



TOWN OF MILLVILLE
Town Council Meeting Minutes
July 9, 2024 @ 7:00 pm

1. Call Meeting to Order/Pledge of Allegiance/ Roll Call

Mayor Belinko called the meeting to order at 7:00 p.m. with the **Pledge of Allegiance**. **Present:** Mayor Ronald Belinko, Deputy Mayor Sharon Brienza, Treasurer Joseph Parent, Secretary Debbie Sosnoski, and Council Member Robert Wisgirda. Town Manager Eileen Scerra, Town Clerk Wendy Mardini, Engineer Andrew Lyons, Code Enforcement Officer Eric Evans, and Finance Administrator William Mumford were also present.

2. Citizens' Privilege:

Mr. Dave Moeller - 30431 Blue Heron Dr., Millville, DE 19967. Mr. Moeller wants to know how the property in question at tonight's meeting was previously zoned. Mr. Lyons responded by saying that the property in 2022 was subdivided, and it was rezoned from CR-1 to CR one with two acres and then the rest was RPC. Mr. Moeller wanted to know why the Town keeps changing the zoning from agricultural to residential? Mr. Thompson addressed the question and explained the process.

3. Approval of Town Council Meeting Minutes

A. June 11, 2024

Ms. Brienza made a motion to approve the June 11, 2024, minutes, Mr. Wisgirda seconded the motion. Motion carried 5-0.

4. Administrative Matters

- A.** Town Manager Report – Eileen Scerra – read and entered.
- B.** Code & Building Dept – Eric Evans - read and entered.
- C.** Financial Report – Will Mumford - read and entered.
- D.** Delaware State Police Report - read and entered.

5. **New Business:**

A. Public Hearing Notice - Secretary Deborah Sosnoski: Notice of the following public hearing was posted in the legal section of the June 14, 2024, and June 21, 2024, issue of the Coastal Point, on the Town's website and Town bulletin Board:

Final subdivision site plan submitted by Civil Engineering Associates, LLC on behalf of Christopher Companies for a 50-lot major subdivision located on Burbage Road, Tax Map Parcel 134-12.00-376.00, zoned Residential Planned Community (RPC).

- Applicant presentation
- Comments by Town Engineer, Andrew Lyons
- Town Council questions and discussion
- Public Comments

Mr. Ron Sutton of Civil Engineering Associates introduced himself and presented the information from Christopher Companies regarding the "Toomey" property, now called "Westbury." Mr. Sutton said that they obtained a minor subdivision to break out the commercial piece in the front and the commercial piece in the back. So, the entire property was commercial when we started this project. He explained that they then took the commercial piece in the back and rezone it to be a Residential Planned Community. They then received preliminary plan approval sometime in 2022. Mr. Sutton explained that there are 50 lots zoned Residential Planned Community, 25 single family lots, 8 villas and 17 townhouse lots for a total of 50 lots. There are 125 parking spots required, and they are providing 167. He said that there is also on street parking. There are also 12 on-street parking spots. For people who want to go to the pool we also provide interconnecting sidewalks so everybody should be able to walk to the pool if they want to get to the pool house or the tot lot which will be fenced in. He said that they have all of their approvals from state agencies. He also discussed open space, tax ditch, open space. Mr. Sutton went on to explain where the buffers will be and spoke about grading and landscaping.

Mr. Lyons of GMB Engineering addressed the requirements that were necessary, and everything has been approved and meets the town code.

Mr. Parent discussed concerns about the landscaping issues, removal of 3-4 acres of trees, using heavy equipment that will compromise the root system of older trees causing them to potentially fall and suggested

planting of younger plants to that area as a buffer. Mr. Parent also suggested completely removing the trees and adding additional trees to which Mr. Sutton agreed to, along with adding additional vegetation.

Mr. Parent also discussed the existing tax ditch. Mr. Sutton advised that according to the new tax ditch rules, they now have to give the distance 50' whereas the rest of Sussex County that they worked in required 25' and they will have to excavate the tax ditch since there is about 2' of sediment. Mr. Sutton went into detail as to what they are going to do and how they plan on doing the re-grading. Mr. Parent pointed out at the corner ditch there is a loblolly pine tree that looks to be approximately 100 years old and asked Mr. Sutton he cannot make any guarantees that the tree will stay, but they will try.

Ms. Brienza questioned street trees that are placed near stop signs and requested that they be moved. Mr. Sutton agreed.

B. Final subdivision site plan submitted by Civil Engineering Associates, LLC on behalf of Christopher Companies for a 50-lot major subdivision located on Burbage Road, Tax Map Parcel 134-12.00-376.00, zoned Residential Planned Community (RPC).

Mayor Belinko opens Public Hearing – 7:18 p.m.

Public Comments:

- **Mr. George Leslie**, 38062 Cross Gate Rd., Millville, DE – He is afraid that if the Zoning Commission does not specify the trees in the area, they will not be planted. He asked that the council not pass this subdivision approval until the trees as specified on the plan.
- **Mr. Steve Siegel**, 31542 Rockwood Road, Millville, DE – He was concerned: 1) about what type of trees would be planted as a buffer since his house would back up to the new subdivision; 2) what remediation would be used to address any dirt and debris that would flow on their houses; 3) he wanted someone to show him where the existing tree line is on the subdivision map that runs through the property. Mr. Sutton pointed out the existing tree line on the preliminary plan and where the new trees are intended to be planted. Mr. Sutton also explained that the Sussex Conservation District regulates the dust control by having the developer use water trucks to sprinkle the dust so it does not leave the site, there

are always Conservation District personnel going around inspecting the status of the job and reporting deficiencies which must be corrected. Mr. Sutton could not give a definitive timeline of the construction and approximated the project would last about 2 years.

- **Mrs. Mary Leslie**, 38062 Cross Gate Rd., Millville, DE – Mrs. Leslie’s concern was about the residents of Rockwood that would face the pool. She wanted to know if they could put a fence or plantings up to block their view. Mr. Sutton replied that there would be a fence, but not a solid fence, around the pool pursuant to the State code and Town Code.
- **Mr. Roy Bachman**, 39015 Alapocus Drive, Millville, DE - Mr. Bachman inquired about the property being zoned C1. Mr. Evans explained that Mr. Toomey wanted the property to go from agricultural zoning to commercial zoning several years ago, it was his choice. Mr. Bachman was concerned if there was ever a gas station on the property and then having to be concerned about contamination issues. He was also concerned about the ingress and egress of the tax ditch; Mr. Sutton addressed his concern.
- **Mr. Dave Moeller** - 30431 Blue Heron Dr., Millville, DE 19967 – Mr. Moeller was concerned about one way in and one way out. Mr. Evans gave a brief history and addressed his concerns.
- **Ms. Kim Rich** – 31259 Rockwood Road, Millville, DE 19967 – Ms. Rich wanted to know what she could expect was going to happen at this meeting and how the process works, wondering if the council would take residents’ considerations into account. She was advised by Mayor Belinko that the council will discuss the matter and vote on it at the present meeting. Mr. Thompson explained the way the code is set up, Planning and Zoning makes a recommendation, and the Council is the one that has the public hearing. That is the formal opportunity for people to give their comments and then Council is the one that that actually votes on it. Mr. Thompson went on to say that the Council does not have to accept Planning and Zoning recommendations.
- **Kathleen Stapleton** – 31466 Rockwood Road, Millville, DE 19967 – Ms. Scerra read a statement prepared by Ms. Stapleton. She is requesting that additional barrier landscape or berm be added

along the Derrickson canal and tax ditch. Her property sits across the tax ditch from the proposed road with the cul-de-sac and parking for the pool. Ms. Stapleton is concerned about car lights lighting up her yard and shining in her bedroom and about the noise and sight of vision in the parked cars. Please consider adding a berm or added shrubs to the open space border.

Mr. Parent suggested tabling this matter until there was a better landscape solution. He commented that he wants to see it on paper. He also wanted to recommend that maybe the developer consider planting some trees around the storm water management area, behind the homes.

Mr. Sutton mentioned that there is approximately 500 feet of frontage or linear property line. They could install street trees that would be every 60 feet behind the homes, which will be approximately nine trees along that same buffer area. He also pointed out that there is no code for this.

Mayor Belinko – Close Public Hearing – 8:06 p.m.

C. Discuss, consider and possible vote on a final subdivision site plan submitted by Civil Engineering Associates, LLC on behalf of Christopher Companies for a 50-lot major subdivision located on Burbage Road, Tax Map Parcel 134-12.00-376.00, zoned Residential Planned Community (RPC).

After the Public Hearing and discussion among Council and Mr. Sutton, Mr. Wisgirda has made a motion to approve final subdivision site plan submitted by Civil Engineering Associates, LLC on behalf of Christopher Companies for a 50-lot major subdivision located on Burbage Road, Tax Map Parcel 134-12.00-376.00, zoned Residential Planned Community (RPC) with conditions of adding approximately a minimum of 9 trees along with natural plantings along the eastern boundary. The motion was seconded by Ms. Brienza.

Roll Call:

Before voting, Mr. Belinko wanted to make sure that everything which was discussed was within Code compliance and confirmed same with Mr. Thompson.

Ron Belinko Yes

Sharon Brienza	Yes
Debbie Sosnoski	Yes
Joseph Parent	Yes
Robert Wisgirda	Yes

Motion carried 5-0 with conditions.

D. Discuss, consider and possible vote on proposed Resolution 25-08 appointing an ad hoc Park Plan Committee.

Mr. Belinko recommended an ad hoc Park Plan Committee to look into the future use of Evans Park. Possibly in the future the installation of a Municipal Building, library, and other improvements in a systematic way instead of piecemeal. Mr. Belinko suggested the committee be made up of 4 persons: Robert Wisgirda, Michael Weglein who is the President of the Parkside HOA, Pat Plocek, and Eric Evans.

Mr. Parent made a motion to approve the proposed Resolution 25-08, Ms. Sosnoski seconded the motion. Motion carried 5-0.

E. Discuss, consider and possible vote on proposed Resolution 25-09 releasing a performance bond for “K Hovnanian” in the development known as “Egret Shores, West Side Recreational Amenity” in the Town of Millville.

Ms. Renee Van Houten representing K. Hovnanian. Mr. Lyons explained that this was the bond release for Phase One amenities on the town bond. He explained that on the west side of Substation Road they have been completed, including the clubhouse, the pool, the pickleball courts, playground, fence, and sidewalk.

Ms. Brienza made a motion to release their performance bond. Mr. Wisgirda seconded the motion. Motion carried 5-0.

F. Discuss, consider and possible vote on revised landscaping plan for Parkside Community trees.

Mr. Scott Freeman representing the Parkside HOA. Mr. Freeman had a power point presentation for his relocation plans regarding extra trees in the Parkside community. He wanted to explain the amended approved plan relocating 130 planned street trees to open common stormwater areas. He listed the benefits of moving the trees. Mr. Freeman showed

pictures of where the trees are now and where and why they recommend they be planted.

Prior to voting, Mr. Wisgirda wanted to make sure the Town did not have to prepare a resolution or something formal. Mr. Thompson explained that this was a plan amendment and did not need any formal approval. Mr. Lyons also explained that the plants were reviewed to make sure all the original plantings were still available since that was one of the requirements and then Parkside submitted the revised plan so it could be voted on at this meeting.

Ms. Brienza made a motion to approve the revised landscaping plan for Parkside Community trees, Ms. Sosnoski seconded the motion. Motion carried 4-0-1 with Mr. Wisgirda abstaining.

G. Update by Eric Evans on Dukes Drive and stormwater pond acquisition.

Mr. Evans informed the council that two memorandums have been prepared by DelDOT to turn over the Dukes Drive property and the corner pond at Rt. 26 and Windmill Road. These are being reviewed by attorneys on both sides and should be ready shortly.

H. Discuss, consider and possible vote on Resolution 25-07 to clarify the Town of Millville entering into a contract with the State Board of Pension Trustees to allow the Town to participate in the State of Delaware County and Municipal Pension Plan.

Synopsis: On May 14, 2024, Town Council approved Resolution 25-02 to enter into said plan. We would like to amend to allow employees to elect not to participate in the plan. This is for pre-existing employees only.

Ms. Scerra explained that they wanted to give employees the option to elect not to participate in the plan. Mr. Thompson explained that the issue was the wording in the original resolution since it could be interpreted in two ways. It could be read that it was required, or it could be read as eligible. He continued to say that the Town is clarifying that all existing non-police employees are eligible, but employees as of June 25, 2024, could elect to give notice that they are not going to participate.

Ms. Brienza made a motion to clarify Resolution 25-07, Mr. Wisgirda seconded the motion. Motion carried 5-0.

6. **Announcement of next meeting** – August 13, 2024, at 7:00 p.m.

7. **Adjournment** – Meeting was adjourned at 7:42 p.m.

Ms. Brienza made a motion to adjourn the meeting. Ms. Sosnoski seconded the motion. Motion carried 5-0.

Respectfully submitted,

WENDY MARDINI
Town Clerk