated the Town doesn’t identify public roads in the public works agreement, but the site plan includes Summerset Boulevard and ninety-five percent (95%) of it is in section two (2) of Sea Star Village and five percent (5%) is in section one (1).

Mayor Gordon asked why Council would release a bond if the job is not totally completed, only for it to fall back on a warranty bond; and is the warranty bond set up for issues which may arise after the fact. Town Solicitor Seth Thompson stated that is kind of the framework, but what Mr. Thompson thinks Mr. Evans is trying to say is the section of Summerset Boulevard is covered by a different performance bond. Mr. Evans stated yes. Mayor Gordon stated he just can’t get his head “wrapped around” the idea of the Town getting rid of a seventy-six-thousand dollar (\$76,000.00) performance bond but there is still a one-hundred-forty-seven-thousand dollar (\$147,000.00) warranty bond, the road is not complete yet. Mayor Gordon asked if it would make sense to wait until the job is all done, release the bond under review tonight, and have one (1) year from that date to go on. Mr. Thompson stated when you build in phases or sections, there are often collector streets which feed multiple phases; so as long as that section of street is covered in a different bond, then you can release the performance bond or relate it to the section being fed by that street, but that is not the only bond covering the completion of that street. Ms. Faden asked if Mr. Evans can verify if the part of the street this bond is covering is one-hundred percent (100%) complete. Mr. Evans stated Summerset Boulevard parallels Sea Star Village, and Sea Star Village sections one (1) and two (2) have been approved and bonded. Mr. Evans stated section one (1) and two (2) of Sea Star Village encompasses all of Summerset Boulevard, so they will be tying into Summerset Boulevard because the houses in Sea Star Village face Summerset Boulevard. Ms. Faden asked if the performance bond for Summerset Boulevard is one-hundred percent (100%) covered with another performance bond and not the one up for review tonight to be released. Mr. Evans stated Sea Star Village has a bond for section one (1) and two (2), which covers Summerset Boulevard; and the bond Council is reviewing tonight for release is for the final top coat of phase two (2) of Sand Dollar Village. Mr. Evans stated Summerset Boulevard is also in Sand Dollar Village; however, now, because the way it’s designed, Millville Town Center LLC will be moving that road into Sea Star Village and the rest of the roads in phase two (2) of Sand Dollar Village are complete, even though they have seams which need to be sealed. Ms. Faden stated she thinks what she and Mayor Gordon are getting at is the road is not one-hundred percent (100%) complete and therefore, Mayor Gordon is not comfortable releasing the bond if the road is not fully complete. Mr. Thompson stated it sounds like there are two (2) issues: the location of the street and whether it’s being covered by a different bond; and the sealing of the cracks in a section which everyone agrees is covered by the current bond. Mr. Thompson asked if the Town knew what the contract is on the cost of the sealing of the cracks. Mr. Ali stated, traditionally, when you’re done with putting in the road,

the warranty bond kicks in and, as long as it's being top-coated and paved, and the warranty is for that purpose, so if there are any problems which arise up to a year later, the warranty kicks in. Mr. Ali stated he thinks what Mr. Evans is pointing out is this warranty will take care of that particular issue for this section, and, as far as the other bond is concerned, and all work going forward, that bond will remain in place. Mayor Gordon asked if a warranty bond is to be used to finish a road. Mr. Ron Sutton, of Civil Engineering Associates (CEA), stated the warranty bond itself is only there as default, and LDC is financially responsible no matter what; so if LDC walks away, the performance bond is there to finish anything. Ms. Faden asked will it cost more than the warranty bond to make any corrections or not; and that is why we're asking why should we release more money than you need to. Mr. Evans stated the warranty bond for phase two (2) is one-hundred-forty-seven-thousand dollars (\$147,000.00), but the performance bond for phase two (2), to finish things like the top-coating, is seventy-six-thousand dollars (\$76,000.00). Ms. Faden stated she understands, but the concern here is if the performance bond is used up and then has to break into the warranty bond money, why release a performance bond when there is that possibility and risk having to cut into the warranty bond money, especially when the job isn't done yet. Mr. Thompson stated the bond is designed to serve two (2) different but related purposes; so the performance bond is getting stuff done and the warranty is fixing whatever shows up late. Mr. Thompson stated he doesn't know if it's a good habit to get into using a warranty bond to cover a performance bond. Mr. Ali stated sealing is a little different than completing the work and sealing has to do more with maintenance and the warranty side, but different jurisdictions have different ideas on where that kind of work fits so Mr. Ali will leave it to Council. Mr. Thompson stated he thinks the concern Council has is if Millville Town Center LLC did the sealing until near the end of the one year, and the sealing isn't done properly, there wouldn't be enough money in either bond to cover the work.

Mr. Walter Bartus, of Huntington Street, stated he is president of the Millville by the Sea (MBTS) Property Owners Association (POA), and releasing the bond which is for finishing the work is counterintuitive if the work is not done yet. Mr. Bartus stated he has a site plan showing Summerset Boulevard, which is fully contained within MBTS phase 2B-2, which is MBTS POA, and since the road will be getting torn up and repaired, there is absolutely no reason to release the bond because the work isn't done and all documents Mr. Bartus has say this road falls in the purview of the MBTS POA. Mr. Thompson asked Mr. Evans if the bond Council is not talking about releasing tonight includes in its calculation the work which will need to be done to Summerset Boulevard. Mr. Evans stated whenever the bonds were pulled, they were based on the sections and you go by what is identified in the sections of the curb, the sidewalks, etc. Mr. Evans stated whenever a developer submits a bond to the Town, the Town submits it to AECOM and makes sure the dollar amount matches up to what the developer estimated. Ms. Botchie asked if the master homeowners' association (HOA) will maintain all the roads in MBTS. Mr. Evans stated no; Huntington Street and Pembroke Street are under the master HOA, but the interior roads fall under the POA.

Mr. Steve Maneri, of Pembroke Lane, asked if section two (2) of Sea Star Village is taking this over and finishing it off, and Sea Star Village does not – for some reason – get built right

away, how long will Summerset Boulevard be a disaster – which it is now – and has anyone notified the people who live there about what happens when the road gets dug up, such as mail, deliveries, parking, etc. Mr. Ali stated there has been a transition of property management companies and LDC is in the process of putting in better communication so the residents do get informed of such matters, and, as far as timing is concerned, it is difficult to predict when contractors can get things done, but we're trying to do it as quickly as we can. Mr. Maneri stated timing is very hard but why do people who live on that road have to suffer? Mr. Ali asked for a better recommendation of how to inform the people, to limit the road being tore up and have the work done. Mr. Maneri stated he has no better recommendation, and he knows what it means to be built around in an ongoing construction community, but there should be some idea of when the road will be finished. Mr. Ali stated LDC is trying to get things done as quickly as possible and are working to better implement a notification to residents. Mr. Thompson stated the public works agreement tends to have a deadline where if work isn't done or ceased for a period of time, the letters of credit can be used to finish it. Mr. Thompson stated the other element, from the developer's side, is the developer is paying to have those bonds every year, so there is some impetus there as well. Mr. Thompson further stated there are a few forces at work to get people to finish the roads and get the homes built, but it is a general concern. Mr. Ali stated he is not an employee for IHP but is a consultant to bring this community "back on track" and IHP could've walked away from this project but chose not to and they are trying their best to clear up the mess left by Miller & Smith. Mr. Bartus asked if Mr. Ali wants the Town to release a bond for work that's going to happen and residents don't know when they can use their road again. Mr. Sutton stated if the bond is in place, then the roads are protected. Mr. Evans stated he knows the bond is in place for section one (1) of Sea Star Village. Mr. Evans stated if Mr. Ali can have the cracks sealed in phase two (2), Mr. Ali can return to the next Council meeting and ask for the bond to be recouped, then modifying the warranty bond to change the date.

Ms. Faden stated she thinks Council deny or table this bond tonight and come back to it at a later meeting. Ms. Botchie stated she has heard conflicting information tonight and, based on that, Ms. Botchie thinks this bond needs to be tabled so the Town can go back and look at these bonds and make sure Summerset Boulevard is a part of the bond. Ms. Faden motioned to table the request from Millville Town Center LLC to release bond #PB03010400588 for Sand Dollar Village II in MBTS. Council Member Peter Michel seconded the motion. Motion carried 3-0-1 recusal by Mr. Maneri. Mr. Sutton stated his suggestion the Town require road names, stationing, widths for bonds so the Town can see what exactly it's dealing with.

- B.** Discuss and possible vote on Resolution 17-09. *Synopsis:* If approved, Resolution 17-09 establishes the fee schedule for FY18.

Mr. Maneri rejoined the dais. Ms. Botchie stated the one change to the fee schedule, compared to last year's, was the addition of removable pavers to requiring a building permit, because there are some "not-so-honest residents" that inquire about patios, sidewalks, etc., and say they're just putting in pavers so they don't need a building permit, but the Town comes to find out it is a poured concrete sidewalk with pavers on top, which does require a permit. Ms.

Botchie stated this addition will make it so everyone requires a building permit and Mr. Evans can go out and inspect. Mr. Maneri stated he doesn't see why the fee needs to be sixty dollars (\$60.00) for just pavers. Ms. Faden stated she would like to see a thirty dollar (\$30.00) flat rate fee for pavers and an enforcement schedule for everyone. Mr. Maneri stated he agrees with the \$30 fee. Ms. Faden motioned to amend the paver fee from sixty dollars (\$60.00) to a flat rate of thirty dollars (\$30.00). Mr. Michel seconded the motion. Motion carried 4-0. Mr. Maneri stated his request to Ms. Botchie to notify the Town's communities' HOA presidents, telling them of the new paver fee. Ms. Botchie stated she would do so.

Mr. Thompson stated he also thinks there should be language added to the violations portion on page eight (8) of the fee schedule so people reading the section know that there may be other penalties in the Town Code. Mr. Thompson suggested adding the language, "... unless otherwise provided in Town Code," to the end of the second paragraph under "Violation Fines." Ms. Faden motioned to add the amendment of the \$30 flat rate fee for pavers and the second amendment as per Mr. Thompson's suggestion to adding the language to the "Violation Fines" section, as well as approve the whole Resolution 17-09. Mayor Gordon seconded the motion. Motion carried 4-0.

C. Discuss and possible vote on FY18 Town Organization Chart.

Ms. Botchie stated she sent a detailed email to Council today regarding who the individuals on this chart are and how they were chosen. Mr. Thompson stated if Council wants to establish a committee, it should be done by a separate resolution. Ms. Faden asked if "S. Griffin" is an employee of the Town. Ms. Botchie stated that is Ms. Sally Griffin, a resident of MBTS. Ms. Faden asked who the two (2) residents were on the Parks and Recreation Committee. Ms. Botchie asked Ms. Faden if she had read the email from this morning. Ms. Faden stated no, she was unable to check her email. Ms. Botchie stated Mr. Paul DuCott lives in MBTS, has 30+ years in the education field, and has formerly served on the Town's Planning & Zoning (P&Z) Commission; and Mr. Pat Plocek has 30 years of having worked with GameTime, and Mr. Plocek is a resident of Coventry. Ms. Faden asked if it is in the committee's purview to add additional residents if the committee so desired. Mr. Thompson stated the Council could authorize it and get input from anyone. Mayor Gordon stated this also gets into "how many is enough?" Ms. Faden stated she thinks it is up to the committee to make that determination. Mr. Thompson stated the Council does have to give its "stamp of approval."

Mr. Maneri motioned to approve the FY18 Organization Chart. Ms. Faden seconded the motion. Motion carried 4-0.

9. UNFINISHED BUSINESS

- A. Discuss and possible vote on the FY18 Budget – Town Manager Debbie Botchie & Finance Director Lisa Wynn**

Ms. Botchie stated there were a few minor changes discussed at the March 28, 2017, Town Council Workshop meeting, and those changes have been made. Ms. Botchie stated Ms. Faden had suggested adding Council and their spouses as well as Town staff spouses or significant others to be paid for by the Town at the annual staff holiday dinner. Mr. Maneri stated he is OK with Council attending but thinks spouses should have to pay for themselves and not be on the "Town dime." Mr. Michel stated he was fine either way on whether Council and spouses attend and are paid for in regards to the holiday dinner because it is not a lot of money. Ms. Faden stated she thinks staff and Council get together other than in a professional setting. Mayor Gordon stated his agreement with Mr. Maneri that spouses' dinners should not be paid for by the Town. Mr. Thompson stated Council can make an amendment to the budget before voting on the budget as a whole but it depends on what Council wants to do.

Mr. Thompson stated he knows it came up about selling the Town car and whether there was an official protocol or ordinance to selling a vehicle, but there isn't so the Town can proceed however they would like. Ms. Botchie stated, regarding economic development, Ms. Botchie has emailed the Christmas décor company about the holiday decorations for the poles and is still awaiting a response but the Council can vote on that at a later date. Ms. Faden asked if the pricing estimate for the sum of the new building sign will be added tonight. Ms. Botchie stated that can be added at a later date. Ms. Faden asked if Council is not voting on the transfer tax portion of the budget. Ms. Botchie stated yes, Council is but the budget is a working tool. Mr. Thompson stated the budget is money Council is allocating but doesn't have to spend but if there is more money needed, Council would come back and have a budget revision. Ms. Faden asked if even though the budget is voted on tonight, there is something that could be revisited and changed later as long as it wouldn't go over budget. Mr. Thompson stated yes, the budget is a tool for Town administration to go about spending in the "normal fashion." Ms. Faden asked if the six percent (6%) donation to the Millville Volunteer Fire Company (MVFC) and Ms. Faden's recommendation to reduce that donation can also be revisited at a future Council meeting for reconsideration. Mr. Thompson stated yes, because there are some things that could arise throughout the year which would necessitate a budget change.

Mayor Gordon motioned to adopt the budget for FY18. Mr. Maneri seconded the motion. Motion carried 4-0.

10. CITIZENS' PRIVILEGE

There were no comments.

11. ANNOUNCEMENT OF NEXT MEETING – The next meeting will be the Town Council Workshop meeting on April 25, 2017.

12. ADJOURNMENT

Ms. Faden motioned to adjourn the meeting at 8:28 p.m. Mr. Maneri seconded the motion.
Motion carried 4-0.

Respectfully submitted,
Matt Amerling, Town Clerk