

**MINUTES OF THE MILLVILLE
TOWN COUNCIL REGULAR & TELECONFERENCE MEETING
September 8, 2020 @ 7:00 PM**

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

3. ROLL CALL

Mayor Steve Maneri stated everyone was present.

4. ADOPTION OF TOWN COUNCIL MINUTES

A. Adoption of Town Council Minutes – August 11, 2020

B. Adoption of Town Council Workshop Minutes – August 25, 2020

C. Adoption of Town Council Executive Session Minutes – August 25, 2020

Treasurer Sharon Brienza motioned to approve the August 11, 2020, Town Council meeting minutes and the August 25, 2020, Town Council Workshop meeting minutes. Secretary Barbara Ryer seconded the motion. Motion carried 5-0. Ms. Brienza motioned to approve the August 25, 2020, Town Council Executive Session minutes. Ms. Ryer seconded the motion. Motion carried 5-0.

5. FINANCIAL REPORT – Treasurer Sharon L. Brienza

A. August 2020

Treasurer Sharon Brienza read the Financial Report for the month ending 8/31/20.

August 31, 2020:

General Revenue: \$ 172,691. Restricted Revenue: \$ 138,845.

General Expenses: 58,033. Restricted Expenses: 41,343.

6. ADMINISTRATIVE MATTERS

A. Administrative Report for August 2020

There were no comments.

7. CITIZENS' PRIVILEGE

There were no comments.

MOTION TO ENTER PUBLIC HEARING

Deputy Mayor Ronald Belinko motioned to enter public hearing at 7:03 p.m. Council Member Peter Michel seconded the motion. Motion carried 5-0.

8. NEW BUSINESS

A. Public Hearing Notice

B. Written Comments

There were no comments.

C. Discuss a Final Site Plan submitted by LandTech LLC, on behalf of JIIS Management LLC, for the Beaches Car Wash, located at Tax Map Parcel #134-12.00-343.00, 35162 Atlantic Avenue. At its September 26, 2019, meeting, the Town Planning & Zoning (P&Z) Commission voted 4-0 to recommend final site plan approval to Council with the 18 conditions.

Mr. Jonathan Street, of Becker Morgan Group, stated they provided the site plans for tonight's presentation and the he realizes the applicant is coming here tonight without the entrance plan approval from DelDOT and Sussex Conservation District (SCD), but they are in final preparations for both of those approvals. Mr. Street stated what they do have is a signal agreement from DelDOT, they have the approval of discharge and stormwater to the DelDOT system on Route 26, and they've got record plan approval from DelDOT. Mr. Street stated he expects the final approvals from DelDOT and SCD within the next ten (10) days. Mr. Street stated what is before Council tonight will allow the applicant to continue to finalize his preparations for construction as the applicant doesn't currently own the property, some of the permits which will be pulled – Sussex County for the sewer and Tidewater for the water – both produce impact fees and separate fees which are approaching six (6) figures so they're pretty extensive and Mr. Street is sure the applicant wouldn't pay them unless the applicant owns the property. Mr. Street stated Council's actions will allow the applicant to complete his contract to purchase the property. Mr. Street stated he understands if Council is hesitant to issue final approval if it doesn't have all of the approvals, and Mr. Street understands the Town still does hold the building permit in hand and the Town doesn't have to sign off on the building permit or site plan until all approvals are in hand. Mr. Street stated the applicant would submit anything to the Town for recordation until they've received all approvals, but they are being finalized with the agencies right now. Town Solicitor Seth Thompson stated the two (2) items which are outstanding are objectively verifiable which is helpful. Mr. Street stated the applicant cannot disturb ground until getting SCD approval. GMB Representative Andrew Lyons Jr. stated he has gotten information on those two (2) permits so getting the permission to discharge into DelDOT right-of-way (ROW) is part of what is holding up SCD approval; and as those two (2) are combined, it makes it that much more complicated in getting that final DelDOT approval. Mr. Lyons stated now that DelDOT has signed off, SCD can finalize their items.

Mr. Belinko stated when the preliminary plan was recommended by the Town P&Z, there

were eighteen (18) conditions and Mr. Belinko asked if all the conditions have been met. Mr. Lyons stated yes, and the two (2) comments on Mr. Lyons' comment letter have also been addressed. Mayor Maneri asked if there is a specific time DelDOT may issue the approval. Mr. Street stated there is a signal agreement which is in place which the applicant has signed and submitted to DelDOT, and DelDOT will often require the signal agreement to be recorded before they approve the plan. Mr. Street stated in the past they have requested DelDOT approve the plan, knowing the rest of the signal agreement is in DelDOT's hand and they have to execute and record it. Mr. Street stated the last one he did was in Dagsboro and it took almost four (4) weeks. Mr. Street stated the clock for DelDOT started on this about two-and-a-half (2 ½) weeks ago, so Mr. Street is expecting it in the next two (2) weeks or so. Ms. Ryer stated she likes there is a nice turn lane provided so people turning in won't impede traffic on Route 26, the building has a nice design, and the landscaping plan looks real nice.

D. Residents/Property Owner Comments & Questions

There were no comments.

MOTION TO CLOSE PUBLIC HEARING

Ms. Brienza motioned to close the public hearing at 7:15 p.m. Mayor Maneri seconded the motion. Motion carried 5-0.

9. NEW BUSINESS

A. Discussion, Consideration, and Possible vote on a Final Site Plan submitted by LandTech LLC, on behalf of JIIS Management LLC, for the Beaches Car Wash, located at Tax Map Parcel #134-12.00-343.00, 35162 Atlantic Avenue.

- **Mayor Maneri will request an individual vote**

Mr. Belinko motioned to approve the Final Site Plan for Beaches Car Wash. Ms. Ryer seconded the motion. Ms. Ryer voted yes. Mr. Belinko voted yes. Mr. Michel voted yes. Ms. Brienza voted yes. Mayor Maneri asked since the water management is going to be underneath the parking lot, will the parking lot be swept a lot because even though the lot is pervious black-top, people will be coming in with dirt on their vehicles and it may get clogged. Mr. Street stated the pervious black-top is not being used because of site conditions, but the applicant is going to have an underground system which sits below the parking lot because they have graded vehicle rates about four (4) feet below grade, so the whole site from the outside curb will drain into the center and it's located at a shallow subsurface infiltration facility itself. Mayor Maneri voted yes. Motion carried 5-0.

B. Discussion, Consideration, and Possible vote on Resolution 21-11. A Resolution to release performance bond #PB03010403569 prepared by Philadelphia Insurance Companies, in the amount of \$500,000.00 in the name of Millville Town Center LLC, the developer of Sea Star Village 1. The developer is required to have in place a warranty bond in the amount of \$50,000.00. The Resolution will also approve the transfer of improvements to the Millville by the Sea Master Home Owners Association.

Mayor Maneri and Ms. Brienza abstained from the discussion. Mr. Lyons stated he did multiple inspections at Sea Star Village sections one (1) and two (2), and the items were about ninety-five percent (95%) complete. Mr. Lyons stated the landscaping was a big item but Mr. Lyons has talked with both the developer and the contractor on those and they know what needs to be done. Mr. Belinko asked Mr. Lyons if Mr. Lyons sees any reason to not release these bonds. Mr. Lyons stated no, not with the one-year warranty period the Town has and everything looks very good over there. Mr. Lyons stated he will be going back for a walk-through review in one (1) year from now for the maintenance items. Mr. Thompson stated if this is all for just section one (1) or for both sections one (1) and two (2). Mr. Lyons stated his comments apply to both sections one (1) and two (2). Town Manager Debbie Botchie stated there is a mistake on the Council meeting agenda under this item and the next item, Resolution 21-12, regarding the transfer of improvements going to the Millville by the Sea (MBTS) Master Home Owners Association for sections one (1) and two (2) of Sea Star Village; rather, the transfer of both will go to the Sea Star Village Homeowners Association. Mr. Thompson stated yes, but the resolutions themselves which are before Council tonight are worded properly, each stating transfer of improvements will go to the Sea Star Village Homeowners Association. Ms. Ryer asked if any representative from MBTS accompany the inspection walk-through. Mr. Lyons stated yes, Mr. Al Ruble of MBTS did.

Ms. Ryer motioned to approve both Resolution 21-11 and Resolution 21-12. Mr. Michel seconded the motion. Ms. Ryer voted yes. Mr. Michel voted yes. Mr. Belinko voted yes. Ms. Brienza abstained. Mayor Maneri abstained. Motion carried 3-0-2 abstentions. Mayor Maneri and Ms. Brienza rejoined the meeting.

- C.** Discussion, Consideration, and Possible vote on Resolution 21-12. A Resolution to release performance bond #PB03010403843 prepared by Philadelphia Insurance Companies, in the amount of \$323,355.00 in the name of Millville Town Center LLC, the developer of Sea Star Village 2. The developer is required to have in place a warranty bond in the amount of \$32,335.50. The Resolution will also approve the transfer of improvements to the Millville by the Sea Master Home Owners Association.

This was approved in the previous item.

- D.** Discussion, Consideration, and Possible vote on Ordinance 21-03. An Ordinance Extending the Term of the Cable Franchise Granted to Mediacom. Synopsis: If approved, this ordinance will continue informal renewal negotiations and extend the term of the non-exclusive agreement until January 1, 2021.

Ms. Brienza stated she think it is a smart move to extend this because the Town cannot hold full capacity public hearings at the moment (due to COVID) so hopefully by after January 1, the Town can have it. Ms. Ryer stated she doesn't like that there's "no other game in Town" but Mediacom. Mayor Maneri stated he remembers many years ago Verizon asking about coming in for internet but they needed to get permission at the time from Chuck Ellison of MBTS to use the right-of-ways; but nothing ever happened. Ms. Ryer stated people however do need to have the service and Comcast and Verizon don't seem to want to compete with Mediacom, which is their choice, but Ms. Ryer thinks it's

good to extend this. Mr. Belinko stated he agrees with Ms. Ryer and he's very aware of the problems with Mediacom and they are "the only game in Town" as far as cable TV is concerned, and Mr. Belinko thinks by extending this agreement until the first of the year, the Town can "iron out" some problems. Mr. Belinko stated in the letter Mediacom presented, Mediacom outlined some of the issues they will address. Mr. Belinko stated he has met with a few Bishop's Landing residents to explain the whole situation because there is a lot of misconception out there about Mediacom having a monopoly with the Town or how the Town won't allow another company to come in to service people, but Mr. Belinko explained it properly. Mr. Belinko stated the Town is not going to "reinvent the wheel" because South Bethany and its residents have met with Mediacom and the Town will be asking for the same thing with this area.

Ms. Brienza motioned to approve Ordinance 21-03. Ms. Ryer seconded the motion. Mr. Michel voted yes. Ms. Ryer voted yes. Mr. Belinko voted yes. Ms. Brienza voted yes. Mayor Maneri voted yes. Motion carried 5-0.

10. CITIZENS' PRIVILEGE

There were no comments.

**11. ANNOUNCEMENT OF NEXT MEETING - Town Council Workshop Mtg.,
September 22, 2020**

12. ADJOURNMENT

Ms. Brienza motioned to adjourn at 7:30 p.m. Mr. Belinko seconded the motion. Motion carried 5-0.

Respectfully submitted,
Matt Amerling, Town Clerk