

**MINUTES OF THE MILLVILLE
TOWN COUNCIL WORKSHOP
May 22, 2018 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Susan Brewer, Secretary Peter Michel, Council Member Ronald Belinko; Town Solicitor Seth Thompson, and Town Manager Debbie Botchie. Town Clerk Matt Amerling was absent.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Mayor Gordon led the pledge of allegiance.

3. ROLL CALL

All Council members are present.

4. CITIZENS' PRIVILEGE, VISITORS, PRESENTATIONS & APPOINTMENTS

There were no comments.

5. OLD BUSINESS

**A. MOTION TO RECONSIDER – FOR PURPOSES OF CLARIFYING THE PRIOR
VOTE ON 5/8/18**

Discuss and possible vote on a Conditional Use Application submitted by Davis, Bowen & Friedel, Inc. on behalf of Millville Residential, LLC for the Millville Town Center 3 Subdivision. The proposed subdivision is located on TMP#134-12.00-396.00 and zoned RPC. *Synopsis:* The applicant is requesting a conditional use for 24 townhomes on less than 10 acres; the existing parcel is 4.2892 acres. The Millville Planning & Zoning Committee (P&Z) approved 2-0 to recommend to Town Council to approve the Conditional Use Application at its March 9, 2018, P&Z Meeting. At the May 8, 2018 Meeting, the Mayor and Council explained reasons for not approving the application but then technically voted 0-5 on a motion to disapprove the application.

Town Solicitor Seth Thompson stated there was a technical deficiency to vote to disapprove the conditional use, and the five (5) votes voting “no” meant no to disapproval. Mr. Thompson stated he understands the intention was to disapprove so tonight’s item is just to get the disapproval on record.

Mayor Gordon motioned to reconsider. Council Member Susan Brewer seconded the motion. Deputy Mayor Steve Maneri voted yes. Council Member Ronald Belinko voted yes. Council Member Peter Michel voted yes. Ms. Brewer voted yes. Motion carried 5-0.

Mr. Thompson stated if Council wants to vote to disapprove, they may do so. Mayor Gordon motioned to disapprove the Conditional Use Application. Mr. Belinko seconded the motion. Deputy Mayor Steve Maneri voted yes due to the traffic and the same reason

previously stated. Council Member Ronald Belinko voted yes due to density of the project and the same reason previously stated. Council Member Peter Michel voted yes due to the same reason previously stated. Ms. Brewer voted yes due to the same reason previously stated. Mayor Gordon stated yes due to the same reason previously stated. Motion carried 5-0.

6. NEW BUSINESS

- A.** Discuss and possible vote on the creation of a Public Liaison Committee to help address residents' questions and concerns. – Deputy Mayor Steve Maneri

Deputy Mayor Maneri stated he would like to have some kind of committee to meet with all of the Town's homeowners' associations (HOAs), and hear what their issues are, what the Town can do to help with these issues, and to hear what the Town has in its Code so the HOA architectural committees can follow along in their respective laws. Mayor Gordon stated since Mr. Maneri brought this to the agenda, there have been many discussions as to what is the best avenue to talk to the HOAs and whether the Town holds these meetings on the HOA's turf or at Town Hall. Mayor Gordon stated he is one who's not really pushing for a committee, but Mayor Gordon would like to see Town Hall utilized similar to Senator Hocker's coffee meetings, sending out notice to let HOAs know they can come to the meeting and bring concerns and questions to address. Mayor Gordon stated he doesn't really want a committee with three (3) Council members as that would constitute a quorum, and thinks the meeting should take place at Town Hall so if one of the topics has to do with a specific issue such as, for instance, finance or budget, Town Finance Director Lisa Wynn can be present to answer any questions; as well as having the discussions recorded so any questions can be transcribed and responded to accordingly. Mayor Gordon stated he wants to make sure the information given to the HOAs are consistent and up-to-date, and the experts on the Code are the Town administrative staff, so it would be beneficial to have the meeting where the staff works.

Mr. Thompson stated he understands there are issues the Town Code may not address and he thinks that what Mr. Maneri wants to address. Mr. Maneri stated there is a lot of conflicting information going around about what the builders and the Town are saying about the other, so let's get it all straight for the townspeople and the HOAs. Mr. Maneri stated he thinks there should be something like a Town Hall session so if the HOAs have a problem, the Town should be involved and help them out if the Town can. Mr. Thompson stated it's important to know the interplay between the HOAs and the Town in that there are certain things the Town is not involved in. Mr. Thompson stated it sounds to him like there is concern with misinformation about what the Town is doing and its role in overseeing the development process. Mr. Thompson stated there is also the Freedom of Information Act (FOIA), with which people can walk into Town Hall – or write in – and request to see any information regarding, for instance, what agreements there are between the development and the Town.

Council Member Ronald Belinko stated he's a resident with a HOA, but, at the same time, Mr. Belinko thinks the Town should be looking out for all of the citizens of Millville. Mr. Belinko stated HOAs have a unified front and from how this committee is being discussed is

this would target for HOA communities more than those without a HOA. Mr. Belinko stated there are three (3) people on Council who are part of a HOA, and it is our responsibility as a Council person to speak for the Town if invited to speak at functions. Mr. Thompson stated he thinks Mr. Belinko is right in the sense that everybody on Council is elected town-wide, so Council members have a duty to hear out their constituents and advocate for them. Mr. Maneri stated these meetings would not just be for HOAs but for the whole Town. Mr. Maneri further stated the reason he pointed out HOAs is because, unfortunately, a majority of the Town has HOAs, and anybody can come to Council members and ask questions. Mr. Belinko stated there is an ombudsman on the State level to specifically handle any HOA concerns, and in the attorney general's office there is a whole process on how to handle HOA concerns. Mr. Maneri stated all the Town would do is hear what the people are saying and tell them what Council and staff of the Town can do. Mr. Belinko stated there are mechanisms in place to address HOA issues, and if a Town HOA wanted him to come address an issue, he would do a PowerPoint presentation with the Town information and present it at their HOA meeting. Mayor Gordon stated the decision doesn't fall all on the mayor, and he is just trying to find something that works so everybody who is a resident has a voice if they have a concern. Mayor Gordon stated he would love to walk into a Tuesday night Council meeting and see the seats packed full, but he has not seen that yet since he's been on Council. Mayor Gordon stated there is a lot of misinformation out there as to the responsibility of the Town and what the Town can do to help the HOAs. Council Member Peter Michel stated right now the Town is in the newspaper (for public hearing announcements and meeting reminders), online (via the Town website, Facebook page, and email), and this (indicating the meeting attendance) is all the Town gets. Mr. Michel stated there was a HOA issue in Bishop's Landing and almost fifteen (15) people contacted the Town staff – whether they came to Town Hall in person, emailed, or phoned – and it was taken care of, and the staff do a great job fielding questions and concerns and getting answers as soon as possible. Mr. Michel stated he doesn't think the Town can make it any easier because of the newspaper and online posts, as well as the Town Hall being open 8:30 a.m. to 4:30 p.m., Monday through Friday, and calling here to get an answer; and if you don't get an answer right away, they will get back to you as soon as possible. Mr. Michel stated if the HOAs want, the Town should contact each of the HOAs through their contact person via email and take any questions or concerns they have. Mr. Michel stated if you have something like a coffee and doughnut meeting, it will be the same people attending these meetings and there simply won't be as many people in attendance. Mr. Michel stated the Town could go to the HOA meetings and outreach.

Mr. Thompson stated he thinks the HOAs has an organizational component which allows for an easy dissemination of information; and it is important to understand the difference between local government and a HOA – in that government has a lot of rules which apply to the Town, and a HOA is more contractual in nature, meaning by buying into a HOA with the covenants, the buyer is agreeing to a contract and there are State laws which regulate said contract. Mr. Thompson stated the Town has a relationship with the HOAs in the sense that the Town regulates the development process and the HOA has an interest in making sure that development process is done correctly because the HOA is ultimately the recipients of the streets, open space, etc. Mr. Thompson stated there is interplay between the two (2) entities but they really are separate items; local government is designed to promote the

health, safety, and welfare of the general public. Mr. Thompson stated if he wants to live in a neighborhood which requires much nicer houses or doesn't allow you to paint your house anything other than a natural color or put up a wash line, that is Mr. Thompson's choice but those things are not the subject of ordinances because they are more aesthetic as opposed to health, safety and welfare. Council Member Susan Brewer stated every HOA has a different set of governing documents that has to be followed.

Town Manager Debbie Botchie stated a little while ago, she was invited to a Windhurst Manor HOA meeting to speak to them on several items such as transfer tax, what the Town does with property tax, how does the Town regulate its finances, etc. Ms. Botchie stated the HOA gave her a few topics to speak about, and Ms. Botchie did a PowerPoint presentation to them, and it was a nice one (1)-hour talk. Ms. Botchie stated she was just asked by Ms. Jacki Slonin of the Millville by the Sea (MBTS) master HOA to come speak over there, and Ms. Botchie is waiting to see what is decided tonight before confirming a meet. Ms. Botchie stated she has had conversations with Town staff and staff is more than willing to do what needs to be done to address concerns. Mr. Thompson stated maybe Ms. Botchie could make a generic, informative PowerPoint presentation regarding HOAs and post it on the Town website. Ms. Botchie stated the Town posts a lot of information on its website, and the best procedure for someone with concerns is to come into Town Hall and directly ask staff their questions or address their concerns directly. Ms. Botchie stated there was a bad email recently circulating to the HOAs with incorrect information – and Ms. Botchie has been told the email has not been retracted yet – but Ms. Botchie talked to several residents in HOAs who received the email, questioning it, and these are the things the Town doesn't want happening, so come “to the horse's mouth” and get information there. Mayor Gordon stated the plan is to get some kind of avenue to address the same issues by putting it online or so forth. Ms. Botchie stated the Town staff and Ms. Botchie have no problem if residents want to come to Town Hall or if they want the HOA representatives to get the information – and hopefully, the representative will get it right because that was the instance with this bad email – the staff have no problem going to a HOA when they have a meeting.

Mr. Walter Bartus, of Huntington Street, stated there is an educational aspect to this due to the tremendous level of ignorance and it may be pertinent to drag in the developers to make sure the developers are aware because residents are constantly being told by developers they “had no idea about” a certain issue. Mr. Bartus stated this is more of an educational issue than simply a coffee and doughnuts meeting, and if something comes to light, it can be addressed.

Mr. Dave Moeller, of Coventry, stated he is very much in favor of what Mr. Maneri is proposing because other HOAs may come to the Town individually with questions or concerns, but there may be a topic of which a resident doesn't even know they should be asking the question, and if everyone is together, there may be an “A-Ha” moment. Mr. Moeller stated the problem is typically not between the HOA and the Town, but between the builder and the homeowner, and the HOA is stuck in the middle; and maybe the reason the Town can't get involved is because it's not allowed to. Mr. Thompson stated the Delaware Uniform Common Interest Ownership Act (DUCIOA) is something where there is no Town involvement because it's State Code, and Mr. Thompson understands this could be an event

where different HOAs communicate with one another, but when it comes to the developer not appointing someone onto the HOA in compliance with DUCIOA, that is not a Town issue and the Town has no involvement. Mr. Thompson further stated if the developer isn't building the roads correctly, the Town can get involved but the complaint wouldn't get filed under DUCIOA. Mr. Thompson stated there are certain things which fall under purview of the Town and certain things which are outside of it, and there will be times when the Town will say it has no control over a particular issue. Mr. Moeller stated he knows there is information put up on the website but it still doesn't seem like enough coverage. Ms. Botchie stated a resident can always come into Town Hall, the Town is open 8:30 a.m. to 4:30 p.m., Monday through Friday.

Mr. Glen Faden, of Beach Plum Drive, stated he thinks Mr. Maneri's idea has some relevance but the Town is open during the day and the staff are very receptive to emails and phone calls, and when someone does come in to visit, the staff is more than willing to show you whatever the Town has, give you information, or direct you to the person who can further explain any answers to questions you have, if necessary. Mr. Faden stated he finds this very useful and believes, with the monthly Council meetings, if a HOA has a concern or an issue, this is the venue and the time to bring up these issues to the Council. Mr. Ronald Lips, of Juniper Court, stated he believes the stop sign at Hooked Up Restaurant is too far inland, away from the intersection, and people either run through it or do a short stop. Mr. Lips stated when he brought it up to the Town, he was told it was an HOA problem, but doesn't the Town have authority to draw a line to show where to stop. Mr. Lips stated he was told the Town doesn't do that and Mr. Lips guesses an attorney will have to address that when an accident happens, and that is one example of the Town being in charge of the residents' safety. Ms. Botchie asked in regards to the stop sign, wasn't there a stop sign at the end of the development when leaving so a driver could see people coming? Mr. Lips stated there is a stop sign there and it's too far in towards the Giant Shopping store and the sign could be moved more outward, as well as Mr. Lips suggesting a white strip be painted on the road to show there is a stop to be made. Ms. Botchie stated she came up Town Center Drive today and when she came up to the intersection, she noticed the sign missing. Ms. Botchie stated she would address the issue and take care of it.

Mr. Paul DuCott, of Huntington Street, stated he thinks Mr. Maneri is on the right track and thinks the Town should have at least one (1) educational meeting on the process and procedure of Town Hall because he knows there are people in his neighborhood who don't know what the Freedom of Information Act (FOIA) is, and Town Code & Building Official Eric Evans could come in and talk about basic Code and what the Town can and cannot enforce; overall, it would be beneficial to the residents. Ms. Botchie stated every staff member has their expertise – for instance, Town Clerk Matt Amerling is the FOIA Coordinator – and there is a lot the Town can do to educate, but the Town needs the right direction from Council. Mr. Moeller stated he still goes back to the HOAs because one HOA may come in and ask questions another HOA may not have thought of but needs to know and it would be beneficial to others.

Mr. Thompson stated he doesn't know if a committee is a necessary vehicle but rather there could be an education session. Mr. Belinko stated he thinks an education session is more

along the line of what is needed. Mr. DuCott stated he thinks it's important the builders and developers be reminded people are coming in to Town Hall, asking the right questions and the residents are giving them the right information, so the builders and developers should stop their nonsense. Mr. Bartus stated Mr. Michel mentioned the Town sending an email out to the HOA representatives so they can brief their residents but that reminds Mr. Bartus of the old "telephone game" at school where you can e-blast something to a few people and it has a broader reach if it has impact on what would be of interest, much like a survey. Mr. Bartus stated the Town may put stuff on the website but Mr. Bartus misses half of the stuff because life intrudes and a person just doesn't get it, so an e-blast may be something to explore.

Ms. Botchie stated a suggestion of putting a plan together and returning to Council to present it. Mayor Gordon agreed. Ms. Botchie stated should a session meeting happen, the Council chambers only holds one-hundred-twelve (112) people, and the Town has ten (10) HOAs, some of which aren't very active, so there isn't adequate space to have a lot of residents from all communities attend at once. Ms. Botchie asked if these sessions should be open to just HOA representatives or all residents. Mr. Maneri stated he would rather see people go to the HOA representatives and have the representatives attend the session. Mayor Gordon asked the audience if they believe their HOA representatives would accurately give information to their residents. A majority of the audience stated yes.

7. CITIZENS' PRIVILEGE

There were no comments.

8. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MTG., JUNE 12, 2018

9. ADJOURNMENT

Ms. Brewer motioned to adjourn at 7:54 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk