

**MINUTES OF THE MILLVILLE
TOWN COUNCIL REGULAR & TELECONFERENCE WORKSHOP
July 28, 2020 (7:00 p.m.)**

In attendance were Mayor Steve Maneri, Deputy Mayor Ronald Belinko, Treasurer Sharon Brienza, Secretary Barbara Ryer, Council Member Peter Michel, Town Solicitor Seth Thompson (via teleconference), and Town Manager Debbie Botchie.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

All Council members were present.

4. OLD BUSINESS

A. Discuss and possible vote on Resolution 21-06 regarding the naming of the Town park.

Synopsis: At its July 14, 2020, meeting, Town Council discussed a name for the park, and heard from former property owner Scott Evans and its relation to his family name. Mr. Evans stated he likes the name of Captain Jack's Park of Millville, named after his father.

Secretary Barbara Ryer asked if Council could hear from Mr. Scott Evans before Council discusses the matter any further. Mayor Maneri stated yes. Mr. Scott Evans stated as they talked at the prior meeting (July 14, 2020), Mr. Evans went home afterward and spoke with his son and their family, mentioning the naming of the playground as Captain Jack's playground since there will be a nautical theme to the playground, as well as naming the walking trail Betty's Path or something like that, named after his mother. Mr. Evans stated in discussion regarding the park itself, the name Evans does cover the entire family and they were fine with Evans Park in or at or of Millville, and either way would appreciate keeping the Evans name in there. Mayor Maneri asked Mr. Evans what plaque he was talking about. Mr. Evans stated there was discussion with the Town about having a plaque set up somewhere within the park and it explaining what the Evans name pertains to and who Jack and Betty Evans are. Mayor Maneri stated he has not heard about having a plaque. Town Manager Debbie Botchie stated it was in the meeting minutes Ms. Botchie provided to Mayor Maneri today (July 28, 2020). Mayor Maneri stated he thought the plaque would be inside the community building. Ms. Ryer stated yes. Mr. Evans stated all he knows is there was mention of having a plaque but he doesn't care whether it's inside or outside, and it's really up to Council on that decision. Ms. Botchie stated there was also mention of the Evans' maybe contributing some memorabilia. Mr. Evans stated yes but it is up to his son as he is the one who is in possession of it and it all depends on whether his son wants to part with it or not.

Deputy Mayor Ronald Belinko stated he thinks it is important to honor the commitment the previous mayor made – and the bill of sale has it in there – so Mr. Belinko would like to see the name be Evans Park at Millville. Treasurer Sharon Brienza stated the name Evans Park at Millville is the name she suggested at the previous meeting so she is fine with that name. Ms.

Ryer stated she liked Captain Jack's Park at Millville because she thought it "had a nice ring to it," but Evans Park at Millville is just fine, and she is fine with naming the playground Captain Jack's Playground and the trail be named Betty's Trail or Betty's Path. Ms. Ryer stated having the Evans name in there is fine and it is honoring the sales agreement, so she's very happy with this. Council Member Peter Michel stated we just had sixteen-hundred-ten (1610) people pay their taxes here and this park should be named "Millville Town Park, dedicated to Captain Jack and Betty Evans" and the Town can put up plaques wherever they want. Mr. Michel stated he doesn't think Council should lose the Millville Town Park because there are a lot of businesses, a lot of people, who pay taxes here and they should get the Millville Town Park name and it can be dedicated to Captain Jack and Betty Evans. Mayor Maneri stated he truthfully would like to stay with just the Millville Town Park because it is the Millville town people paying for this park and they will be paying for it for the rest of their lives. Mayor Maneri stated number one, we paid to buy the park and nothing was ever given to us. Mayor Maneri stated because of what the contract states, he has no problem going with what these people put in the contract about the naming with Evans, but Mayor Maneri would like to see "Millville Town Park" and if Mr. Evans wants the playground named Captain Jack's Playground or something like that, Mayor Maneri is all for that, one hundred percent (100%). Mayor Maneri stated he thinks the Town of Millville put a lot of stuff, a lot of money, into this park, and a lot of people helped clean that place out, including the fact he and other people, including Town Code & Building Official Eric Evans, helped clean the ditch out (which runs along the property). Mayor Maneri stated he thinks Millville Town Park is great because it is the town park, we're paying for it – the Town has to pay for it – and Mayor Maneri has no problem with the Evans name going on any other place in the park but Mayor Maneri's feeling is the Town park should have its own name.

Mr. Robert Gordon, former Mayor of Millville, now a resident of Pennsylvania, stated he called into the meeting because he is a little disappointed in the name and he was not in the negotiations for the park and it was never stated that the Town had to name any part of that park for the Evans family, but it was more of a suggestion but Mr. Gordon thinks the citizens of Millville bought that park, we didn't get any discount or money contributed from the Evans family, and so it should be the Millville Town Park or the Millville People's Park. Mr. Gordon stated like Mayor Maneri stated, whatever else within the park Council wants to name after the Evans' is OK, but Mr. Gordon would be disappointed to see it named Captain Jack's Park at Millville. Mr. Gordon stated he would hope the Council members who were not part of the negotiations would read the minutes from the (June 9, 2015) Town Council meeting and read how it went down. Ms. Brienza asked if the Town had the June 9, 2015, meeting minutes Mr. Gordon is talking about. Ms. Botchie stated yes, the minutes say it was all voted by Council to approve the contract of eight-hundred-thousand dollars (\$800,000.00) and the family name be in the name of the park, and Mayor Maneri was the only Council member not present at that June 9, 2015, meeting. Mayor Maneri stated the whole thing is Council approved the contract but they didn't see the contract, did they? Ms. Botchie stated yes, of course they saw the contract as it was approved that evening. Mayor Maneri stated that doesn't mean anything as Ms. Botchie didn't know they had two (2) different appraisals, and Mayor Maneri had to show Ms. Botchie that. Ms. Botchie stated yes, but she found it. Mayor Maneri stated Ms. Botchie said, "Oh, I knew nothing about it." Ms. Botchie stated this point of appraisals is not on tonight's agenda and yes, we have the June 9, 2015, meeting minutes of record with this contract. Mr. Belinko stated he has the memorandum from former Mayor Gerry Hocker Jr., who was mayor during these negotiations and the June 9, 2015 Council vote, and the memo has a

whole different scenario than what Mr. Gordon stated; and Mr. Hocker put it in writing and sent to this Council. Ms. Ryer stated when Town Solicitor Seth Thompson read that the clause in the sale of the land about having the Evans name in park, Mr. Thompson even clarified that that agreement is what the Town has made, and it's a moral obligation and the right thing to do. Mr. Thompson stated yes, he's looking at the agreement of sale now and it states "the Town will include the seller's parent's names in conjunction with any park on the property." Mr. Thompson stated the term "in conjunction with any park" is broader than if the contract printed "the park shall be named after the seller's parents," but it is in there.

Ms. Brienza motioned to name the park Evans Park at Millville. Mr. Belinko seconded the motion. Mr. Belinko voted yes. Ms. Brienza voted yes. Ms. Ryer voted yes. Mr. Michel voted no. Mayor Maneri voted no. Motion carried 3-2.

Ms. Brienza motioned to approve Resolution 21-06 with the name of Evans Park at Millville. Ms. Ryer seconded the motion. Motion carried 3-2.

5. **NEW BUSINESS**

- A. Discuss and possible vote on the Town maintenance of the pond located at Tax Map Parcel 134-12.00-398.00, at the southeast intersection of Route 26/Atlantic Avenue and Windmill Drive. – Town Code & Building Official Eric Evans

Town Code & Building Official Eric Evans stated ever since about two (2) months ago or so, the Town has been receiving a lot of calls on the condition of what Mr. Evans calls a swamp, but what DelDOT calls a stormwater pond. Mr. Evans stated it is a stormwater pond but it is in poor condition as being at the entrance to our municipality. Mr. Evans stated Council requested Mr. Evans get some numbers for them in regards to maintenance of the pond, and after Mr. Evans started the process, DelDOT got back in touch with Mr. Evans and asked what the Town is going to do with the pond. Mr. Evans stated the Town has not gotten that far yet, so tonight, he has three (3) papers for Council tonight, the first page being somewhat similar to what the pond currently looks like – it's a sketch provided by EnviroTech. Mr. Evans stated the goal is to clean the pond up, plant in the surrounding land around the pond and put in a fountain similar to what one sees in the picture provided. Mr. Evans stated at the same time, his proposal is to relocate the two (2) bubblers/aerators, which don't "bubble very well" but see if the Town can get some use out of them if DelDOT will allow us. Mr. Evans stated the second page has a couple of ponds which EnviroTech currently take care of, and the one he would like to draw Council's attention to is at the intersection of Substation Road and Burbage Road, which is a DelDOT pond which Millville by the Sea (MBTS) maintains, and they have a fountain in there. Mr. Evans stated it's smaller than this one but is pretty clean. Mr. Evans stated he contacted three (3) different companies: Solitude, EnviroTech, and Tributaries – all three (3) recommended by Soil Conservation (SCD). Mr. Evans stated he received prices on those regarding the initial cost to clean the pond for the annual contract, and with Solitude, the initial for a contract would be six-thousand dollars (\$6000.00). Mr. Evans stated the EnviroTech would be twenty-eight-hundred dollars (\$2800.00), and Tributaries would be thirty-nine-hundred dollars (\$3900.00). Mr. Evans stated he further asked how much it would be with adding a fountain, and Solitude quoted sixty-six-hundred (\$6600.00), EnviroTech was fifty-seven-hundred dollars (\$5700.00), and Tributaries was fifty-two-hundred dollars (\$5200.00). Mr. Evans stated when you total the costs out, EnviroTech was the cheapest. Mr. Evans stated

there is the one-time fee of the fountain which will be going in, as well as a fee – which Council doesn't have yet as Mr. Evans just received the cost today – which will cost thirteen-hundred dollars (\$1300.00) proximity to get electric to it. Mr. Evans stated he was waiting on the electrician at Delmarva Electric to figure out how the Town will get electric to the site so we can put a meter on it. Mr. Evans stated with the cleaning of the pond itself, the Town is looking at an initial cost of eighty-six-hundred dollars (\$8600.00) then twenty-eight-hundred dollars (\$2800.00), plus the monthly electric bill. Mr. Evans stated he also received a quote for grass cutting and Mr. Evans doesn't know who called who but DelDOT has been coming through with lawnmowers this year and most of the time they use "bush hogs" or the same kind of equipment they use on the side of the road. Mr. Evans stated Bright View Landscaping, Roofers Landscaping, and Dean Lewis provided prices to Mr. Evans and Bright View is the cheapest at seventy-five dollars (\$75.00) per cut. Mr. Evans stated he mentioned to the companies he wanted the land cut somewhere between ten (10) and twelve (12) days but not every week, or Mr. Evans needs to know the initial cost of what's going to qualify for getting a second cut; so the cost is seventy-five dollars (\$75.00) per cut. Mr. Evans stated he is putting this out to Council before any of this goes forward because now there are still a lot of things which need to be accomplished and the Town still needs to approach DelDOT about cleaning the pond. Mr. Evans asked, with the numbers provided, is Council comfortable with these numbers to the point that Mr. Evans can "run with this project" and he'll know how much money he can spend on this project.

Ms. Ryer asked what the fifty dollars (\$50.00) from Dean Lewis is for if he's not the lowest offer. Mr. Evans stated the fifty dollars (\$50.00) is per cut, but his theory is the Town also has to maintain its park and Bright View came in so cheap for the Town park, Mr. Evans had to take it but he knows he'll have to go back next year. Mr. Evans stated Bright View came in with a price for the park that no one can touch and he's more than happy to pay the price the rest of the year. Ms. Ryer asked if the twenty-eight-hundred dollars (\$2800.00) is a yearly maintenance cost. Mr. Evans stated yes, a yearly maintenance contract. Ms. Ryer asked if the eighty-six-hundred dollars (\$8600.00) includes everything except for the electricity. Mr. Evans stated yes. Ms. Ryer asked if the electricity is thirteen-hundred dollars (\$1300.00) more. Mr. Evans stated yes. Mr. Evans stated if Council agrees tonight, basically Council is giving Mr. Evans "the ball to run with" and he can report back to Council about how it will all work out in the end. Ms. Ryer stated she would like to double-check with Town Finance Director Lisa Wynn and Ms. Botchie to make sure there are funds available for this project. Mayor Maneri asked if the Town is looking at ten-thousand dollars (\$10,000.00). Mr. Evans stated yes, ten-thousand dollars (\$10,000.00) initial cost, twenty-eight-hundred dollars (\$2800.00) thereafter on the maintenance of the pond. Mr. Evans stated the other aspect on this is the Town shouldn't look at this as just the pond as originally, way back when DelDOT first started, there was a walking trail around the pond there and it's all pea gravel – the same which goes around Bishop's Landing, which the weeds go through and take over. Mr. Evans stated if you go and envision the same thing all along the back side, it would be the perfect place to throw in some bird houses, maybe put in a park bench, and there is actually a small park within the municipality which is out in the middle of Town, in which someone walking could stop and rest.

Mr. Belinko stated when you look at the Town's comprehensive plan, one of the things mentioned is about improving the streetscapes and this would certainly add to that plan. Ms. Ryer stated the Town Manager is looking into getting some money from the State, which would

be a good help to subsidize, offset the costs. Mr. Evans stated he can't speak to that but he's sure there are Town residents who may volunteer to build a birdhouse to put over there, and once this (COVID) virus has subsided, the Boy Scouts are always looking to do something for their community service badges, and the Town could get a lot of people involved to benefit the municipality. Mayor Maneri asked if the Town has liability on this pond or does the State. Mr. Evans stated we are not that far yet. Mayor Maneri stated we're looking at about ten-thousand-eight-hundred dollars (\$10,800.00) – and maybe more because of the electric and stuff like that – and “everybody stood on their soapbox one day” when Mayor Maneri brought up about the police study – not a police department – for safety for the area. Mayor Maneri further stated the Town said “no, we have to find a better way to spend it,” and we're looking at a pond? Mayor Maneri stated he is not understanding this at all as there was discussion of fourteen-thousand dollars (\$14,000.00) for the police study, and now you're talking about over ten-thousand dollars (\$10,000.00) for this (pond maintenance). Mr. Evans asked if Mayor Maneri was addressing Mr. Evans or the Council. Mayor Maneri stated he is addressing everybody. Mr. Evans asked Mayor Maneri if he wanted Mr. Evans to answer. Mayor Maneri stated Mr. Evans could go ahead. Mr. Evans stated there were three (3) crime incidents in one (1) month to do a study, but by looking at the pond every day, Mr. Evans can tell Mayor Maneri the pond looks like that every day. Mayor Maneri stated he knows, he helped clean it, remember? Mr. Evans stated yes, he was in the boat drudging it and he can say it will look like that every day as long as DelDOT does what they do. Mayor Maneri stated he is still looking at the difference in pricing, and Council did away with having a police study so we could see if we could get more (Delaware) State Police (DSP) action here or even build a police barracks – have them put a satellite office down here – because our new Town Hall didn't do it. Mayor Maneri stated if we came under a police study back then and we presented the study saying we need more police down here, case closed, it would've been over. Mayor Maneri stated you all brought your people in, you “stood on your soapbox.” Ms. Ryer stated she didn't bring anyone in. Mayor Maneri stated Ms. Ryer's development (Coventry). Ms. Ryer asked who. Mayor Maneri stated there was that woman. Ms. Botchie stated she thinks this is getting off-track from the agenda topic for discussion. Ms. Ryer stated, for the record, she brought no one in to that meeting. Ms. Brienza stated, for the record, neither did she bring anyone in. Mayor Maneri stated Council said no to public safety but you'll spend it on a little pond. Ms. Ryer stated she thinks it was agreed upon and the consensus from the majority was that a police study wasn't necessary at this time but it's not necessarily something which may not be needed “further down the road.” Mayor Maneri stated the Town will pay extra further down the road. Mr. Belinko asked to get this discussion back on track and stop taking shots at each other. Mayor Maneri stated to take a vote.

Ms. Brienza stated she said she would like to have Mr. Evans do whatever he needs to do to clean that mess up in the pond as it's disgusting. Mr. Belinko stated he is tired of hearing citizens complaining about the pond and thinks the Town should be doing something with it, so he votes to move forward. Ms. Ryer stated as long as the Town is sure it has exhausted all means possible to have the State or a State agency clean it up, which Ms. Ryer doesn't think is going to happen from what she's hearing, then the State is going to give the Town the property. Mr. Evans stated he has no clue in relation to taking over the property. Mayor Maneri stated the Town doesn't really want the property. Ms. Ryer stated we may have to take it. Mayor Maneri stated the Town would be taking the liability with it too. Mr. Evans stated he just wants to know about getting the pond cleaned. Ms. Ryer voted yes, to clean it up. Mr. Michel voted yes. Mayor

Maneri voted no.

Ms. Brienza motioned to approve to give Mr. Evans permission to go forward and do whatever needs to be done to get the pond located at Tax Map Parcel 134-12.00-398.00 to be cleaned with the condition of keeping it within the volume of cost discussed tonight and that the Town confirms it has the amount of money needed available. Mr. Belinko seconded the motion. Motion carried 4-1.

B. Discuss and possible vote on design for Town park pavilion. – Town Code & Building Official Eric Evans

Mr. Evans stated with regards to the park pavilion, Council has three (3) papers in front of them and the only difference with one of the buildings is the railing going around it is actually going to be on page three (3), and it will be a cross-railing section instead of wire rope which is very expensive. Mr. Evans stated it will be a raised building, approximately two (2) feet tall and now it's open, the Town can go with brick from here or block or cord wall. Mr. Evans stated we have to go with cord wall or block wall, and from there, the Town can go with brick veneer or with just painted stucco. Mr. Evans stated this is a twenty-by-thirty (20x30) building which will be in the back of the park and Mr. Evans wants to thank Bay to Beach Builders who Mr. Evans asked if they could draw a sketch of the pavilion. Mr. Evans stated the inside of the pavilion will have a vaulted ceiling to make it look bigger on the inside and Bay to Beach had the idea of going with black columns because when you're inside the black doesn't show up, but Mr. Evans likes the white. Mr. Evans stated there is a handicapped ramp in the back of the pavilion on a one-to-twelve slope pitch, which is Code for handicap accessibility. Mr. Evans stated it will be set up so anyone stepping down will – instead of walking onto the walking trail – step on some pavers so there is separation. Mr. Evans stated these are sketches as he wanted to see what Council's opinion was. Mr. Evans stated he asked Bay to Beach about doing construction plans and they said they would do them, free of charge; so if Council wants something akin to what is shown tonight, Mr. Evans can contact Bay to Beach and they will provide the construction plans.

Ms. Ryer stated she loves the building and asked if it is pretty much maintenance-free. Mr. Evans stated the pad is all concrete, slab on grade. Ms. Ryer asked if the poles are wood or vinyl. Mr. Evans stated they will be wood wrapped with vinyl. Mr. Evans stated he told Bay to Beach he wanted an inexpensive cost but not with the effects of a cheap product. Mr. Evans stated the lights will be recessed up in a standard soffit like the one on your porches, and will not be tongue-in-groove. Ms. Ryer stated she likes it and loves it with the little cupola as well as a weather vane on top. Mr. Belinko stated Mr. Evans did a nice job putting this all together – along with the Park & Recreation Committee. Mr. Evans asked Council if they want him to get construction plans and is what is shown the type of building Council wants in the park. Mayor Maneri asked, regarding the electric, will it come in in the corner area. Mr. Evans stated the Town will have to run the electric to the corner but we'll take it from the box that is in the ground. Mr. Evans stated the Town has conduit back in the area, which are empty right now so the Town will have to run electric out to it and we'll wrap it around and try to get it to come in from the back. Mr. Evans stated with the slab on grade, the Town will have to have the conduit coming up in various spots, hopefully the Town can plant them behind various columns or fake columns to put in outlets so any music performance band can plug in; and also for putting in light switches, or the Town can put the lights on a timer system. Mr. Evans stated he tested the

park lights around the walking trail today and they all work, so they should be on tonight. Ms. Ryer asked about adding a ceiling fan to the pavilion. Mr. Evans stated those can easily be added on. Mr. Evans stated if Council wants to go with construction drawings, the Town can contract this as the general and the Town would probably save twenty-five percent (25%) more. Ms. Ryer stated it's an excellent idea. Mr. Evans stated it's not a big, complicated building but we may have to get Mr. Thompson to draft up some decent construction contracts for the contractors, but Mr. Evans thinks we could probably do this inexpensively.

Ms. Ryer motioned to move forward with having Mr. Evans obtain construction plans for the park pavilion. Mayor Maneri seconded the motion. Motion carried 5-0.

6. CITIZENS' PRIVILEGE

There were no comments.

7. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL MEETING, TUESDAY, AUGUST 11, 2020

8. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:44 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk