



MINUTES OF THE MILLVILLE TOWN COUNCIL MEETING

February 13, 2024

Executive Session at 6:00 p.m.

Reconvene to Regular Meeting @ 7:00 p.m.

1. **Call to Order:**

Mayor Belinko called the meeting to order at 6:00 p.m. with the **Pledge of Allegiance**. **Present:** Mayor Ronald Belinko, Deputy Mayor Sharon Brienza, Secretary Joseph Parent, Council Member Robert Wisgirda, Town Manager Deborah Botchie, Asst. Town Manager Eileen Scerra. Treasurer Peter Michel and Town Clerk Wendy Mardini were absent.

2. **Motion to enter Executive Session**

A motion was made by Ms. Brienza to move into Executive Session at 6:02 p.m. The motion was seconded by Mr. Parent. The motion was carried 4-0.

Executive Session ended at 6:48 p.m.

3. **Motion to Reconvene the Regular Meeting**

A motion was made by Ms. Brienza to reconvene the meeting at 7:00 p.m. The motion was seconded by Mr. Parent. The motion was carried 4-0.

Present: Mayor Ronald Belinko, Deputy Mayor Sharon Brienza, Secretary Joseph Parent, Council Member Robert Wisgirda, Town Manager Deborah Botchie, Asst. Town Manager Eileen Scerra, Code Enforcement Officer Eric Evans, Code and Building Assistant James Simpson and Finance Administrator Will Mumford.

4. **Citizens' Privilege:** Mr. Dave Holmes, 33701 Tudor Place, Millville, DE 19967. Mr. Holmes shared an ongoing issue at Millville by the Sea regarding their HOA, warranty bonds, maintenance bonds and turnover of common property to the master association. He said that he hopes that there is someone that can research this and find out how the Town can insert a mechanism to force the builders through the bonds to comply with complete turnover of all the assets before the Town releases the bonds.

Mr. Thompson said that the development agreements in place now really focus on completing the construction and getting a warranty bond in place. He went on to explain what the Town's role is in releasing the bonds and that Delaware has a law where people can force the developer to turn over control of the HOA's to the homeowners, but the Town is not involved in that process.

Ms. Jean Hanley, 32305 Peregrine Way, Millville, DE 19967. Ms. Hanley followed up on her request to get people to slow down on Windmill Drive and did not believe anything was done about that. She was asking the Town to install a digital driver feedback system that flashes the speed encountered and shows an emoji reflecting the speed of the car. Ms. Botchie said that they will reach out to their liaison at the State Police and work on getting another sign.

5. **Approval of Town Council Meeting Minutes** –

A. January 23, 2024 –

Mr. Wisgirda made a motion to table the January 23, 2024 regular session minutes. The motion was seconded by Mr. Brienza. Motion carried 4-0.

B. January 23, 2024 – Executive Session

Ms. Brienza made a motion to approve the January 23, 2024 Executive Session minutes. The motion was seconded by Mr. Parent. Motion carried 4-0.

6. **Administrative Matters**

A. Town Manager Report – Deborah Botchie, Town Manager – Read and entered. Specifically addressing that the zip code issue has now been concluded. All of Millville will be recognized with 3 zip codes of 19967, 19945 and 19970. Also, the Town received a letter from Mr. John Derryberry of DelDOT regarding the request to have a traffic light installed at Whites Neck Road and Route 26. We were advised that a traffic light study was done, and it is not justified to put a light there.

B. Code & Building Report - Eric Evans, Code & Building Official - Read and entered. Letter prepared by Code & Building Dept. – James Simpson, Asst. Code & Building Official - Mr. Simpson discussed the proposed letter regarding political signs (Town of Millville Code §155-44F) to be sent to the Department of Elections and asked how Council wanted the Town to enforce their own Code during election time.

Ms. Brienza made a motion to recommend that the letter prepared for the Board of Elections be sent. Mr. Parent seconded the motion.

A discussion followed.

Mr. Wisgirda commented that he was “blindsided” by this letter that he received the afternoon of the meeting. Mr. Wisgirda went on to say that since the Town brought this public, he believes that the Town has a “culture of not fully agreeing with elections.” He went on further to say that according to State regulations, he understood that the roads are owned by the State, and you are allowed to put a sign

on State roads if it is five feet from the pavement. Mr. Evans corrected him by saying it is ten feet.

Mr. Wisgirda went on to discuss permanent signs and pointing out, in his opinion, the “discrimination” of the Town against candidates and the First Amendment of the United States of America. A discussion was had between Mr. Evans and Mr. Wisgirda about the square footage of different signs. Mr. Wisgirda pointed out that Mr. Evans’ job is to enforce the Town Code. Mr. Evans pointed out that he is enforcing the Code passed by the Council themselves.

Mr. Belinko requested a role call vote to enforce the town’s political sign ordinance.

<i>Ronald Belinko</i>	<i>Yes</i>
<i>Sharon Brienza</i>	<i>Yes</i>
<i>Joseph Parent</i>	<i>Yes</i>
<i>Robert Wisgirda</i>	<i>No</i>

The motion carried 3-1.

C. Financial Report - Will Mumford, Finance Administrator – Read and entered.

7. **New Business:**

A. Discuss, consider and possible vote on Rickards Property Final Site Plan as submitted by Plitko, LLC. on behalf of Rickards Real Estate Delaware, LLC. The site is located at 35715 Atlantic Ave on Tax Map Parcel 134-12.00-282.00.

Planning and Zoning reviewed a preliminary site plan for the proposed revised site. The Planning and Zoning Commission voted 5-0 with two recommendations for removal of the two wheel stops closer to Route 26 so that there is a secondary way in. Also, regarding building four, to show walkways on the final revised plan.

Mr. Ray Blakeney of Plitko, LLC. Mr. Blakeney said that the planning commission had two recommendations, one to show pedestrian access to building 4, and the other was to remove two of the wheels stops in the front parking area to provide additional access. Mr. Blakeney said that he discussed the recommendations with the owner, Mr. Rickards. He said that they were not showing that on the plan because their thought process was that if they had cars parked there, an emergency vehicle would not be able to use that as access anyway. If they remove those wheel stops, then they are afraid that it would not be recognized as parking spaces, in which case, the additional parking that they have added would be for nothing. Mr. Blakeney said that this would not be addressed immediately, but if the Town feels that strongly about it, it could happen. He pointed out that there are two ADA spaces, one in front of the bakery and one behind the bakery building that serves Perucci’s Restaurant. Mr. Blakeney stated he has made those spaces

ADA accessible and paved them so there was access for the front of the bake shop. He also has paved access from the ADA space in the back all the way to the restaurant.

Mayor Belinko asked Mr. Andrew Lyons if the site plan meets all the guidelines. Mr. Lyons said yes. He stated that removing the wheel stops was not recommended. Mr. Thompson stated that sounds like the detriment in terms of the confusion is worse than the potential benefit for the odds of there being a benefit. Mayor Belinko asked if all the permits required for the site plan were received. Mr. Lyons said yes.

Mr. Parent stated having only two handicap spots for a restaurant seemed very short sighted to him especially when someone must go all the way around the building to get to the restaurant. He asked Mr. Lyons was the minimum number of ADA spots based upon the occupancy of the building. Mr. Lyons stated it was based on the number of parking spaces, so a parking lot with 1 to 25 spaces is required to have 1 ADA spot then goes up from there. Mr. Parent stated he realized this was a unique property and it just seems wrong because the bulk of the business is building 2 and, in his eyes, would require another ADA spot. Ms. Botchie asked about the ADA spot in the front of the bakery. She asked if there was a paved pathway to the back where the restaurant was located so a person in a wheelchair could maneuver. Mr. Blackney said that there was a pathway, but not paved. Ms. Botchie asked if the ADA space was gravel and he answered yes. She stated that there was no way she would have been able to get her mother who was wheelchair bound to the restaurant having to move over gravel. Mayor Belinko asked the Council if they wished to make a made a motion to accept including the pathway. Ms. Brienza asked the owner, Mr. Rickards, if he would be opposed to adding the paved pathway and he stated no, he would figure it out and have ready for the next meeting.

Ms. Brienza made a motion to table the final site plan until the next Town Council meeting. Mr. Parent seconded the motion. Roll Call:

<i>Bob Wisgirda -</i>	<i>Yes</i>
<i>Sharon Brienza -</i>	<i>Yes</i>
<i>Joe Parent-</i>	<i>Yes</i>
<i>Ron Belinko -</i>	<i>Yes</i>

Motion carried 4-0.

B. Discuss and possible vote on Executive Session matters held on February 13, 2024.

Ms. Brienza made a motion to approve a contract with Debbie Botchie as a consultant to the Town with the few minor changes that Mr. Thompson will be making to that contract. Mr. Parent seconded the motion. Mr. Belinko called for a roll call:

<i>Ronald Belinko</i>	<i>Yes</i>
<i>Sharon Brienza</i>	<i>Yes</i>
<i>Joseph Parent</i>	<i>Yes</i>
<i>Robert Wisgirda</i>	<i>Abstained</i>

Motion carried 3-0-1

Ms. Brienza made a motion to approve the job reorganization as discussed. Mr. Wisgirda seconded the motion. Mr. Belinko called for a roll call:

<i>Ronald Belinko</i>	<i>Yes</i>
<i>Sharon Brienza</i>	<i>Yes</i>
<i>Joseph Parent</i>	<i>Yes</i>
<i>Robert Wisgirda</i>	<i>Yes</i>

Motion carried 4-0

Ms. Brienza made a motion to approve the staffing plan as discussed in the Executive Session. Mr. Parent seconded the motion. Mr. Belinko called for a roll call:

<i>Ronald Belinko</i>	<i>Yes</i>
<i>Sharon Brienza</i>	<i>Yes</i>
<i>Joseph Parent</i>	<i>Yes</i>
<i>Robert Wisgirda</i>	<i>Yes</i>

Motion carried 4-0

8. Announcement of next meeting – February 27, 2024.

7. Adjournment –

Ms. Brienza made a motion to adjourn the meeting at 8:05 p.m. Mr. Parent seconded the motion. Motion carried 4-0.

Respectfully submitted,

Wendy Mardini
Town Clerk