

**Charter Review Committee Meeting
September 3, 2020 @ 10:00 a.m.**

In attendance were Committee Chairwoman Barbara Ryer; Committee Members Sharon Brienza, Pat Plocek, Tim Roe, and Town Manager Debbie Botchie; and Town Clerk Matt Amerling.

1. **CALL TO ORDER:** Committee Chairwoman Barbara Ryer called the meeting to order at 10:00 a.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** All Committee members were present.
4. **NEW BUSINESS**
 - A. Charter Review Committee Organizational Meeting

Ms. Ryer stated her thanks to all of the committee members for accepting positions on this committee and wanted to make sure this time and date and venue were good for everyone. The Committee stated yes. Ms. Ryer stated there are thirty-eight (38) sections in the Town Charter and wanted to know if the Committee would like to have it so each Committee member take a section, review it and recommend possible amendments, if any, at the next meeting. Committee member Sharon Brienza stated she thinks it's a good idea to have each person take a section for review and revising, then bringing it back to a meeting so everyone can discuss what was reviewed and amended. The rest of the Committee agreed. Ms. Ryer stated Town Manager and Committee member Debbie Botchie is providing the rest of the committee with some of the changes the Town of Milton made to its charter recently, so we can reference what may need changing in our charter. Ms. Botchie stated another good thing about Milton's is their town attorney is Seth Thompson, who is also the solicitor for Millville. Ms. Botchie stated the last charter amendment was a revision which was made a year ago, but the entire charter has not been reviewed or amended since it was first written. Ms. Ryer asked Town Clerk Matt Amerling if he could forward an electronic Microsoft Word version of the Town Charter to the committee members. Mr. Amerling stated yes.

Ms. Botchie stated the process of amending the charter is first to decide what needs to be changed in the Town Charter, Ms. Botchie will then type a resolution which will have the changes and Council will have to approve it. Ms. Botchie further stated she will take the resolution and create a draft template House bill, which is sent to State Senator Gerald Hocker Sr. and Representative Ronald Gray because you must have your representatives to sponsor the bill, otherwise it is done. Ms. Botchie stated the representatives will take it to the House of Representatives for approval, and when it gets approved, it goes to the Senate; and once the Senate approves it, it will go to the Governor for his signature, which will finalize its approval. Ms. Botchie stated the legislature starts January 2 and we will have to have everything in by May, prior to the end of their session, June 30.

Ms. Brienza stated she has already started working on sections sixteen (16), seventeen (17), eighteen (18) and nineteen (19). Ms. Botchie stated under page C-2, section two (2), territorial limits, was changed back in 2016 which has language approved by the State so a lot of towns made this same change because any time a town has an annexation, there would have to be a charter change; but this change made the process easier. Ms. Brienza asked if sections two (2) and three (3) – the territorial limits and annexation of territory – are State-regulated. Ms. Botchie stated yes, the committee would not make changes to those sections. Ms. Botchie stated you can make more stringent laws than the State but not less. Ms. Botchie stated section four (4) has it so the Town is a manager-council structure of government and it would entail a lot of discussion if the committee ever wanted to change that structure. The Committee stated they had no interest in changing it. Ms. Botchie stated under section five (5), the qualifications of a council member was revisited in 2016, so the committee doesn't really need to make

any changes there. Ms. Botchie stated section six (6), the method of making nominations for Town Council member, could be antiquated so it should be reviewed. Ms. Botchie stated section seven (7), the manner of holding annual municipal elections has to be followed as it's under State regulation; but when the State ever changes something with the Board of Elections, the Town may make the appropriate change here. Ms. Ryer asked about the absentee ballots. Ms. Botchie stated those are also in here and they are also regulated by State and County. Ms. Botchie stated section eight (8) – the organization and annual meeting of Council – was also revisited in 2016 but someone may review it. Ms. Botchie stated section nine (9) – regular and special meetings – was also reviewed in 2016 but it was just to make the language more clear; but it simply states the Town is required to have regular meetings and can have special meetings. Ms. Brienza asked if the Town mails notices to the newspaper. Ms. Botchie stated no, the Town only sends public hearing notices to the newspaper for print, which is a requirement. Ms. Brienza asked if they are mailed in. Mr. Amerling stated no, they are emailed in to the newspaper, but the language here dates when this was originally written. Ms. Botchie stated section ten (10), quorum, is a given and required under Code. Ms. Botchie stated section eleven (11) – rules and minutes of Council – was changed a bit in 2016 but it may be something Ms. Brienza may want to review. Ms. Botchie stated all of the Town's meetings are recorded and the Town saves the recordings. Ms. Brienza asked how long the Town keeps the recordings. Mr. Amerling stated indefinitely, even though there is a record retention for them, but Mr. Amerling keeps the recordings longer due to Millville growing so much and there may be a time the Town administration or Council needs to go back to check on something that was approved or reviewed three (3) or five (5) years ago. Mr. Amerling stated the Town has the written minutes but the minutes needed may be archived because Mr. Amerling does follow that retention schedule and then the person would have to travel up to Delaware Archives in Dover just to view the minutes. Ms. Botchie stated “back in the day,” meeting minutes were not verbatim and were more of an overview, but Ms. Botchie has had to go back and retrieve the recording, finding out the recording contradicted what was recorded in the written minutes. Mr. Amerling stated there was another instance where Ms. Botchie needed minutes which were written prior to Mr. Amerling's employment and didn't have much detail; whereas now Ms. Botchie can view Mr. Amerling's minutes and see exactly what was discussed. Mr. Amerling stated when he first started working for the Town, and Ms. Botchie mentioned wanting the minutes almost verbatim, Mr. Amerling stated he insisted on transcribing the minutes that way. Mr. Amerling stated the whole idea is that if someone missed the meeting and went onto the Town website or visiting Town Hall and requested the minutes, they could read the minutes and get as much detail as possible, making them feel as if they were at the meeting. Ms. Botchie stated the only meetings which require verbatim are Board of Adjustment meetings. Ms. Ryer stated she will take section eleven (11). Committee Member Pat Plocek asked if the minutes referred to here are only for Council minutes or is it for all the boards and committees. Mr. Amerling stated he took that language to mean all meetings. Ms. Botchie stated it doesn't say all meetings in the charter. Ms. Botchie stated the Town has an ordinance in its Code which references Planning and Zoning (P&Z), but all other committees and boards should be something to look at possibly adding. Ms. Brienza stated this is for just Council so the committee would have to look into adding a section for the other committees and boards. Ms. Ryer stated she will also look at adding the boards and committees.

Ms. Botchie stated section twelve (12) looks at vacancies, so if a Council member dies or moves out of Town, Ms. Botchie stated it is up to this commission whether they want to change anything here. Ms. Botchie stated she would really like to review section thirteen (13), which does reference Council, talking about how a Council member can only be removed from office for four (4) certain points. Ms. Botchie stated she thinks this section needs to be updated to reflect what is in the Council policies and procedures manual. Mr. Plocek stated he will take section fourteen (14), contracts. Ms. Brienza stated, regarding contracts, there should be simple edit of it being unlawful for any Council member to enter into any contract and that's it. Ms. Brienza stated she doesn't think any Council member should be able to make or go into any kind of contract for anything. Ms. Brienza stated she will review section fifteen (15), duties of the mayor. Ms. Botchie stated the committee must remember the Town does not have an alderman but it doesn't mean the Town won't in the future. Ms. Botchie stated she can review section

twenty (20). Ms. Botchie stated regarding section twenty-one (21) – the Board of Health – she has never read it as she’s had no reason to read it. Ms. Botchie stated all she can remember about section twenty-two (22) is it allows the Town to have its own police force but it may be antiquated. Committee Member Timothy Roe stated he can review section twenty-two (22). Mr. Roe asked if the Town has a justice of the peace. Ms. Botchie stated not in Town. Mr. Roe asked who the Town uses. Ms. Brienza stated the Town uses the Delaware State Police (DSP). Ms. Botchie stated she will find out what justice of the peace the Town would use. Ms. Ryer stated section twenty-three (23) is the annual audit. Ms. Brienza asked Ms. Botchie if Town Finance Director Lisa Wynn and Ms. Botchie could review that section. Ms. Botchie stated yes.

Ms. Ryer asked who would like to take section twenty-four (24), Board of Assessment. Mr. Roe stated he will take it since he has experience in that field. Mr. Roe stated he will also take section twenty-five (25), assessment of taxes. Ms. Botchie stated she and Mr. Roe will meet on sections twenty-four (24), twenty-five (25) and twenty-six (26). Ms. Botchie stated section twenty-seven (27), taxation of real estate transfers, is set by the State but Ms. Botchie and Ms. Wynn will review it, as well as section twenty-eight (28). Mr. Plocek stated he will review section thirty (30), Town budget. Ms. Ryer stated she will review section thirty-one (31), enumeration of powers. Mr. Amerling stated that section basically informs Council of what types of ordinances it can create, among other things. Mr. Plocek stated he can look into sections thirty-two (32) and thirty-three (33). Ms. Ryer stated the next section, thirty-four (34), is the collection of charges due the Town. Mr. Amerling stated the Town doesn’t collect or control the roads, water or sewer. Ms. Botchie stated yes, but that doesn’t mean the Town won’t in the future. Mr. Plocek stated he will look at thirty-four (34). Ms. Ryer stated the next section, thirty-five (35), is the power to borrow money and issue bonds. Ms. Brienza stated that would fall under Ms. Botchie’s and Ms. Wynn’s purview. Ms. Botchie stated she and Mr. Thompson will review section thirty-six (36), actions or suits; and Ms. Botchie will review section thirty-seven (37), compendium. Ms. Ryer stated she will review section thirty-eight (38), revival of powers and validating section. Ms. Ryer stated she will contact each Committee member and confirm the sections they are reviewing. Ms. Ryer asked Mr. Amerling to email all the committee members a Word copy of the charter.

5. CITIZENS PRIVILEGE

There were no comments.

6. ANNOUNCEMENT OF NEXT MEETING – OCTOBER 1, 2020 AT 10 A.M.

7. ADJOURNMENT

Mr. Plocek motioned to adjourn the meeting at 10:36 a.m. Ms. Brienza seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk