

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
December 11, 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 Clerk Matt Amerling. Town Manager Debbie Botchie was absent.

1. CALL MEETING TO ORDER

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

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

Mayor Gordon stated everyone was present except Town Manager Debbie Botchie.

4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

A. Adoption of Town Council Minutes – November 13, 2018

B. Adoption of Town Council Workshop Minutes – November 27, 2018

Treasurer Susan Brewer motioned to adopt the November 13, 2018, Town Council minutes, and the November 27, 2018, Town Council Workshop minutes. Secretary Peter Michel seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Susan Brewer

A. November 2018

Treasurer Susan Brewer read the Financial Report for the month ending 11/30/18.

November 30, 2018:

General Revenue: \$ 102,286. Restricted Revenue: \$ 40,538.

General Expenses: 70,046. Restricted Expenses: 12,420.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for November 2018 – Town Manager

Mayor Bob Gordon stated the Holiday Market this past Saturday had an excellent turnout, and this evening fourteen (14) of the pole Christmas decorations have been put up and are on. Mayor Gordon stated the Town purchased six (6) new pole decorations and the six (6) new poles will be turned on tomorrow night. Town Clerk Matt Amerling stated his thanks to everyone who helped out at the Holiday Market, particularly the Town Volunteers – Patty Moulder, Brenda Fegelein, Maggie King, Trudi Lombardi, Kathy Morrison, and Maureen Walker – as well as Town employees Eric Evans and Anna Scarola. Mr. Amerling stated he is happy to report the Town, through its raffle ticket sales thanks to the many donations given by local businesses

and vendors, raised seven-hundred-seventy-five dollars (\$775) to donate to the Ronald McDonald House of Delaware.

7. OLD BUSINESS

- A.** Discuss and possible vote on Ordinance 19-08, which will amend the Town Code at Chapter 33, entitled “Planning and Zoning Committee.” Ordinance 19-08 was previously discussed at the November 27, 2018, Town Council Workshop meeting.

Town Solicitor Seth Thompson stated this ordinance has the Planning and Zoning Committee, which is what the Town is currently using, turning into a Planning and Zoning Commission (P&Z), which the Town once used in the past. Mr. Thompson stated some aspects to reiterate for those who were not at the Council Workshop meeting are the P&Z have four (4) big duties they work on: (1) they work on the Comprehensive Plan; (2) they work on any zoning changes, such as going from a C-1 to a C-2, or if Council wants P&Z to review a proposed change to the regulations within the zoning district; (3) they would review site plans, doing the preliminary review of those plans; and (4) they would review subdivision site plans if someone wanted to subdivide a parcel into multiple parcels. Mr. Thompson stated the P&Z is largely a recommending body so they are the set of eyes which reviews something and makes a recommendation to Council. Council Member Susan Brewer asked Mr. Thompson to explain the staggering terms of service. Mr. Thompson stated in new subsection A, the notion is the Town can have five (5) to nine (9) members on P&Z, and those members’ terms of service are staggered so everyone serves a three (3)-year term with the exception of those people who start off in the beginning with a one (1)-year term or a two (2)-year term so the Commission isn’t turned over at the same time every three (3) years. Mr. Thompson stated the Town is cognizant it’s not always easy to get people to volunteer (on P&Z) even though these are important positions, but, fortunately, the Town has been run well. Mr. Thompson stated the qualifications to be on P&Z is the person has to be twenty-one (21)-years-old, they have to be “bonafide” residents – meaning they have to be full-time residents – and they have to have an interest in urban and rural planning development. Mayor Bob Gordon asked when the Town had the five (5)-person P&Z three (3) years ago, was there a three (3)-year term for those members at that time? Ms. Brewer stated she doesn’t remember any terms. Mr. Thompson stated it might be the people served until they wanted to leave. Mr. Thompson stated it’s difficult to get people to serve when there is an indefinite term; it’s a disincentive because if there’s “not a light at the end of the tunnel,” Mr. Thompson doesn’t know how inclined people are to serve. Council Member Ron Belinko stated a two (2)-year term may be more attractive to a newcomer rather than a three (3)-year commitment. Mr. Thompson stated the language in the ordinance allows for that because if there is a person coming onto P&Z who is unsure about whether it will be the right fit for them, they can opt to serve the one (1)-year term. Town Clerk Matt Amerling stated if a person is on a three (3)-year term, however; if that person should need or want to resign early, they are free to do so as this isn’t some forced position. Mr. Thompson stated if the Town has nine (9) people who are interested but can’t always attend meetings, it’s almost better if you don’t have all nine (9) because you need at least five (5) for a quorum. Mr. Amerling stated if some of the P&Z

members cannot attend, the Town Manager and/or Code & Building Official would “step in” as alternates. Mr. Thompson stated yes, this would only happen if there were not a quorum because it will be difficult to get everyone together at the same time. Secretary Peter Michel asked if there are five (5) people to fill the P&Z and five (5) people from Bishop’s Landing, for instance, applied, wouldn’t the Town have something in place to prevent five people – or a majority of the P&Z – be on the P&Z from one particular development/community? Mr. Thompson stated yes, in terms of a conflict of interest, someone who lives in a development and serves on P&Z may not have a vote on said development due to the conflict of interest, just like Council must recuse themselves from a vote if it deals with their community. Mr. Belinko stated as a Council who appoints the P&Z members, it is the responsibility of Council to appoint individuals who have an interest in all of Millville and not just their community/development. Mr. Amerling stated yes, ultimately it will be Council who chooses who is on the P&Z Commission.

Ms. Valerie Faden, of Beach Plum Drive, stated her recommendation is to strike the last sentence of subsection A, allowing the quorum requirement be filled by staff people because Ms. Faden feels it is a definite conflict of interest, particularly if there were only three (3) people on the commission for a meeting, and two (2) of which are staff people making a recommendation for a decision. Ms. Faden stated she thinks the purpose of this commission is to have an independent set of people look and make recommendations to Town Council, and Ms. Faden feels the staff already provides significant input to Council prior to a meeting, and does not need to have the authority to serve on the commission and have a power to vote for that commission. Ms. Faden stated she thinks with previous conversations with Council and its desire for more community engagement, Ms. Faden doesn’t think this particular policy with that sentence in it reaches that desire of the Council for more community engagement. Ms. Faden stated if the Town wants to engage more people in the community, Ms. Faden thinks it would be helpful to advertise that Council is looking for people to serve, beyond just posting something on the Town website. Ms. Faden stated she would be willing to serve on the commission and if the Town needs help recruiting additional people, Ms. Faden would be happy to find five (5) or four (4) other people to serve on the commission. Mayor Gordon stated Council had discussions at its workshop regarding the distribution of the notice, and whether to get the announcement on the website as well as in the newspaper and distributed to the homeowners associations (HOAs), because Mayor Gordon thinks it would be a perfect thing so nobody from Town staff could vote on anything coming before the P&Z. Ms. Faden stated the P&Z should have the same requirements as any other group that meets, and it includes having the required number of people to hold a meeting. Ms. Faden stated in the ordinance presented tonight, it says there only needs to be three (3) people to represent a quorum in order to vote, so there could theoretically be one non-staff person on and two (2) staff people on the P&Z to vote; and to have a majority of staff people getting to vote, Ms. Faden thinks that is inappropriate. Ms. Faden further stated it’s not that staff can’t vote, they just shouldn’t have a majority of the vote.

Deputy Mayor Steve Maneri stated he thought the staff on the P&Z would only be on

the P&Z at the beginning its reformation, just to answer any questions the new members may have, and not to vote. Mr. Maneri stated he understands having staff on hand in an advisory sense because there are a lot of things coming up for review soon, and to throw the new commission members “into the fire” is not good. Mr. Maneri stated the reason there are two (2) staff members on the commission is just to help out the new commission members in the beginning, and once they’ve had some experience, it would be just the members. Ms. Faden stated she doesn’t have an issue with that aspect, but her issue is in subsection A, where it gives those staff people the ability to create a quorum when one doesn’t exist with the non-staff people members. Ms. Faden stated if Council gets rid of the one sentence at the end, the rest is fine. Ms. Faden stated the commission can serve and have a meeting with only three (3) people, but the staff should constitute a majority of the quorum. Mr. Amerling stated he understands Ms. Faden’s point, and the language which really makes out what Ms. Faden is stating is the one part at the end of the sentence she wants omitted, which reads “... and may exercise all the powers of the regular members of the P&Z Commission.” Mr. Thompson stated he thinks this is a case of “once bitten, twice shy,” in that the Town is concerned it won’t be able to get a quorum of commission members – because it happened before – and applications for review will just sit there month after month without having a meeting. Mr. Thompson stated he doesn’t think Town Manager Debbie Botchie or Town Code & Building Official Eric Evans really want to do this and Mr. Thompson agrees it would be ideal if the administration doesn’t serve on the commission; and the reality is if a quorum of the commission shows up, it won’t come to such a predicament as having staff members in a voting capacity. Mr. Amerling stated the concern is with situations such as at one monthly meeting, four (4) or five (5) people can’t show up, so when another meeting is scheduled, four or five different people can’t show up, and so on. Mayor Gordon stated that situation is what the Town faced before and there was a lot of information the Town was sitting on because there weren’t enough people to review and recommend. Ms. Faden stated maybe there should be written into the ordinance a requirement of a commitment to service as opposed to trying to fill in the commission with staff. Ms. Faden stated she knows the human tendency is to work with people who we are familiar with, but sometimes that doesn’t always end up in the best business relationship. Mr. Thompson stated the problem with government is that it is not like a regular business where if a meeting is cancelled, one is rescheduled right away or the next day; Town government has to follow policies and laws such as the Freedom of Information Act (FOIA) which states a meeting agenda must be advertised seven (7) days in advance before said meeting. Mr. Amerling stated if there is a public hearing, the agenda must be advertised fifteen (15) days in advance. Mr. Michel stated after the P&Z makes its recommendation, the item up for review comes before Council and neither the Town Manager nor the Code & Building Official get a final vote at this level, so Mr. Michel doesn’t see the issue. Mr. Michel stated he understands Ms. Faden’s concern and he supports it, and he hopes eighty (80) people apply for the P&Z. Ms. Faden stated as long as the notice is advertised well, she thinks there won’t be a problem getting people, but she finds as people move here, they don’t know what’s available to them. Ms. Faden stated she thinks there’s not a lot of information going out, and people have to rely on the local newspaper for any Town notices, but if someone doesn’t catch that

paper, they've missed it. Ms. Faden stated there is an impetus placed on the residents and municipal government to try and find other ways to communicate with people, whether it's the Call-Em-All list or any other way the Town get information out to its constituents. Mr. Michel stated the Town is not only in the newspaper, it also is up on its website, Facebook, Town Hall is open Monday through Friday, 8:30 a.m. to 4:30 p.m., and, in the case of the P&Z announcement, the Town will send it via email to the HOA representatives, who can distribute to their community members. Ms. Faden stated she doesn't know what percentage the HOA representatives are and what percentage of them will get the message versus all of the Millville homeowners. Ms. Faden stated just because the Town sent an email – Ms. Faden and her husband are diligent and she will be the president of her HOA – but Ms. Faden can't be sure the Town sent out the email to another HOA and the HOA will actually distribute the information. Ms. Faden stated yes, the Town has done what it has to do but there is no way to know if those people actually heard there is a need to fill (the commission). Ms. Brewer asked Ms. Faden what she would suggest for a communication system. Ms. Faden stated there is the Call-Em-All list, or other ways on the website maybe to be more proactive, or to tell people they need to check the website often, or maybe have general meetings with the community to get more engagement, or maybe there are ways to look in the Comprehensive Plan to figure out what is the best way to reach all of the people who are full-time residents.

Mr. Thompson stated Council has the option of striking or amending the language in subsection A and putting its faith in the citizens to come out for the commission and show up for the P&Z meetings. Mr. Thompson stated the County's approach to this is if their P&Z doesn't get their report together by a certain time, the item is deemed to be recommended for approval and it goes forward for Council review. Mr. Belinko asked if any other citizens have any comments. Mr. Dave Moeller, of Blue Heron Drive, stated what Mr. Thompson proposed may not be a bad idea because P&Z only makes a recommendation, which Council has to make its own decision on. Mr. Moeller stated if something is ignored long enough, it will still get to Council for a vote. Mr. Thompson stated yes, so that's a different approach that if P&Z goes three (3) months without getting a quorum, at that point, there just won't be a recommendation from P&Z and it will go on Council's agenda, and it will be deemed recommended for approval by default. Mr. Thompson stated something such as if P&Z doesn't take up an application within sixty (60) days, it could move forward; and Mr. Thompson asked Council if they liked that timeframe. Mayor Gordon stated he would say sixty (60) days, which gives the P&Z two (2) chances – if they meet once a month – to review. Mr. Thompson stated they could set up language so if P&Z doesn't have a hearing for an application within sixty (60) days, it could move forward to Council for review. Mr. Thompson stated it may take him a little while to draft this section. Mayor Gordon stated he'd rather Mr. Thompson make sure this is right and word it properly, taking into account Ms. Faden's recommendations, to see what is the best avenue. Mayor Gordon stated he agrees one of the reasons Council is here discussing this is because, lately, the Town has had two (2) staff people and a Council person sitting on the dais and doing P&Z work. Mr. Thompson stated getting enough people was obviously a concern and if the five-person committee had worked before, the Town wouldn't have had to go to two

(2) staff members and a Council person sitting on P&Z, but hopefully there are enough people interested enough, able and willing to serve on P&Z now. Mr. Maneri stated he thinks there are enough people interested and willing to serve. Mr. Amerling stated he agrees with Mr. Maneri, and those who sign up will be “all in,” but, as Mr. Thompson alluded to earlier, the last sentence in subsection A is really just a “last resort” of just in case there wasn’t enough for a quorum; but the language can be changed to put the residents at ease. Ms. Brewer stated there already is a section in the ordinance about a member who fails to attend seventy-five percent (75%) of the scheduled meetings in a twelve (12)-month period, the person can be replaced.

Mr. Dennis Hartline, of Blue Heron Drive, asked if there will be a chairman for the P&Z. Mr. Thompson stated yes, a chairperson. Mr. Hartline stated maybe the Council will look for the P&Z to police itself in terms of getting items reviewed as well as making sure a quorum is present, and that policing will and should be led by the chairperson. Mr. Thompson stated yes, it’s like how Council has one (1) set day when they meet so they know, and the P&Z can decide upon one (1) set day and time as well. Mr. Maneri stated yes, the P&Z can get together and determine which day and time will be best for them. Mr. Amerling stated that sounds great as long as the P&Z doesn’t take too long to make a decision, and make sure they don’t set a day only weeks later to change the day to a different day; they must make a decision and stick with it. Mayor Gordon stated when it comes time for Council to review applicants, they can ask about day and time because some applicants may be good for 1:30 p.m. or 5 p.m. or 7 p.m. Mayor Gordon asked Mr. Thompson since Council will not have a workshop this month, could Mr. Thompson have the ordinance worded so Council can put it on its January 8, 2019, agenda? Mr. Thompson stated yes.

8. CITIZENS’ PRIVILEGE

Ms. Patricia Moulder, of Tybee Street, and Chairperson of the Millville Volunteers Group, stated the Millville Volunteers Group has accomplished many great things this past year, including making welcome bags for new Town residents; taking down and setting up the Town Christmas tree; working on mailing out the entire Town’s property tax bills which has majorly grown in the past few years; having the volunteer appreciation dinner in April at the Big Fish Grill, which was wonderful; working with the Sussex County Foster Children, filling up seven-hundred (700) Easter eggs with the volunteers’ own money to give to the foster children at Easter during an Easter egg hunt; in August, there was a school supply drive, with some volunteers sitting at Hocker’s, to collect school supplies for foster kids, which was delivered to the Pyle Center; putting together thirty-eight (38) backpacks full of toiletries and various items for foster kids being present at Lord’s Landscaping’s hosting of the Bethany-Fenwick Chamber of Commerce business event in late September; assisting at the Town’s Great Pumpkin Festival, which was a beautiful day and wonderful event; having a table set up at Ocean View’s Cops & Goblins festival, buying candy for the kids out of the volunteers’ own money; collecting items for the Stockings for Soldiers program, which the volunteers collected so much, they needed to use the Town truck to take it to the donation drop-off point on October 31; flier distribution for events; helping out with raffle ticket sales and helping vendors for the Town’s Holiday Market; and the dedicated office volunteers, including Brenda Fegelein, Maggie King,

Trudi Lombardi, and Maureen Walker, who come in each week to help Town staff. Ms. Moulder stated she has one problem and that is the Town needs more volunteers. Ms. Moulder stated her thanks to Mr. Amerling for making a volunteer application brochure to distribute, but Ms. Moulder needs more volunteers. Ms. Moulder stated if anyone has any ideas, please let Ms. Moulder know. Ms. Brewer stated the volunteers have done a lot and thanked them for their service. Mayor Gordon stated people don't know how many people it takes to run an event, and the volunteers are a huge part of that so he is thankful for them. Mr. Amerling stated his thanks as well.

Mr. Karl Beers, of Whiteclay Drive, stated he went to the recent meeting of the flood relief channels, also known as tax ditches, and there is at least one house in Coventry whose property gets flooded whenever it rains and there's not much water moving through the ditches because the ditches have been neglected for so long. Mr. Beers stated it was his first opportunity to go to one of these tax ditch meetings and Mr. Beers was appalled at the dollars and cents (the Tax Ditch Association president) John Gaffney has to work with. Mr. Beers stated he would like to propose to the Town a request that the Town financially assist with Mr. Gaffney's "operation." Mr. Beers stated Mr. Gaffney sent out seven-hundred (700) postcards – Mr. Beers is assuming is the number of people directly involved with the Derrickson flood relief channel – and there were five (5) people at the meeting. Mr. Beers stated if everyone gives what Mr. Beers gives, which is about three dollars (\$3), that would be around two-thousand dollars (\$2000), but some gave more depending on the size of their lot. Mr. Beers stated if you walk the tax ditch, it's scary what is in there – things such as mattresses – people use the ditches as a place to throw their trash. Mr. Beers stated he and fellow Whiteclay Drive resident Boyd Will got their section of tax ditch cleaned up pretty nicely now but, after the brush was cleared away, Mr. Beers found a sedimentary control filter about twelve feet by twelve feet (12'x12') and they hook a line into it to pump the water into it, and water comes out while muck stays in. Mr. Beers stated he had to hook it up to his truck to haul it out of the ditch. Mr. Beers stated Mr. Gaffney shared with him what it costs just to have the ditch cleaned up and the cost is so astronomical, it's like telling the Tax Ditch Association (TDA) to do beach restoration with pocket change. Mr. Beers stated he told Mr. Gaffney he would approach Council to ask for funds for the TDA. Mr. Beers asked if the Town financially supports the Millville Volunteer Fire Company (MVFC). Mr. Thompson stated the way it works with the MVFC is slightly different and unique mostly because the Town's Charter allows the Town to financially support the MVFC and the ambulance service, presumably because Delaware doesn't have traditional fire companies and they are mostly volunteer. Mr. Thompson stated regarding the tax ditch, the Sussex Conservation District (SCD) has the authority – and it then goes to the Delaware Department of Natural Resources and Environmental Control (DNREC) – to proportionally raise what people pay – and the cost to pay toward the tax ditch is pennies. Mr. Thompson stated it's a little bit thorny of an issue in the sense of the way the Code is set up, increases are supposed to be borne by the people along the tax ditch versus using Town money which will rope in residents who don't have any affiliation with the tax ditch. Mr. Beers stated if the Town approves buildings, every building going up will have more water runoff which goes into the ditch, and it's just a matter of time before those ditches get more and more overwhelmed. Mr. Thompson stated in that instance, the Town defers to the SCD for its stormwater runoff so if a developer comes to the Town and wants

to build a new community or new phase of a community, the Town gives preliminary review and the developer takes the preliminary approval or recommendation, goes to SCD (and other state agencies) to make a determination if the stormwater runoff is appropriate, and the SCD is who consents to any increase in the tax ditch fees. Mr. Thompson stated his recommendation to contact Jessica Watson with the SCD for this type of concern. Mr. Beers stated he has heard her name, but he just wanted to know what the Council's position would be to financially help out the TDA. Mr. Beers stated Mr. Gaffney has about two-thousand dollars (\$2000) a year but might spend nine-thousand dollars (\$9000) to clean out just one small section of the ditch. Mr. Beers stated eventually, if something doesn't change, and those ditches don't get cleaned up, we'll get a substantial amount of rain and there's going to be a lot of water in a lot of homes in Millville. Mr. Thompson stated the Town is well aware of flooding issues, and that's why stormwater management questions arise, and the Town request topographical surveys for any building to try and curtail any issues the Town has had. Mr. Amerling stated flooding issues are also why the Town sticks to the setbacks and allowing construction to only go so far past setback lines, if at all. Mr. Beers stated he and his neighbors have had some dealings with Ms. Watson because Coventry had runoff issues and she came down, but there seems to be a certain point in talking to all of the agencies and they kind of get into "vapor lock" and nothing gets done. Mayor Gordon stated it gets real costly to maintain these ditches and sometimes it's easier for them to just walk away than it is to sit there and deal with it, unless there is a big flood, in which case they're willing to help. Mr. Beers stated his fear is there will be a big flood and there will be some property loss. Mr. Beers stated he knows Bishop's Landing is on the other side of Coventry and knows Bishop's Landing HOA representative Craig Kissel is working with Mr. Gaffney to get their side of the ditch cleaned up, but that's only a small section and even if it's cleaned up, there's not much water flowing.

Ms. Pat Moulder stated she lives in Millville by the Sea (MBTS) and she's got a tax ditch behind her house, she lost five (5) feet of her property due to runoff, and ultimately it's the developer who's responsible for maintaining the ditch. Ms. Moulder stated she's lived here ten (10) years and they've gone through every agency, including DNREC, and ultimately it's the developer who should be making sure the ditch is maintained. Mr. Moeller stated he would argue that point because the Town requires all of these water mitigation efforts when the developer comes in, such as requiring a stormwater pond, drainage ditches, etc. Ms. Moulder stated the developer owns that property. Mr. Moeller stated then we ignore the ditch and tell them they have to have it maintained, but the maintenance is ignored. Ms. Moulder stated the developer owns the property and they are responsible for maintaining it. Mr. Maneri stated the Town does not require the runoff, County requires it. Mr. Maneri stated it is County who reviews the runoff because that is their specialty and so it falls on County to make sure if the runoff is correct, and it's up to the developer to make sure the ditch is maintained. Ms. Faden stated after speaking with Representative Ronald Gray at a coffee talk event, it may be best to approach County with this issue, but there is still the opportunity – since Millville is not a poor town – to look at what Millville could do for its residents; but, by the same token, even if Millville gave the residents money to clean their own ditches, will it be effective if the rest of the residents don't clean it? Ms. Brewer stated yes, the ditch goes a lot further than just Millville. Ms. Faden stated if the Town is saying this is a County issue, then residents need to have their voices heard at County Council and

to Representative Gray. Mr. Michel stated he was at the TDA meeting with Mr. Beers and the four (4) others, and out of 700 people who were sent notices, only five (5) people showed up. Mr. Michel stated he understands Mr. Beers' plea of if all the money was collected by all 700 people, but ultimately this issue goes back to the County because they have to "OK" all of the building and runoff. An audience member asked if County is responsible for the cleaning of the ditch. Mr. Michel stated County takes care of it as does the TDA. Mr. Amerling stated the SCD and DNREC regulate the ditches. Mr. Hartline stated the tax ditches are authorized by the State. Mr. Michel stated yes. Mr. Hartline stated each TDA has a president and vice president, which is set up by the State. Mr. Hartline stated Ms. Watson with the SCD, who has been trying to help us, has very little authority, and in the case of Coventry's tax ditch, the water from that flows directly into Whites Creek. Mr. Hartline stated there were only three (3) people at the last TDA meeting he attended, but there was a flood along a road in the last big storm and the last house on Windmill Drive (the first house on your right when you go down Windmill Drive off Route 26) was completely flooded. Mr. Hartline further stated the flooding is because there is tremendous growth in the tax ditch on the other side of Windmill Drive, which is the State-owned property where the wetlands are located, and it's a very expensive, large job to clear it. Mr. Thompson asked if Mr. Gaffney explained how the taxing goes because, as far as the Code goes, it seems like a pretty straight-forward process like increasing the tax ditch fee. Mr. Thompson stated the TDA goes to the SCD and then the Division of Watershed Stewardship, so there is no public referendum. Mr. Hartline stated he doesn't understand the process of increasing the taxation and when he asked Mr. Gaffney how much of an increase Mr. Gaffney would need to get the job done, Mr. Hartline is still awaiting an answer from Mr. Gaffney.

Mr. Thompson stated it is difficult when it comes to the Town giving money to other political subdivisions; and the Town's Charter allows the Town to give money to the MVFC, but the Town couldn't do it for the school district because people would be "up in arms," saying "I already pay school taxes and I don't even have kids or kids who go there." Mr. Thompson stated it gets a little hairy when you're using tax dollars and that goes to a different political subdivision of the State without express authority for being able to do it. Mr. Thompson stated the Town does require the developers go to these outside agencies and provide the Town with the agency's approvals before any building or community is approved, but the Town doesn't independently review them. Mr. Thompson stated a good example is with a DelDOT entrance; Council doesn't make the determination on how wide an entrance may be, but the developer has to have DelDOT's approval to get the Town's final approval. Mr. Thompson stated once the entrance is built, it's not as if the entrance will always stay in its pristine condition, it's up to the agency to maintain, in this case DelDOT. Mayor Gordon stated Mr. Beers may want to contact the County since they're the ones responsible for the ditches and to get an understanding of how much money is needed not just for the ditch in their area but for the entire ditch. Mr. Thompson stated the TDA managers are supposed to keep books and records, and Mr. Thompson assumes they'd be available to the public via a FOIA request. Mr. Beers stated the books and records was just such a thing which was brought up at the TDA meeting and the response falls under "somewhat haphazard." Mr. Thompson stated such a response would bother him because he would wonder if the TDA was collecting from half the people and if

not, wouldn't that be a problem?

- 9. ANNOUNCEMENT OF NEXT MEETING –TOWN COMPREHENSIVE PLAN COMMITTEE MTG., DECEMBER 18, 2018; AND TOWN COUNCIL WORKSHOP MTG., JANUARY 8, 2019** – Mayor Gordon wished everyone a merry Christmas and happy New Year!

MOTION TO GO INTO EXECUTIVE SESSION

Ms. Brewer motioned to go into Executive Session at 8:09 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

- 10. EXECUTIVE SESSION** – Discussion of pending and/or potential litigation.

MOTION TO COME OUT OF EXECUTIVE SESSION AND RECONVENE OPEN MEETING.

Ms. Brewer motioned to enter Public Hearing at 8:25 p.m. Mayor Gordon seconded the motion. Motion carried 5-0.

11. NEW BUSINESS

- A.** Discuss and possible vote on Executive Session matters.

Ms. Brewer motioned to approve the extension as discussed. Mr. Belinko seconded the motion. Motion carried 5-0.

12. ADJOURNMENT

Mayor Gordon motioned to adjourn at 8:27 p.m. Mr. Maneri seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk