

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

In attendance were Committee Chairwoman Barbara Ryer; Committee Members Sharon Brienza, Pat Plocek, Tim Roe (via Webinar), 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 except Tim Roe.
4. **ADOPTION OF MINUTES**
  - A. November 5, 2020

Committee Member Sharon Brienza motioned to approve the November 5, 2020, Charter Review Committee meeting minutes. Committee Member Pat Plocek seconded the motion. Motion carried 4-0.

5. **OLD BUSINESS**
  - A. Continue discussions on possible Charter amendments.

Town Manager Debbie Botchie stated regarding Committee Member Tim Roe's issues with the Board of Assessment (BOA), there was a question if the Town needs a BOA because the Town uses County assessments. Ms. Botchie stated Town Solicitor Seth Thompson said the Town should keep the BOA language in its Charter so the Town can preserve the ability for future Councils to choose whether to continue with County or do its own. Mr. Plocek asked if there should be a paragraph added in the BOA section saying if the BOA is not assigned, then explaining the process for appointing a BOA. Ms. Botchie stated she thought the Charter said the Town used County assessments. Ms. Botchie stated Mr. Thompson also responded to Mr. Roe's amendments, which makes sense to Mr. Thompson, but Ms. Botchie will make a note of Mr. Plocek's suggestion. Ms. Brienza stated if you look at number twenty-four (24), item D, it says adoption of Sussex County assessments, and Council may use the assessments of County. Mr. Plocek stated in the first sentence of section twenty-two (22), Police Force, Mr. Roe omitted the word "may" and replaced it with "shall"; however, the word should remain "may" because then it means the Town would definitely have to organize a police force. The Committee agreed. Ms. Botchie stated Town Finance Director Lisa Wynn still has some items for Mr. Thompson regarding what was discussed at the November 5, 2020, Charter Review meeting.

Ms. Botchie stated in section three (3), Annexation of Territory, annexations are a very long and tedious process, sometimes taking many months. Ms. Botchie stated she is in the middle of correspondence with Milton's town manager, Kristy Rogers, to see if Milton has done the process of annexation with their new code, and if Milton has had any issues with it. Ms. Botchie stated she is suggesting the Town strike all of its current annexation section and replace it with a lot of the language from Milton's. Ms. Botchie stated this language will also make the

committee consist of two (2) Council people and one (1) Planning & Zoning (P&Z) commissioner, as opposed to the current lineup consisting of three (3) Council members and Ms. Botchie as secretary. Ms. Botchie stated the annexation process can be very long but with this new language, there is so much more clarity to it. Ms. Botchie stated she likes the language stating if an applicant wishes to request the annexation of property using a higher density than R – Residential, they must submit a concept plan so the Town knows what they have planned for the property. Ms. Botchie further stated this language also gives Council the authority to put some conditions on annexations. Committee Member Tim Roe joined the meeting via Webinar. Ms. Botchie the current language found in subsection B, regarding five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of the Town of Millville, this is if people from a subdivision want to annex in and the language is very muddled in how it's currently written. Mr. Plocek asked if a subdivision outside of Town limits has some residents who want to annex into Town and some residents who don't, do all residents have to want to annex in so the process can continue. Ms. Botchie stated under this new language, all residents would have to want to annex in order to continue with the annexation process, but the subdivision would have to be contiguous to Millville's Town limits. Ms. Botchie stated she has a request into Mr. Thompson regarding whether the language of "Mayor and Town Council" needs to be added. Ms. Botchie asked if she could have Town Clerk Matt Amerling send the annexation section changes to Mr. Thompson. The Committee stated yes.

Committee Member Tim Roe stated Ms. Botchie had him look up the State Code regarding the resource the police force's responsibilities are in and it's in Title Eleven (11), Crimes and Criminal Procedures, Chapter Nineteen (19) and subchapters one (1), two (2) and three (3); and Chapter Twenty-Three (23) and subchapters one (1) and two (2). Ms. Botchie stated she spoke with Mr. Thompson regarding the Justice of the Peace, and Mr. Thompson said it was an interesting question. Ms. Botchie stated she went to the Justice of the Peace website, and there are several ones within Sussex County for various offenses; so Ms. Botchie has to do more work on this aspect. Ms. Brienza asked Ms. Botchie if she has any idea how long it will take for Mr. Thompson to do his review of the Charter changes and get back to the Town. Ms. Brienza asked Ms. Botchie if Mr. Thompson could send back his comments and suggestions to the Committee in piecemeal so the Committee can review the sections as they come in, to help speed along the process and make it easier for review. Ms. Botchie stated she could notify Mr. Thompson.

Ms. Ryer stated regarding section thirty-eight (38), Revival of Powers and Validating Section, there are only a few words to amend or add since it's a lot like Milton's, one of the issues being whether to add "Mayor and" before every mention of Town Council, but that's still "up in the air" until we hear from Mr. Thompson. Ms. Ryer stated regarding section thirty-one (31), Enumeration of Powers, some of the wording under item A in Milton's is worded a bit better than Millville's, so she would suggest using Milton's. Ms. Ryer stated under subsection A-1, where it says to "prevent" vice, public drunkenness, and immorality, she would like to change the word "prevent" to "prohibit" because preventing something can be nearly impossible, but it's easier to prohibit it. Ms. Ryer asked, under item A-3, to prohibit all gaming and fraudulent devices, are church bingo games included in that gaming or is it covered under a statute so they can conduct those games? Ms. Brienza stated those kinds of games are usually covered to be permitted. Ms. Botchie stated all of these items are an enumeration of powers, meaning these

are items the Town Council can take action on to make a law, although any of these have to be enacted through the ordinance process. Ms. Brienza stated she thinks fraudulent devices in this instance means if someone wanted to come in to set up a casino night. Town Clerk Matt Amerling stated yes, it's to prevent someone from using rigged gaming software or systems. Mr. Amerling stated these enumerations means Council – through the approval of an ordinance – can make a law for whichever type of aspect is listed in this section; and it doesn't mean Council has to make a law, but simply that they can. Ms. Ryer asked Ms. Botchie if Ms. Ryer should go through the Town ordinances first before removing any of these enumerations. Ms. Botchie stated she knows there is currently no ordinance for prohibiting vice, public drunkenness, and immorality. Ms. Ryer stated item five (5), there is a part which says "in" but should say "within." Ms. Ryer stated number six (6) regarding controlling observance of the Sabbath Day, she believed that may be considered discrimination. Ms. Brienza stated the Town has no right to regulate anyone's religious day. Ms. Botchie stated her agreement. Ms. Ryer stated her agreement and said she'd like it omitted. The Committee agreed. Ms. Ryer stated regarding item nine (9), with snow removal, most communities have home owners associations (HOAs) so most people don't have to worry about removing snow. Ms. Brienza asked if the Town has an ordinance regarding property owners being responsible for snow removal. Ms. Botchie stated yes, a property owner is responsible for snow removal on a sidewalk in front of their property even if DelDOT installed the sidewalk and the property owner didn't pay to have it put in. Mr. Amerling stated the ordinance is also for those who don't live in a community which has a HOA. Ms. Ryer stated under item eleven (11), she added to the end "...of the health and capacity of eco-systems that support the natural areas within the Town." Ms. Botchie stated for this item, the Town already has an ordinance for nuisances and the process to take care of it. Ms. Ryer stated with item twenty-four (24), she thinks the Town should use Milton's language for future needs of a jail. Ms. Ryer stated with item twenty-six (26), instead of using the work "missiles," she replaced it with "projectiles." Ms. Ryer stated regarding item twenty-seven (27), she would like to add "unless otherwise determined by Council" after the thousand-dollar (\$1,000.00) fine for violation of an ordinance. Ms. Botchie stated fines are determined in the Town's fee schedule, and they don't go over a thousand dollars (\$1,000.00) because if the Town does, the Town then has to justify why the fine goes over that sum. Ms. Ryer stated she understands and withdraws the suggestion. Ms. Ryer stated, regarding item twenty-eight (28), with the Town donating no more than six percent (6%) per year the total taxes levied on real estate, isn't this done already? Ms. Botchie stated yes, this item allows the Town to donate six percent (6%) of levied taxes to the Millville Volunteer Fire Company (MVFC) or ambulance, and it was revised in 2016 because it originally said three percent (3%) to go to the fire company and three percent (3%) to go to the ambulance. Ms. Botchie stated the Town realized the ambulance expenses exceeded the fire company expenses so Council decided to give six percent (6%) and not differentiate between the two. Ms. Ryer stated under item thirty-one (31), she thought the listing of "telegraph" was a little antiquated so she took it out. Ms. Ryer stated she added "Mayor and" to before Town Council in numbers thirty-one (31) and thirty-two (32).

Ms. Ryer stated regarding item thirty-five (35), the end states for the indebtedness not to exceed in the aggregate twenty-five percent (25%) of the appraised value, but it should be the assessed value because we don't appraise properties, we assess them. Ms. Botchie stated Ms. Wynn and her are addressing this one because, back in the day, County would just have assessment and the Town would double the assessment. Ms. Botchie stated now County puts in the appraised value, which is assessment times two (2), so the Town is looking into it. Ms. Ryer stated regarding

item thirty-six (36), she omitted the last line of “of 1974, as heretofore or hereafter amended” because Milton had omitted the same language from theirs, but she’s not sure if there’s some reason to leave it in or not. Mr. Plocek stated he thinks the 1974 language needs to be left in there because it gives a reference to that particular chapter and title when it was amended; otherwise, the person looking up the reference doesn’t know which specific year is being referenced. Ms. Botchie stated when Mr. Amerling does the amendment of this section, put in a comment to Mr. Thompson to reference number thirty-three (33) of Milton’s where this same language was omitted. Ms. Ryer stated under item thirty-nine (39), she proposes to change the word “may” to “to” because Milton did the same change and it has been legally approved. Ms. Ryer stated item forty (40) has the “Mayor and” to be added before Town Council twice. Ms. Ryer stated regarding item forty-five (45)-B, the “B” should be changed to “A.” Ms. Ryer stated there’s another “Mayor and” to possibly be added. Ms. Ryer stated the Town doesn’t have a number forty-six (46), but Milton’s number forty (40) – on its page thirty-seven (37) – states “may impose upon annexed property,” and she wonders if it needs to be added to the Town’s. Ms. Botchie stated she will have to review it. Ms. Ryer stated going back to the October Charter Review meeting, when Mr. Plocek suggested the money with the procurement issue, Ms. Ryer would like the Town to consider revising after the ten-thousand dollars (\$10,000.00) to add “or the procurement regulations as approved by Millville Town Council.” Ms. Botchie stated Milton increased theirs to twenty-thousand dollars (\$20,000.00) and they did some different things. Ms. Ryer stated she thought instead of having these specific numbers which could change, to rather put in Millville’s approved procurement plan or something to that effect. Ms. Botchie stated Ms. Ryer will have to discuss that with Mr. Thompson.

**6. CITIZENS PRIVILEGE**

There were no comments.

**7. ANNOUNCEMENT OF NEXT MEETING – JANUARY 7, 2021 AT 10 A.M.**

**8. ADJOURNMENT**

Mr. Plocek motioned to adjourn the meeting at 11:01 a.m. Ms. Brienza seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk