



MINUTES OF THE MILLVILLE TOWN COUNCIL MEETING
December 13, 2022 @ 7:00 PM

1. **Call to Order:**

Mayor Belinko called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**. ***Present:*** Mayor Ronald Belinko, Council Members Barbara Ryer, Sharon Brienza, Robert Wisgirda and Pete Michel. Town Manager Debbie Botchie, Administrative Assistant Eileen Scerra and Town Clerk Wendy Mardini were also present.

2. **Approval of Minutes:** *Council Member Barbara Ryer made a motion to approve the minutes of the November 15, 2022, meeting. The motion was seconded by Council Member Pete Michel. Motion carried 5-0.*

3. **Treasurers Report:**

November 2022:

General Fund Revenue \$119,005.00
General Fund Expenditures \$84,238.00
Restricted Revenue \$128,112.00
Restricted Expense \$61,151.00

4. **Administrative Matters/October - Town Manager Deborah Botchie**

Ms. Botchie advised that it has come to her attention that Windmill Drive is now completely 35 mph from Central to Rt. 26.

She advised the Council that work is progressing on the website and reminded all to provide updated Curriculum Vitae's and photos for posting on the new website. Ms. Botchie explained that this takes time since all the forms on the existing website need to be modified and updated.

Council Member Barbara Ryer wanted to comment on the fact that it is recognized that the Town has so many volunteers that have signed up recently and is so impressed. She also asked Ms. Botchie where she was with the process of holding Town Council meetings at a new time. Ms. Botchie advised that the Mayor preferred to wait for that discussion until March when we hold our organizational meeting. The Mayor suggested that they communicate prior to the organizational meetings and Council Member Brienza agreed with that. Mayor Belinko said that they would need some time to organize a survey for the town on this matter also.

Ms. Ryer also asked Ms. Botchie about the tax relief resolution she drafted. Ms. Botchie advised her that Ms. Ryer would have to do that on her own and contact our town solicitor, Seth Thompson, Esq., and the Council for discussion.

5. **Citizens Privilege**: Mayor Belinko announced Citizens Privilege, however, the gotowebinar.com site was down, and the meeting could not be streamed.

6. **New Business**

A. Discuss, consider and possible vote on Ordinance 23-02 to add a new Chapter 95 to the Town of Millville Code entitled “Loitering, Sleeping in Public, Trespassing”- Town Manager Debbie Botchie

Ms. Botchie advised that she started to investigate this a few months ago when we were having an incident at the park with an individual that we know was living in a van and sleeping there and utilizing our facilities. She advised that she had Eileen and Wendy reach out to some of our neighboring towns regarding their ordinances, using that as a template. Ms. Botchie then drafted the resolution and sent same to Mr. Thompson for review and comment.

Mayor Belinko asked Mr. Thompson to provide some explanation as to this draft resolution for the Council and the public. Mr. Thompson went on to explain the elements of the resolution at length, giving examples of trespassing, loitering, and sleeping in public. Ms. Ryer voiced concern asking if Eric Evans, the Code Enforcement Officer, has the authority to enforce this resolution as far as safety goes. Ms. Botchie explained that the Delaware State Police would be called first at all times.

Council Member Wisgirda also voiced concern about this resolution, suggesting that this resolution would be unenforceable. He wanted to present a recording prepared by Mr. Paul Keefer, who is a reporter in Delaware, however, the recorder did not work. He then handed out some information on paper regarding the Dover City Council’s meeting the night before to the council members. Mayor Belinko advised that he in fact was aware of the council meeting and had read up on it prior to this evening’s meeting. Mr. Wisgirda pointed out that the ACLU of Delaware cautioned the City of Dover not to pass their resolution and he wanted to avoid possible litigation for the Town of Millville.

Mr. Thompson stated the ordinance is dealing with three different elements. Trespassing is the easiest one to understand. He stated we all have a common understanding of what that is and by this ordinance individuals would get charged for a crime. He went on to say the other two elements of this ordinance is loitering and sleeping in public. This ordinance gives examples of loitering and consequences if somebody refuses to obey the Code & Building Official or police officer. He stated the final element is the sleeping in public, sleeping in motor vehicles, camping, or sleeping outdoors. For Boy Scouts who have the consent of the property owner this would not be an issue. Mayor Belinko suggested taking out the word “prowl” since that is the word that seems to be controversial. Ms. Brienza

commented that she thought it was better to be proactive and start working on this now than be reactive when there is an issue. Ms. Ryer commented that she thinks the ordinance helps us stop any kind of person that has bad intentions, especially regarding children at the park and things of that nature, drug dealers, etc. Mr. Wisgirda commented that he was mainly worried about possible litigation for the Town and that the Town is creating a law that is unenforceable.

Council Member Sharon Brienza made a motion to approve the Ordinance 23-02 with correction of the spelling of “trespass” and deleting the word “prowl.” The motion was seconded by Council Member Barbara Ryer.

Roll call vote was requested by Mayor Belinko:

Bob Wisgirda No

Sharon Brienza Yes

Ronald Belinko Yes

Barbara Ryer Yes

Pete Michel Yes

The motion carried 4-1.

B. Discuss, consider and possible vote on Resolution 23-08 to amend the Personnel Policy Manual of the Town of Millville which will add a new section 5.8-A. Paid Medical Leave. - Town Manager Debbie Botchie

Ms. Botchie explained the reasoning behind Resolution 23-08 pertaining to employees being out of work for an extended period due to an illness or injury. The Town does not have short-term or long-term disability due to the cost. The summary of the Resolution is to allow an employee who requests a medical leave of absence from work for his or her medical condition to be eligible to receive one week of paid medical leave for each full year worked for the Town with at least 1250 hours with a maximum of 12 weeks. The employees’ pay will be capped at 8% of the employee’s earnings over the last such year or \$900 per week, whichever is less. Council Member Michel suggested adding PTSD (Post Traumatic Stress Syndrome) to the list of illnesses for the benefit of any veterans that may be employed by the Town.

Council Member Barbara Ryer made a motion to approve the Resolution 23-08 with the addition of “PTSD” and correction to the word “qualify” to replace the word “quality.” The motion was seconded by Council Member Pete Michel.

Roll call vote was requested by Mayor Belinko:

Bob Wisgirda Yes

Sharon Brienza Yes

Ronald Belinko Yes

Barbara Ryer Yes

Pete Michel Yes

The motion carried 5-0.

8. **Announcement of next meeting:** January 10, 2023, at 7:00 p.m. Mayor Belinko wished everyone a prosperous New Year and Happy Holidays. Ms. Botchie wanted to let everyone know that Ms. Gina Jennings, Financial Director of Sussex County, will be at the next meeting to discuss the reassessment process for Millville.

9. **Adjournment**
A motion was made by Council Member Brienza, seconded by Council Member Ryer, to adjourn the meeting at 7:52 p.m. The motion carried 5-0.

Respectfully submitted,

Wendy Mardini
Town Clerk