

**MINUTES OF THE MILLVILLE
TOWN COUNCIL MEETING
August 13, 2019 @ 7:00 PM**

In attendance were Deputy Mayor Steve Maneri, Treasurer Peter Michel, Secretary Ronald Belinko, Council Member Sharon Brienza, Town Solicitor Seth Thompson, GMB Representative Andrew Lyons Jr., Town Manager Debbie Botchie, and Town Clerk Matt Amerling.

1. CALL MEETING TO ORDER

Deputy Mayor Steve Maneri called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. ROLL CALL

Deputy Mayor Steve Maneri stated everyone was present.

4. TOWN COUNCIL APPOINTMENT – Selection of Mayor

Town Solicitor Seth Thompson stated since former Mayor Robert Gordon moved out of Town limits, he resigned his seat and appointment as Mayor, so now is the time Council may make a nomination for the Mayor. Secretary Ronald Belinko stated he would like to nominate Deputy Mayor Steve Maneri as Mayor. Treasurer Peter Michel agreed. Mr. Belinko motioned to appoint Mr. Maneri as Mayor. Mr. Michel seconded the motion. Mr. Belinko voted yes. Mr. Maneri voted yes. Council Member Sharon Brienza voted yes. Mr. Michel voted yes. Motion carried 4-0.

5. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES

A. Adoption of Town Council Minutes – July 9, 2019

B. Adoption of Town Council Workshop Minutes – July 23, 2019

Council Member Sharon Brienza motioned to adopt the July 9, 2019, Town Council minutes, and the July 23, 2019, Town Council Workshop minutes. Treasurer Peter Michel seconded the motion. Motion carried 4-0.

6. FINANCIAL REPORT – Treasurer Peter Michel

A. July 2019

Treasurer Peter Michel read the Financial Report for the month ending 7/31/19.

July 31, 2019:

General Revenue: \$ 384,736. Restricted Revenue: \$ 185,317.

General Expenses: 56,438. Restricted Expenses: 24,809.

7. ADMINISTRATIVE MATTERS

A. Administrative Report for July 2019

There were no comments.

8. PRESENTATIONS

A. Discuss and possible vote on the FY19 Audit. – Presented by Mr. Herb Geary of TGM Group, LLC.

Mr. Herb Geary, of the TGM Group, stated fiscally the Town is in “super shape,” and he would like to thank Town Manager Debbie Botchie, Town Finance Director Lisa Wynn, Town Finance Clerk Anna Scarola, and the rest of the staff who do an outstanding job with the financial items and making sure he and his staff get what they need to do the audit. Mr. Geary stated on pages three (3) to five (5) is Mr. Geary’s opinion and it’s the highest level of assurance TGM can provide as an independent auditor, so this is a good report. Mr. Geary stated on pages nine (9) to fifteen (15) is the “management’s discussion and analysis,” and this is where Ms. Botchie and Ms. Wynn write a narrative about the Town in the recent fiscal year. Mr. Geary stated there are two (2) sets of financial statements within this document – one (1) is the full accrual financial statement, and the other more of a modified cash basis financial statement. Mr. Geary stated the big difference between the two (2) statements are capital assets, which, under the modified cash basis, when you spend money on new equipment, it is expensed immediately under the budget; however, on the full accrual side, we would capitalize those assets and would depreciate them over a period of time. Mr. Geary stated it’s a little better matching of expenses on the full accrual, but most governments operate on the modified cash basis. Mr. Geary further stated the Town has no debt.

Mr. Geary stated on page nineteen (19) is the balance sheet under the modified accrual basis, and we have a little over ten-point-eight million dollars (\$10,800,000.00) cash, half of which is unrestricted. Mr. Geary stated the Town is required to have the cash collateralized or insured, and it’s a little difficult to make that happen with \$10.8 million out there but the Town has done a super job of investing in CDs with multiple banks and working with an investment firm. Mr. Geary stated all of the Town’s money is either insured by the FDIC or collateral as pledged by the institutions. Mr. Geary stated the Town has \$10.8 million in cash but also has \$10.8 million in balance, which is extraordinary for a town government. Mr. Geary stated on page twenty-one (21) is the net change in fund balance for the fiscal year, which is one-point-four million dollars (\$1,400,000.00), and it’s a positive change in fund balance, so it was a great year. Mr. Geary stated pages twenty-two (22) to twenty-nine (29) are the notes to the financial statements, which contain the Town’s accounting policies, talks more about the capital assets, the cash and how it’s invested, and a lot more information, which is a required disclosure. Mr. Geary stated on pages thirty-one (31) to thirty-four (34), there are the revenue and expenditure details; and on page thirty-one (31) is the general fund revenue detail where there is a comparison of the Town’s budget with actual results for the year being almost one-point-four million dollars (\$1,400,000.00) of total revenues, and the Town’s budget was a little less than nine-hundred-thousand dollars (\$900,000.00) – so the revenue has exceeded the budget by almost half a million dollars. Mr. Geary further stated over three-hundred-thousand dollars (\$300,000.00) of that revenue overage is building permit revenue. Mr. Geary stated on the expenditure side, there is another favorable variance, with the Town having a budget of seven-hundred-three-thousand

dollars (\$703,000.00) and the Town spending just under six-hundred-ninety-thousand dollars (\$690,000.00); so there is a thirteen-thousand dollar (\$13,000.00) expense on the positive side. Mr. Geary stated he can't say enough about the fiscal responsibility of the Town and what a great job the Town is doing. Mr. Geary stated a lot of governments strive to have a third (1/3) of their operating budget in a reserve, and to have \$10.8 million in a reserve is great. Mr. Geary stated there are no new accounting or auditing standards which will affect this year's audit; however, in fiscal year 2021 (FY21), there are new accounting standards coming down which Ms. Wynn will have to look at differently. Mr. Geary stated he knows there are no major capital leases here in Millville, but the new accounting standard will look at everything from a copier lease to a car lease, and Mr. Geary will be talking with Ms. Botchie and Ms. Wynn well in advance of any implementation of that standard. Mr. Geary stated he also can't say enough about the cooperation he's received from Ms. Scarola, Ms. Wynn, Town Clerk Matt Amerling, and the rest of the staff, who are very receptive to the auditing demands. Mayor Maneri stated his thanks to the Town staff for their great job on this audit.

Mr. Belinko motioned to accept the FY19 Auditor's Report. Mr. Michel seconded the motion. Motion carried 4-0.

MOTION TO ENTER PUBLIC HEARINGS

Ms. Brienza motioned to enter the public hearings at 7:15 p.m. Mr. Michel seconded the motion. Motion carried 4-0.

9. NEW BUSINESS

A. Public Hearing Notice – Secretary

B. Written Comments – Town Manager

There were no comments.

C. Discuss a Final Subdivision Site Plan submitted by Morris & Ritchie Associates LLC, on behalf of Dr. James Schiff, for a development known as Parkside, located at Tax Map Parcels 134-12.00-394.00 and 394.04, Windmill Drive, which will consist of 92 single family units. *Synopsis:* At its October 30, 2017, meeting, the Town Planning & Zoning (P&Z) Committee voted 3-0 to recommend final site plan approval to Council.

Mr. Phillip Tolliver, of Morris & Ritchie Associates, stated he is here on behalf of Dr. James Schiff, and they were before the Town's P&Z back in late 2017 to review the preliminary plan for this project, which received unanimous approval. Mr. Tolliver stated the last couple of years since then, the applicant has been going through the final engineering process, preparing stormwater plans, the road plans, working with DelDOT, going over the water and sewer plans, the record plats, the landscape plans, the amenities plans, and all of those approvals need to be obtained before the applicant can be here tonight. Mr. Tolliver stated the applicant has obtained all of the necessary agency approvals, and the Town's planner, Mr. Andrew Lyons Jr., of GMB, has reviewed the plans and the applicant has addressed all comments from the Town.

Mr. Tolliver stated the roads (in the development) are public and will be built to Town standards; and the open space would be private – maintained and owned by the homeowners' association (HOA). Mr. Tolliver stated the allowable density on site is five-point-eight-one (5.81) density units per acre, and the applicant is only proposing two-point-nine-three (2.93) density units per acre, so the applicant is well below what could have been built here.

Mr. Tolliver stated as you come in off of Windmill Drive, you will see the main road coming in which goes off into a clubhouse with a swimming pool area and it will serve as the main focal point and active amenities feature for the project. Mr. Tolliver further stated the applicant will be maintaining a wooded buffer around the project and where there is not woods, they will plant the additional landscaping in the buffer areas. Mr. Tolliver stated from a stormwater perspective, everything kind of drains to the northeast of the property, and there is a tax ditch when runs along that border. Mr. Tolliver stated the Town park, which should be under construction fairly soon, will be located to the north of the project, and there will be a walking trail which connects to the park, as well as a multi-modal path which runs parallel to Dukes Drive. Mr. Tolliver stated, from a utility standpoint, Tidewater Utilities has a high-pressure water main out on Windmill Drive, which has plenty of capacity for this project, and the applicant does have approval from Tidewater. Mr. Tolliver stated from a sanitary sewer standpoint, the applicant originally thought they'd need a sanitary pump station, but, after working with Sussex County engineer Hans Medlarz, the applicant discovered a pump station was not necessary and the County has built sewer mains around the southwesterly portion of the project as well as an existing sewer main which is big and deep enough to provide sanitary service for this site. Mr. Tolliver stated they also have the Delaware Department of Natural Resources and Environmental Control (DNREC) approval.

Council Member Sharon Brienza asked if Millville will own the roads going through the development as she heard Mr. Tolliver mention it. GMB Representative Andrew Lyons Jr. stated no, they are private roads, but are built to DelDOT public standards. Mayor Maneri asked if the small cemetery is still on the grounds. Mr. Tolliver stated yes, and the fencing around the two (2)-plot cemetery will be updated with public access to the cemetery. Treasurer Peter Michel asked if the road will come off Windmill Drive into this development when the applicant gets into construction. Mr. Tolliver stated yes, and Windmill will have a dedicated left-turn lane into the site as well as a dedicated right-turn lane into the site, and everything is designed to DelDOT standards. Ms. Brienza asked where the names of the roads in the development came from. Mr. Tolliver stated they are types of birds. Mayor Maneri asked if the applicant was supposed to put the pump house near the wetlands and now they don't need the pump house. Mr. Tolliver stated yes, the applicant doesn't need the pump station.

Mr. Lyons stated an eight (8)-inch water line is being provided up to Dukes Drive. Mr. Thompson asked if there is any issue with the road intersecting with itself in the loop. Mr. Tolliver stated no, the County addressing department will assign the numbering for each parcel, and the roads have been approved by the emergency medical services (EMS).

D. Residents/Property Owner Comments & Questions

Ms. Valerie Faden, of Beach Plum Drive, stated the northeast border of the development almost backs up to the Villas of Cedar Cove, of which Ms. Faden is a resident. Ms. Faden asked if there is a tax ditch Parkside is draining into and won't be the same ditch as the Villas of Cedar Cove, because the Villas have two (2) dry ponds already which are never dry. Mr. Tolliver stated there is a main tax ditch which runs the easterly portion of the property and drains down towards Route 26. Mr. Tolliver stated everybody's drainage ties into that ditch. Mr. Tolliver stated there is another tax ditch which runs along the northern border of the property and it also empties to the same place toward the Atlantic Ocean. Mr. Tolliver stated there are many stormwater management facilities on-site so when it rains it goes out and it's a state requirement to have it done in such a matter. Ms. Faden stated she wants to make sure the water will go into the main ditch and Parkside's water won't come into the ditches which are specifically for Cedar Cove. Mr. Tolliver stated Parkside is not touching Cedar Cove at all. Mayor Maneri asked if there was another ditch running along the property – three (3) or four (4) ditches. Mr. Tolliver stated yes, and the applicant had to prove to the Soil Conservation District (SCD) and DNREC that the applicant was decreasing the amount of water in the one-hundred-year rain events.

Mr. Donald Ulzheimer, of Ridgeshore Lane, asked what kind of impact fees are being paid toward the water and wastewater systems. Mr. Tolliver stated there are a multitude of impact fees, with the County sewers and water system each having their own impact fee. Mr. Tolliver stated he can't remember the exact cost but he knows it's per equivalent dwelling unit (EDU) there would be an impact fee excised, just as there's an impact fee by the Town when there is new construction. Ms. Botchie stated she doesn't know what the impact fees are for Tidewater or County, but the Town charges a five-hundred dollar (\$500.00) impact fee, which goes to the Millville Volunteer Fire Company (MVFC) grant, but the Town doesn't control the water system or wastewater system.

Mr. Dave Moeller, of Blue Heron Drive, stated he is a little surprised there is no second entrance or exit out of the development. Mr. Tolliver stated no, there are only ninety-two (92) lots, and there is no requirement from DeIDOT to have two (2) access points; however, there is a requirement to make sure the applicant meets DeIDOT standards, so they have a safe egress and ingress so there is a left-turn lane and right-turn lane, and accelerant/decelerate lanes. Mr. Tolliver stated there is no requirement from DeIDOT for two (2) access points and you normally don't get up to that until you get to about three-hundred (300) lots.

MOTION TO CLOSE PUBLIC HEARINGS

Ms. Brienza motioned to close the public hearings at 7:35 p.m. Mr. Belinko seconded the motion. Motion carried 4-0.

10. NEW BUSINESS

- A.** Review and possible vote on a Final Subdivision Site Plan submitted by Morris &

Ritchie Associates LLC, on behalf of Dr. James Schiff, for a development known as Parkside, located at Tax Map Parcels 134-12.00-394.00 and 394.04, Windmill Drive, which will consist of 92 single family units.

- Mayor Maneri requests individual vote

Mr. Belinko motioned to approve the Final Site Plan submitted by Morris & Ritchie Associates LLC, on behalf of Dr. James Schiff, for a development known as Parkside, located at Tax Map Parcels 134-12.00-394.00 and 394.04, Windmill Drive, which will consist of 92 single family units. Mr. Michel seconded the motion. Mr. Michel voted yes. Ms. Brienza voted yes. Mr. Belinko voted yes. Mayor Maneri voted yes. Motion carried 4-0.

- B.** Discuss and possible vote on Ordinance 20-01, which will amend the Town Code at Chapter 72, entitled “Construction Hours.”

This item was tabled for a future meeting.

11. CITIZENS’ PRIVILEGE

Ms. Theresa Turse, of Pembroke Lane, stated she has already notified Ms. Botchie, Town Clerk Matt Amerling, Mayor Maneri and Ms. Brienza but she is here tonight to make the rest of Council aware that – even though, fortunately, her company had gone home and Ms. Turse was not home – on August 7, Ms. Turse noticed there was a hole in her plantation shutter in her window. Ms. Turse stated upon further investigation, she opened the shutter and noticed a big hole in her double-pane window. Ms. Turse stated when she turned around, she noticed there was a nick on her bedroom door, and when she pulled the door open, there was a rifle bullet embedded in the wall. Ms. Turse stated she contacted the Delaware State Police (DSP) and Trooper Vincent came out to take the report, begin the investigation and talk to her neighbors to see if they knew anything about the incident. Ms. Turse stated Sea Star Village is under construction so being able to discern all the hammering and nail-gun shots from gunshots can be difficult. Ms. Turse further stated the trooper also interviewed five (5) families from the privately-owned properties which back up to the Millville by the Sea (MBTS)-owned property line. Ms. Turse stated over in that area is a daycare center, which brings a very scary thought. Ms. Turse stated she’s spoken with a number of people with the DSP, and she and the DSP don’t believe this was intentional but it is probably someone shooting without heightened awareness or someone shooting doesn’t realize there were buildings/homes so close now and they’ve never had to worry about it before. Ms. Turse stated she is not here looking to take away anyone’s rights as she has family members who hunt and own firearms, but she wanted to make clear this incident has been reported to the DSP – and a copy of the report and pictures have been provided to Ms. Botchie. Ms. Turse stated this incident was listed as a crime description of “reckless endangerment of the first degree – creates a substantial risk of death to another.” Ms. Turse further stated she contacted Corporal Trestka, who is the community outreach officer, as well as the MBTS developer, and there was hearsay that someone from MBTS developer gave someone verbal permission to hunt on the property. Ms. Turse stated she understands such an agreement is not allowed as it must be written permission. Ms. Turse stated she also understands – after talking to Town staff – a new ordinance has been

enacted not long ago because a similar incident was reported at Bishop's Landing. Ms. Turse stated after talking with the evidence detective, who saw if he could determine the trajectory of the bullet, it's nearly impossible to find out who shot the gun or where exactly it came from. Ms. Turse stated she is not looking to take away anyone's guns, but she does want us to come together as a community and figure out how we can heighten the awareness in the community and make sure individuals who've been here a long time and hunted are aware of the growing community. Ms. Turse stated she grew up with a father and two (2) brothers who hunted every year and they shot buckshot, not rifles. Ms. Turse stated she believes Cpl. Trestka has contacted Ms. Botchie and is willing to help us, and even though Ms. Turse doesn't know what the answer is, she's looking for ideas and would like proactive participation from everyone to figure out what we can do. Ms. Turse stated she would feel horrible if she didn't try to do something and someone else got seriously injured or killed. Council asked to see the photographs, and the photos were circulated amongst Council.

Ms. Brienza stated Ms. Turse mentioned there was a verbal agreement from MBTS to hunt on MBTS property, but isn't there a specific hunting season? Mayor Maneri stated there is no verbal agreement. Ms. Brienza asked even if permission was in writing, isn't there still a hunting season to adhere to? Ms. Botchie stated yes, but there can also be people target shooting or poachers going on this property. Ms. Botchie stated she spoke with Cpl. Trestka on Friday, and the DSP is diligently working at trying to figure out from what range the bullet came from. Ms. Botchie stated the Town has identified all the properties which surround Ms. Turse's home and, unfortunately, some of those properties are in County (jurisdiction), so that's out of the Town's jurisdiction, and, in this case, people don't always follow the law. Ms. Botchie stated the Town is going to work with the Cpl. Trestka and see what can be done as outreach to work with County jurisdiction. Mayor Maneri stated when he first got Ms. Turse's letter, Mayor Maneri contacted Sussex County, and County has nothing in its Code about discharging a weapon, save if you go in a County building. Mayor Maneri stated he contacted DNREC, but they basically said if it was not a hunting incident, DNREC could not handle it and it's up to DSP. Town Solicitor Seth Thompson stated the Town only has jurisdiction within its Town limits and the Town can pass an ordinance, which they did last year, limiting hunting to property that is only fifteen (15) acres or more, and is still limited to not being able to discharge a weapon two-hundred (200) yards from a residence or within fifteen (15) yards of any road servicing more than just that parcel. Mr. Thompson stated it also can only be the owner hunting or someone the owner has given written permission to hunt on that parcel, but they can't be firing within the range just stated near buildings or roads. Mr. Thompson stated the way the State Code allows municipalities to regulate guns is only by the discharge of the weapon, so the Town is not allowed to regulate somebody carrying a gun, somebody buying a gun, and somebody transporting a gun. Ms. Turse stated she found out with the Bishop's Landing incident, it was an elderly gentleman firing into a berm, so it wasn't hunting. Ms. Turse stated she knows most hunting is done with buckshot and it's not about the guns or ordinances – although Ms. Turse thanks Mr. Thompson for his explanation – but this is about community. Ms. Turse stated those folks who are doing target practice, how would they feel if one of us turned up dead? Ms. Turse stated, for her, this is about going out into the community and trying to fix this as a community. Ms. Turse stated she would also like to thank Ms. Botchie and Mr. Amerling, who she contacted about the

incident. Ms. Turse stated the same day, Mr. Amerling posted another reminder on both the Town website and Facebook page regarding the discharge of a weapon in Town limits. Ms. Turse stated Mr. Amerling and Ms. Botchie were very concerned, very kind, and trying to be as helpful as they could to help Ms. Turse get “to the right place” to speak to Council and the DSP.

12. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., August 27, 2019.

13. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:50 p.m. Mr. Belinko seconded the motion. Motion carried 4-0.

Respectfully submitted,
Matt Amerling, Town Clerk