

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
November 12, 2019 @ 7:00 PM**

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

**1. CALL MEETING TO ORDER**

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

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

**3. ROLL CALL**

Mayor Steve Maneri stated everyone was present.

**4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES**

**A. Adoption of Town Council Minutes – October 8, 2019**

Council Member Sharon Brienza motioned to adopt the October 8, 2019, Town Council minutes. Council Member Barbara Ryer seconded the motion. Motion carried 5-0.

**5. FINANCIAL REPORT – Treasurer Peter Michel**

**A. October 2019**

Treasurer Peter Michel read the Financial Report for the month ending 10/31/19.

**October 31, 2019:**

General Revenue:	\$ 127,479.	Restricted Revenue:	\$ 212,193.
General Expenses:	47,633.	Restricted Expenses:	215,068.

**6. ADMINISTRATIVE MATTERS**

**A. Administrative Report for October 2019**

Town Manager Debbie Botchie stated on the front page of the Treasurers Report, Ms. Botchie would like to point out the Town has closed two (2) CDs totaling five-hundred-thousand dollars (\$500,000.00), which is why Council sees it sitting in the money market account right now – because the Town couldn't do the purchase until the eighth (8<sup>th</sup>) and the next one is tomorrow (November 13, 2019), and the next one is on the twenty-second (22<sup>nd</sup>). Ms. Botchie stated Council will also see they are in there for six (6) months and it's because the rate is so low right now and the Town didn't want to get locked in; so the Town's advisor said to do it for the six (6) months at this low interest rate and see what happens, which Ms. Botchie will report back to Council.

Council Member Sharon Brienza asked when the Town's renewal with Mediacom is up. Ms. Botchie stated July 2020, and the Town is diligently working with Mediacom, also having reached out to Comcast because we know Comcast is coming down the corridor from Bethany Beach but it's for business only. Ms. Botchie stated the four towns – Millville, Ocean View, Bethany Beach, and South Bethany – are working very diligently with these companies, and Ms. Botchie knows it's the internet the Town gets the most complaints about. Ms. Botchie stated it is not easy to sever a franchise agreement because they are so protected with the Federal Communications Commission (FCC) laws so we're also looking at that closely. Ms. Brienza asked if the other towns expire at the same time. Ms. Botchie stated yes, there was a group formed seven (7) years ago and hired the same attorney to help the towns negotiate, which didn't turn out so positive because the FCC rules wouldn't allow for changes.

Ms. Botchie stated the Cops and Goblins festival was a wonderful event put on in Ocean View by the Ocean View Police Department, and the Town of Millville was there in full force, with games and costumes, and it was a very busy, good day; and the Town had to shut down because we had given out about one-thousand prizes.

Secretary Ronald Belinko stated not many people see the Town report from the Delaware State Police (DSP) on what they check up on, but when you have such a comprehensive report showing them checking every business, every development, the Town is really getting a "bang for its buck" with the DSP. Mayor Steve Maneri stated if anyone sees or notices any new DSP officers who need to know where to check, Council may pick up copies of the listing for the roads, communities and businesses in Town, which are located in Mayor Maneri's Town Hall mailbox.

## **7. OLD BUSINESS**

- A.** Review and possible vote on a final amenity site plan submitted by George, Miles and Buhr, LLC on behalf of Beazer Homes, for Bishop's Landing. The applicant is requesting in Phase 5 to remove the dumpsters, and to install a tot lot near the Phase 4 pool. *Synopsis:* Council previously reviewed the application at a public hearing on February 12, 2019, where Council voted 3-0-2 abstentions to table the application.

Treasurer Peter Michel and Secretary Ronald Belinko abstained from the vote and dais. Mr. Steve Marsh, of GMB, stated this is a follow-up to the Town Council public hearing held on February 12, 2019, in which there was a lot of discussion about dumpsters. Mr. Marsh stated they are specifically requesting on this application to remove the dumpsters in Phase 5, and a formal approval to relocate the tot lot to the pool area at Phase 4. Mr. Marsh stated he knows there's been some questions about a fence and there will be a fence installed around the tot lot; and Beazer has committed to the fence. Town Manager Debbie Botchie stated, for clarification, the dumpsters are currently not in Phase 5 – they have not been placed there yet – but, rather, the applicant is requesting to remove the dumpsters in this phase from the final site plan. Mr. Marsh stated yes, as far as the Town's approved rendering and site plan, the dumpsters were shown in Phase 5, which is why the applicant is here tonight, to ask permission not to install the dumpsters in Phase 5.

Town Solicitor Seth Thompson stated part of the reason for tabling this item in February was to allow some time for Beazer and the homeowners' association (HOA) to have some discussions based on the fact Beazer is the main stakeholders and are there any updates on those discussions? Mr. Marsh stated he can give the update as he understands it, but the attorneys looked at the HOA documents and the plan is to remove all of the dumpsters from Bishop's Landings South and Bishop's Landing North – which was Dove Landing – and the applicant has to submit a separate rendering which shows all of it by November 18 in order to be on the agenda for the December 10, 2019, Council meeting since it would be a public hearing and the advertisement needs to be distributed fifteen (15) calendar days in advance of the meeting. Mr. Marsh stated tonight's item was an open item from the February 2019 meeting which was never decided, and that's why they are here tonight. Mr. Marsh stated the remaining dumpsters will be on a separate application for the December 10, 2019, meeting. Ms. Botchie stated if the applicant makes application for the December 10 meeting, it will be a public hearing, and, at that time, there are still some outstanding issues such as the community garden – specifically, that the garden is coming out but also has not been done yet – and before the Town can entertain releasing any bonds, those issues still need to come before Council. Mr. Marsh stated yes, there will be multiple items on the December 10 meeting – more like a “housekeeping item” – but the question is whether they should be separate applications or on one. Ms. Botchie stated it could be on one application, as it will be under a final site plan application. Mr. Marsh asked what would happen if Council said “yes, you can remove all the dumpsters but the community garden stays?” Ms. Botchie stated Council would condition it that way. Mr. Thompson stated Council would move to approve the site plan for the one thing but not the other.

Council Member Barbara Ryer stated she swears she saw some horseshoe pits on this plan and will that be addressed? Ms. Botchie stated the applicant will be asking to place horseshoe pits where the tot lot for tonight was originally approved in Phase 4, but the horseshoe pits are not up for vote tonight. Mr. Marsh stated they will do a drive-through and make sure every open space and amenity was built to match the final rendering.

Mayor Steve Maneri asked if anyone in the audience had any questions or comments on just the Phase 5 dumpsters or tot lot relocation. Mr. Craig Kissel, of Fort DuPont Drive, asked about the enclosure (fence) going around the tot lot and would like to know where that came from and why it's being done because there is no enclosure around the other tot lot. Mayor Maneri stated the reason why is because it came from Mayor Maneri. Mayor Maneri stated if you are going to put a tot lot right next to the walkway, and a lot of people use that walkway, there should be some protection for the children; also, right after the walkway, there is a tax ditch, so it would be protection from little kids falling right into the ditch. Mr. Marsh stated GMB also recommended it to Beazer because of the ditch. Mr. Joe Parent, of Seashore Park Drive, asked what type of fence size and height it will be. Mayor Maneri stated he didn't know as that is up to the developer. Mr. Marsh stated it will probably be a standard three (3)- or four (4)-foot chain-link fence you would see around a little neighborhood playground. Mr. Parent asked if it would be easily scalable by a young child. Mr. Marsh stated they wouldn't put a six (6)-foot fence around a small tot lot, and most times the parents are out there with the small children to watch them from running off, but this fence would be a deterrent, an obstacle for little kids if

they were to run out of sight of parents; and the older kids who are twelve (12) or older are not really who this fence is for. Mayor Maneri stated if you want to consider looks, you might want to consider black fencing rather than the usual aluminum. Mr. Kissel stated there is a fence around the pool and it would be nice to match with the same fencing rather than the silver aluminum. Mayor Maneri agreed.

Council Member Sharon Brienza motioned to approve the revised final amenity site plan for the removal of the dumpsters from Phase 5, and to install a tot lot near the Phase 4 pool in Bishop's Landing, with the condition a black chain-link fence be put up around the tot lot. Ms. Ryer seconded the motion. Motion carried 3-0-2 abstentions. Mr. Michel and Mr. Belinko rejoined the dais.

## **8. NEW BUSINESS**

- A.** Review and possible vote on Ordinance 20-05. *Synopsis:* If approved, Ordinance 20-05 will amend the Town of Millville Code at Chapter 10, entitled "Clean Hands Policy."

Town Manager Debbie Botchie stated we have an ordinance in Town called "Clean Hands Policy" which means if a resident or business owner owes money to the Town, such as property taxes, and they come in for a building permit, that building permit would be denied until they paid their taxes. Ms. Botchie stated this ordinance just covers fees and it doesn't cover any kind of agreement which the Town may engage in with developers or other businesses. Ms. Botchie stated this ordinance, now with the new amended language, will cover the Town including but not limited to the public works agreements and landscaping agreements and our new subdivision development agreements. Ms. Botchie stated this ordinance will give the Town more leverage. Mr. Thompson stated the current ordinance covers fees so if someone owes the Town an application fee, a license fee, a permit fee, they would not be able to pull a different permit for that property or any property in Town. Mr. Thompson stated this broadens it to escrow agreements, so if, for instance, a developer comes into Town and asks for the Town to review a subdivision plan, there are escrow requirements because it will incur engineering fees on the Town's behalf as the Town engineer reviews it. Mr. Thompson stated occasionally, the cost goes beyond what the initial escrow fee is so they can be asked to replenish their escrow. Mr. Thompson stated this ordinance would apply to them if they chose not to replenish the escrow; so they cannot walk into Town with another application and expect the Town to act on that application. Mr. Thompson stated the same goes for emergency repairs to streets, curbing and sidewalks, as there are items here which the Town doesn't necessarily deal with but could be dealt with by the Town in the future. Mr. Thompson stated the Town does not get involved with repairs for streets, curbing and sidewalks but the Charter does allow the Town to do it; so, for instance, if in the future, there are sidewalks in Town and there's one person who doesn't, the Town does have the authority to tell that property owner to put a sidewalk in front of his home because everyone else does. Mr. Thompson stated if the person didn't put in the sidewalk and the Town did it on their "own dime," this ordinance would make it so that person would have "unclean hands" and if they came in to apply for a building permit, they would be denied until they paid for the sidewalk installation. Mr. Thompson stated this also applies to outstanding obligations a person would owe to outside agencies; so, for instance, if Stormwater Management said an

applicant needs to clean up its site, and the applicant does not clean it up the site, the person cannot come into Town and request a permit.

Mr. Belinko stated he thinks this is something very much needed with all the building going on in Town and to keep everyone “in check.” Mayor Maneri stated his agreement. Ms. Ryer stated she is in agreement with this ordinance because her community once had beautiful landscaping, but there was no agreement, and now, she and her community residents are stuck to pay for irrigation, planting, etc., and it’s quite a lot of money.

Ms. Brienza motioned to approve Ordinance 20-05. Ms. Ryer seconded the motion. Motion carried 5-0.

## **9. CITIZENS’ PRIVILEGE**

Mr. Mike Burgo, of Seashore Park Drive, stated, regarding the internet service and Mediacom, Mr. Burgo thinks what pains everyone in this community is the lack of quality internet service and in this day and age, it’s ridiculous. Mr. Burgo stated he would ask that whatever Ms. Botchie can do with the other communities to look into an alternative. Ms. Botchie stated she and the towns are looking into it, and when it is time to renew the agreement, public hearings will be held here for the public to comment, with Mediacom.

Mr. Joe Parent, of Seashore Park Drive, asked, in regards to the Mediacom agreement, how long is a typical term for Mediacom. Ms. Botchie stated seven (7) years. Mr. Belinko asked if Comcast can come in with internet service and not cable television. Ms. Botchie stated the towns found out Comcast will no longer enter into a franchise agreement with a municipality which currently has a franchise agreement – even if it’s a non-exclusive franchise agreement like the Town has. Ms. Botchie stated our cable agreement has only to do with cable and nothing to do with internet.

Mr. Belinko stated Senator Gerald Hocker and Representative Ron Gray will be hosting a public forum on Tuesday, November 19, at 6:00 p.m. at Indian River High School to discuss the proposed wind farm off Fenwick Island, and Mr. Belinko thinks it would be in everyone’s best interest to get to that meeting to hear what’s going on.

- 10. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg., November 26, 2019** – Mayor Maneri announced the November 26, 2019, Workshop meeting will be cancelled since it is the Tuesday before Thanksgiving. Mayor Maneri stated the next Council meeting will be on December 10, 2019.

## **11. ADJOURNMENT**

Ms. Brienza motioned to adjourn at 7:28 p.m. Mr. Michel seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk