

**Charter Review Committee Meeting  
February 18, 2021 @ 10:00 a.m.**

In attendance were Committee Chairwoman Barbara Ryer; Committee Members Sharon Brienza, Pat Plocek, Tim Roe, and Town Manager Debbie Botchie; Town Clerk Matt Amerling and Town Solicitor Seth Thompson (via Webinar).

1. **CALL TO ORDER:** Committee Chairwoman Barbara Ryer called the meeting to order at 10:01 a.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** All Committee members were present.
4. **ADOPTION OF MINUTES**
  - A. February 4, 2021

Committee Member Pat Plocek motioned to approve the February 4, 2021, Charter Review Committee meeting minutes. Committee Member Sharon Brienza seconded the motion. Motion carried 5-0.

5. **OLD BUSINESS**
  - A. Continue discussions on possible Charter amendments to go before Town Council review.

Town Manager Debbie Botchie stated regarding Town Solicitor Seth Thompson's comment on page ten (10) regarding prior mentioning of a separate mayoral election, and the committee agreed to add a comment saying "yes, an individual brought it up, but they have not directed the committee to follow through and the committee is not in favor of such a process." Ms. Ryer asked about adding language to reference how the Mayor is appointed by members of the Town Council. Town Solicitor Seth Thompson stated section eight (8), item B, mentions how "Town Council shall organize and elect a Mayor and a Deputy Mayor who shall hold office for the term of one (1) year ..." Mr. Thompson stated the committee could put in language in section four (4), saying "One of the members of the Town Council shall be elected Mayor of the Town Council, pursuant to Section 8, Item B, and upon his or her election ..." The committee agreed.

The committee agreed the first comment on page one was fine. Ms. Botchie stated the first comment on page two (2) has to do with annexation and there is a concern regarding the amount of homeowners of a subdivision wanting to annex into Town. Mr. Thompson stated when a subdivision is wanting to annex into a town, it's usually when the subdivision is about to be built or because it is necessary for provisions such as water or sewer services. Mr. Thompson stated in a case where an already-established subdivision may want to annex in, there is the question of whether the Town requires all residents of said subdivision to agree to annexation; or does the Town want to make it so a majority of those residents agree. Mr. Thompson stated it is up to the committee to determine. Mr. Plocek stated most of the places he's lived, the number has never been one-hundred percent (100%) because you could have a subdivision where everyone except one (1) home wants to annex and the one (1) person holds up an annexation the majority of residents want. Mr. Plocek stated the percentage is usually

seventy percent (70%) or eighty percent (80%) so the one person doesn't hold up the entire process for what a majority want. Mr. Thompson stated he agrees with Mr. Plocek. Ms. Botchie stated there is a situation currently in Millville which has been somewhat of a nightmare when it comes to whether the Town oversees two (2) properties or the subdivision's homeowners' association (HOA). Ms. Botchie stated the two (2) properties along Route 26, which are a part of Murray's Haven subdivision are the only two (2) parcels in Town limits – the other houses in the subdivision are not. Ms. Botchie stated there have been nothing but issues with these properties because those property owners want to do what the Town allowed them but the HOA doesn't. Ms. Botchie stated the Town would like to see avoiding any such further issues via this section of the charter. Ms. Ryer stated she likes the idea of a majority vote. Mr. Plocek stated a specific percentage should go in. Ms. Brienza stated she likes eighty percent (80%). Mr. Thompson stated what does the eighty percent (80%) entail – based on the entire area of land, which makes more sense for annexation, or per lot. Mr. Plocek stated he thinks per lot, so if a person owns two (2) lots, they would get two (2) votes. Town Clerk Matt Amerling stated to prepare for drama from other property owners if someone gets two (2) votes. Ms. Ryer stated it's how most covenants are written. Mr. Amerling stated he understands and whatever the committee decides is fine, but they should know how people can be, and there could be some outcry. Mr. Plocek stated he thinks it should go by lot ownership and each person who owns a lot should get a vote. Mr. Thompson stated his recommending putting the language “At least eighty percent (80%) of property owners for the area ...” before the beginning of item A, and taking out the words “Each and every property owner” at the beginning. Ms. Brienza asked Mr. Thompson to craft some language to include “one vote per lot.” Mr. Thompson stated yes. Committee Member Tim Roe asked if the Town has to be careful to put language in stating one person per property gets one vote because if, for instance, he and his wife own the property, there could be two (2) votes. Ms. Ryer stated if Mr. Roe and his wife both own the property per the deed, they still only get one collective vote, not one each. Mr. Thompson stated there are a lot of properties where a husband and wife or multiple people own a property, and Mr. Thompson has language to put in there for the distinction. The Committee agreed to the comments on page two (2) and three (3).

The Committee agreed the comments on page four (4) were good. Mr. Roe stated he noticed on page four (4), in item G, it should say Millville rather than Milton. Ms. Botchie asked about Mr. Thompson's comment ten (10) regarding a project. Mr. Thompson asked if the Town wants to make the applicant wait one (1) year before being able to apply to the Town for a different project. Ms. Botchie stated she'd like to keep it the way it is and make the applicant wait a year. The committee agreed. Ms. Ryer stated for the first comment on page five (5), regarding a roll of voters, does the Town maintain such a list. Ms. Botchie stated no, when it comes to any elections, the Town utilizes the tax roll from database and works off that when it comes to who is eligible to vote in a Town election. Ms. Brienza asked if a person needs to be a registered voter in the state in order to vote in the Town election. Ms. Botchie stated no, per the Town charter, they just have to be a bona fide resident of the Town. Ms. Ryer stated in item J on page five (5), she agrees with Mr. Thompson's change to the time period of when Council orders a public referendum from forty-five (45) days to sixty (60) days. Mr. Thompson stated yes, most municipalities only meet once a month so it's very difficult to get so much done in forty-five (45) days. The committee agreed with comment thirteen (13) on page five (5) and the comment on page six (6).

Ms. Ryer stated on page eleven (11), it looks like Mr. Thompson is saying the word “bona fide” is preferable and more appropriate rather than “primary legal,” so we’ll keep “bona fide.” The committee agreed. The committee agreed with the comment on page twelve (12). Ms. Ryer stated on page thirteen (13), Mr. Plocek requested possibly changing the election poll times for the Town because some people work on Saturdays. Ms. Botchie stated Mr. Amerling distributed the various towns and their poll times to the committee. Mr. Plocek stated looking at the times, he noticed the towns similar to the size of Millville had their polls open until 6 p.m. or 8 p.m. Ms. Ryer stated she would vote for 8 p.m. because some people don’t get off work until 5 p.m. Ms. Brienza stated she also agrees with 8 p.m. The committee agreed on the time being 11 a.m. to 8 p.m. The committee agreed with the remaining comments and changes on page thirteen (13).

Ms. Ryer stated on page sixteen (16), in the first sentence under section eleven (11), she wanted to change the word “may” to “shall.” The committee agreed. Mr. Thompson stated he’s thinking the Town has to have a set of rules for the Planning & Zoning Commission (P&Z) and Board of Adjustment (BOA), but the question is whether the Town wants to specify about using Robert’s Rules of Order or The Standard Code of Parliamentary Procedure in its charter. Ms. Brienza stated at the last meeting, the committee struck those items. Mr. Amerling stated yes, the reason for that was because Council, P&Z and the BOA would be using the Town Council Policies and Procedures Manual, the procedures for carrying on a meeting are within the manual, so it would take over the following of Robert’s Rules and Parliamentary Procedure. Mr. Thompson stated it makes sense and gives the Town more flexibility in terms of dealing with the rules. Ms. Ryer asked about the last comment (33) on page sixteen (16). Mr. Amerling stated yes, the committee couldn’t decide on whether Mr. Thompson was saying to keep the words “or resolution” in items B, one (1) through four (4), or not. Mr. Thompson stated his thought is to remove those words because the items listed need the formality of an ordinance. Mr. Amerling asked if the terms “and resolution” and “or resolution” in item C at the top of page seventeen (17) should be stricken as well. Mr. Thompson stated those could stay in because the Town currently does what it says. The committee stated they are fine with the comment on section twelve (12).

Ms. Botchie stated item five (5) on page eighteen (18) has been added by the commission. Mr. Thompson stated his comment on this item is if it is added, it would have to be added to item C below it as well. Mr. Thompson stated there will need to be some kind of process for determining someone willfully violated the rules of decorum. Mr. Thompson stated the second part of his comment is policy-based in whether this item fits with the others for disqualification. Mr. Thompson stated the other items for disqualification in item B are easy to prove whereas proving someone intentionally violated a rule from the procedures manual can be difficult. Mr. Amerling stated he agrees with Mr. Thompson and the term “willfully violates,” it can be very difficult to prove someone willfully did something. Mr. Thompson stated in most other public bodies, when someone is acting inappropriately, there is the move to censure that person. Mr. Thompson stated if someone’s been elected, there could be this appearance that you’re trying to silence that person by saying they didn’t behave appropriately and therefore should be kicked off. Mr. Thompson stated by censuring, you’re saying “we don’t agree with what you’re doing, you get to remain a part of the body, but you shouldn’t do what you’re doing.” Ms. Botchie asked if censuring is done in public forum. Mr. Thompson stated yes, it would usually be done via resolution. Ms. Ryer asked Mr. Thompson if he’s suggesting they put a section of censure into the policies and procedures manual. Mr. Thompson stated he’s suggesting putting it in the

charter. The committee agreed to add the censure language in the charter. Mr. Thompson stated he can propose language for the charter and when it's placed in the manual, there won't be any challenge. Mr. Plocek stated on page eighteen (18), under the contracts section, there should be language on excluding items from the bidding process if there is an emergency. Ms. Brienza stated such language already exists on page twenty (20), item B-9. Mr. Thompson stated yes, and it is also on page nineteen (19) in item B-6, for public exigency, which deals with something is about to go wrong and the Town has to deal with it immediately. Ms. Ryer stated on page nineteen (19), the last comment for item B-7, the Town Manager typically supervises projects for the Town, not the Mayor, so Mayor should be stricken and replaced with "Town Manager or designee." Ms. Brienza stated yes. The committee agreed.

Ms. Ryer stated on page twenty-two (22), under section sixteen (16), she agrees with the first comment, but regarding the second comment, is it OK to give the executive session minutes to the Town Manager? Ms. Botchie stated she houses the executive session minutes in a locked drawer, and on occasion, the auditors review the minutes. Ms. Ryer asked if they need to add language stating the minutes will also be given to the Town Manager. Ms. Botchie stated no. Ms. Brienza asked why the auditors need to review the executive session minutes. Ms. Botchie stated for when salaries are discussed. Ms. Brienza stated she's not comfortable with anyone outside of this organization seeing the executive session minutes, whether it has to do with salaries or anything. Ms. Botchie stated she thinks sometimes, if you're going through litigation, you may have to. Ms. Brienza stated litigation is a different subject, and she would prefer there be a different way to provide the information to the auditors. Ms. Ryer stated she thinks the auditors are bound to confidentiality. Ms. Brienza stated she doesn't care and her auditors (from her town in New Jersey) never asked for executive session minutes; and she's very uncomfortable with this. Mr. Thompson stated when it comes to salaries, he also thinks there are other ways to provide that information to the auditors. Ms. Botchie stated they do look at the payroll but they also look at the minutes to make sure the salaries match. Ms. Ryer asked if the auditors only be given executive session minutes dealing with salaries and nothing else. Ms. Brienza stated there are discussions in those minutes which she doesn't think the auditors should be privy to. Mr. Thompson stated the Town could redact any language in the minutes not necessary for the auditors. Ms. Ryer stated the first comment on page twenty-three (23) regarding if the treasurer is absent, should it rather have the word "may" rather than "shall" in case the treasurer is out. Ms. Brienza stated the Town could have a signature stamp made in the case the treasurer is out, just like she has now. Ms. Botchie stated there are also back-ups for signatures, specifically the Mayor or Deputy Mayor. Ms. Ryer stated she'll leave the word "shall." Mr. Amerling asked if the committee is leaving the entire sentence the way it is now. Ms. Ryer stated yes. Ms. Ryer stated the next comment about compensation has already been voted on and is OK. Ms. Ryer stated the comments on page twenty-four (24), under section nineteen (19) are good. Ms. Botchie stated yes, the Town will just have to change language to reflect this item in the Town Manager's contract. The committee agreed with the comment on page twenty-six (26). The committee agreed with the comments on page twenty-eight (28) under section twenty-two (22).

Ms. Botchie stated on page thirty (30), under section twenty-four (24), the items Town Finance Director Lisa Wynn amended were taking out the word "assessed" or "assessment" because Sussex County doesn't use the term anymore, but now uses "value." Ms. Ryer asked if it means appraised value. Ms. Botchie stated no. Ms. Ryer stated on page thirty-two (32), in section

twenty-six (26), Ms. Wynn wanted to change quarterly to monthly, and add number five (5) under item A. Mr. Roe stated on page thirty-three (33), under item D, in the first sentence, it says “he shall deposit,” but it should say “they shall deposit.” The committee agreed. Ms. Ryer stated on page thirty-five (35), in section twenty-seven (27), under item E, there is a question about the Town stamping deeds. Ms. Botchie stated Mr. Thompson’s comment says there needs to be a Town ordinance passed stating the Town collects the realty transfer tax. Ms. Botchie stated for the last comment on the page, under section twenty-eight (28), Mr. Thompson is asking if the Town wants to strike out item B-2, thus getting rid of the Town’s ability to tax per capita each citizen over eighteen (18)-years-old. The committee stated yes to striking the item.

Ms. Botchie stated the next comments on page thirty-six (36) deal with whether to strike language regarding rates to be charged for water service, sewer, etc. Mr. Amerling stated he agrees with Mr. Thompson to keep the language for when these items may be supervised by the Town in the future. The committee agreed to keep the language. Ms. Botchie stated the item A on page thirty-seven (37), Mr. Thompson has made the changes. The committee agreed with the changes as well as the changes in item E. Ms. Ryer stated on page forty (40), the next comment was to ask Mr. Thompson about the word “praying.” Mr. Thompson stated per his comment, it is a term used and should be kept in. Ms. Ryer asked if Ms. Wynn double-checked item fourteen (14). Mr. Thompson stated there is this process laid out in the charter where the Town can collect its taxes but there’s also the monition method, which gives the Town the authority to do what the County does. Ms. Botchie stated she’s OK with keeping it in. Ms. Brienza stated on page forty-four (44), under section thirty-one (31), item six (6), she thinks the word “animal” should be placed before the word “pounds.” Mr. Thompson stated it makes sense. Ms. Brienza stated she doesn’t want the Town to have the responsibility for destroying an animal without the jurisdiction of the State or County, whichever regulates such an action. Mr. Thompson stated it’s the Division of Animal Welfare, but if you don’t want a constituent to come up to Council and request destroying a neighbor’s dog, the committee can strike the last portion of the sentence. Ms. Brienza stated she would like to strike the last portion of the sentence starting with “and to authorize the destruction...” Ms. Ryer asked what would happen if in the future, when the Town has a pound, and there is a rabid animal, this change would make it so the Town could not put down the rabid animal. Mr. Thompson stated, in that case, it would default to the State to take care of the destruction of the animal. The committee agreed to take out the portion proposed. The committee agreed with the language in item twenty-three (23) on page forty-seven (47). The committee agreed with all changes and Mr. Thompson’s comments on page forty-nine (49) for items thirty-four (34) and thirty-five (35). Ms. Ryer asked if the committee agreed with the change on page fifty-one (51). Mr. Thompson stated yes, it makes sense because Town services will be stretched if someone decides to annex into Town, and this will make it so the Town can charge.

Ms. Brienza asked on page fifty-four (54), why would the commission – appointed to assess damages to streets – be comprised of two (2) non-residents of Town? Ms. Botchie and Mr. Amerling stated they don’t know why. Ms. Brienza stated she would like the language to reflect that such a commission would be comprised of five (5) residents of Town and no non-residents. Mr. Amerling stated to also strike the language “of said county.” The committee agreed. The committee agreed with Mr. Thompson’s comment on page fifty-five (55), under section thirty-three (33), and keeping the proposed language. The committee agreed to keep the proposed language on page fifty-six (56), under section thirty-four (34), item A. Ms. Ryer stated on page

fifty-nine (59), under section thirty-six (36), the last sentence talks about notice of the Town getting sued going to the Mayor, but Ms. Ryer thinks it should be changed to the Town Manager because the Town Manager handles these kinds of situations. Mr. Thompson agrees with changing it to Town Manager. Mr. Thompson stated to add the language “by a form of mail addressed to the person to be served, requiring a signed receipt” at the end. Ms. Brienza stated she likes that language. The committee agreed to put that in at the end of the sentence. Mr. Amerling asked about the last comment on page fifty-nine (59) and since it is redundant from language earlier in the section, can it be omitted. The committee agreed to strike the last sentence of section thirty-seven (37). Ms. Ryer and the committee thanked Mr. Thompson for his work on this.

Ms. Brienza motioned to present the draft Charter as amended to Town Council for its review. Mr. Plocek seconded the motion. Motion carried 5-0.

**6. CITIZENS PRIVILEGE**

As there was no one in attendance, there were no comments.

**7. ANNOUNCEMENT OF NEXT MEETING**

Ms. Ryer stated unless there is some urgent matter, there is no next meeting scheduled.

**8. ADJOURNMENT**

Ms. Brienza motioned to adjourn the meeting at 11:44 a.m. Mr. Plocek seconded the motion. Motion carried 5-0.

Respectfully submitted and transcribed  
by Matt Amerling, Town Clerk