

**MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – JANUARY 28, 2013**

The meeting of the Town Council was called to order by Patti Adams, Mayor. Those in attendance in addition to Mayor Adams were Stacey Long, Town Administrator; Rob Witsil, Town Attorney; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, and Councilman Hansken, and others listed on sign in sheet.

Presentation: Presentation by PKS (Town Accountants) of Fiscal Year 2012 Financial Statements. Lee McCabe, Audit Manager provided a 6 page handout to all members and addressed Audit Report as of June 30, 2012, and is a “clean and unqualified report based on information provided by the Town to the Auditors for review”; which over the past several years has shown vast improvement of the Town’s ability to provide information for the Audit. He went over highlights 1. General Funds decreased in FY 2012. A comparison of 2011 and 2012 by graphs was given to help explain shortfalls in Revenues and increases in Expenditures. The Water fund was examined and items such as the INTERCONNECT METER, and the associated difference in fees as a result. Mr. Haynie stated that the other letters from the Auditor state that the town is doing the best they can with the number of staff they have. The Auditors Communication letter addresses 3 items from last year that have been eliminated; except for the Water Fund where there is no segregation of duties as it is handled by one person. It was also suggested that the Town provide a list of recurring Vendors so that a Purchase Order is not relevant when a disbursement is made for recurring vendors. The Mayor and Council thanked the Representatives from PKS for their presentation and wished them safe travels back home.

Next, in the absence of Mrs. Eckerd, Planning and Zoning Chairperson, Kyle Gulbronson, of URS, gave a Summary from last month’s meeting on Jayne’s Reliable Furniture regarding the proposed waiver of a paved parking lot and the requested waiver of sidewalks at the location on the corner of Main and Vines Creek Road. Since that time, the owners have indicated that they will be paving the parking area, as requested and it was determined by the Planning and Zoning Commission to forego the Sidewalk issue at this time, as people who are purchasing furniture usually arrive by car and there are already sidewalks in the immediate vicinity of the location along with crosswalks for pedestrians, and additional sidewalks would only be necessary upon the expansion of the building where the business is located or when the volume of business expands dramatically.

New Business:

1. The Town Code has been met and there is no reason that they cannot move forward. Motion made by Councilman Connor and seconded by Councilman Hansken to approve the Site Plan for Jayne's Reliable Furniture; all were in favor, motion carried.
2. Consideration of trading water for pest control services with Brasure's Pest Control. Stacey has met with Chris Brasure to get preliminary information on this request. The proposal, if granted, would afford the Town free Pest Control services with approximately 40,000 gallons of water over 32 weeks totaling \$160.00 (a savings of approximately one-half of the Town's pest control expense. Councilwoman Flowers opposed to this as it would set a precedent and everyone would want to use our water. Council agreed to meet with Mr. Brasure at the Town Council meeting next month and obtain his information in regards to how they would measure/meter the water they use. Brasure's is also approaching other Town's in the county for the same request as well.
3. Ratification of 3 Planning and Zoning Commission member's appointment and consideration of appointment of another applicant. Due to time issues at last month's meeting and appointment of 3 new members to the Planning and Zoning Commission was not listed on the agenda. At this time we are Ratifying Janice Kolbeck, Nancy Marvel, and E.F. Quillen as new members to P&Z, also Scott Crater has submitted an application for Planning and Zoning. Motion made by Councilman Connor and Seconded by Councilman Hansken to ratify all proposed members and to appoint Scott Crater, all were in favor. Motion carried. These appointments are necessary with the resignation of Loretta Zsido and the temporary withdraw of Patrick Miller due to medical issues.
4. Consideration of renewal of website contract with RJ Stancliff & Associates. Since 2007 we have had 12,589 visits to our website to date. No increase in fees from last year. Motion made by Councilwoman Flowers and Seconded by Councilman Connor to renew Website contract, all were in favor, motion carried.
5. Review of EDU Audit for Wang's Kitchen and consideration of returning unused EDU's to Savannah Square Shopping Center. Kyle and Stacey provided an update of Mr. Banana's Bar and Grill and the associated EDU fees for 9 EDU's. Mr. Doyle purchased 19 EDU's at the time of construction of the shopping center. When Wang's Kitchen came to Savannah Square they needed 4 EDU'S which were taken directly from Mr. Doyle's surplus by then Code Enforcement Officer, Bill DeHaven. Mr. Doyle requests to be given back the 3 EDU's that were originally given to Wang's without his knowledge. URS and Stacey has done an Audit for Wang's and they are using only 1 EDU due to low usage. Motion made by Councilman Connor and Seconded by Councilman Hansken to give back 3 EDU's to Mr. Doyle from Wang's Kitchen, all in favor, motion carried.
6. Consideration of purchasing 2 Dead End Signs and 2 No outlet signs. Stacey reported that there needs to be No outlet and dead end signage at the entrance to Chapel Lane, Canal and Helm Streets, drivers unfamiliar to the area has the potential for an accident. The cost for 2 dead end signs, 2 no outlet signs and four 12ft posts and shipping is \$337.37 with installation to be done by the Town of Dagsboro. Materials could be paid for with MSA funds. Motion

made by Councilman Connor and Seconded by Vice-Mayor Truitt to purchase these signs and posts. All were in favor, motion carried.

7. Discussion and consideration of hazardous sidewalk located on Hazzard Street. There are 2 houses on Hazzard Street that have a sidewalk in front of them and the other houses do not. We had a call from a tenant that a family member had fallen and was injured. Stacey noted the Town Charter Section 30 Curbing and Paving if Council determines the need for paving or curbing to be done they will send a notice to the property owner whose property is involved and is then their responsibility to make repairs and or replacement. If not accomplished within 30 days the council may then have the work done at the owner's expense and added to the tax bill. After much discussion it was decided that notice should be sent to all property owners as a matter of course stating that if "your sidewalk is unsafe it is your responsibility to make it safe". Stacey to send letter to all property owners reminding them of a potentially dangerous situation.
8. Review and possible consideration of proposed Cable TV franchise agreement. 1998 was last contract 15 years ago. Attorney Witsil is currently reviewing the proposed agreement and will report his recommendations at next month's meeting and it is the same rate as what we have now. Do we want to renegotiate for a higher rate and a shorter time period i.e. (5 year as opposed to 15 currently) a legal notice was published no one responded other than Mediacom, the Town will check with other Town's in the area and see what they have.

Old Business: None

Approval of Minutes December 10,2012 Motion made by Councilwoman Flowers and Seconded by Councilman Connor to approve minutes of December 10, 2012 all in favor motion carried.

Reports:

Treasurer's Stacey reported balances as on January 24, 2013 for the following: General Fund \$4,444.61, Public Service Impact \$10,251.08, Property Transfer \$28,632.61, CD's \$47,818.06 \$96,738.25 and \$5,091.38 MSA checking and savings \$8,390.24 PGC checking \$618.35, savings \$5,359.80 and 3 CD'S of \$32,693.51, \$44,672.84 and \$31,721.74 SALLE \$6,883.36 and Water checking \$44,475.10 Impact fees \$156,220.43 and Reserve \$34,634.02. Check detail for all funds was also provided. Motion made by Vice-Mayor Truitt Seconded by Councilman Hansken to accept Treasurer's report all in favor motion carried.

Administrator: Streetscape Phase 2 Stacey had talked to the onsite inspector and we are currently at the mercy of Delmarva Power in regards to the installation of the lighting. The paving and striping cannot be done until we have temperature of 65 or greater. The crosswalk at Vines Creek and Main that was reported by Vice-Mayor Truitt, is being looked at by onsite inspector and he will get back with us. The Swamp Rd portion that is in terrible shape in town, we are waiting to hear whether it is State or Town maintained and then we will work on obtaining funding to have it repaired. Streetscape Phase 3, we are waiting to hear from Senator Hocker to see if he will honor the commitment of Senator Bunting. When we receive his commitment we will then go to DeIDOT to get

on their schedule after funding is secured. I have contacted Soil Conservation and we are waiting to see what plans if any are in place for the town's Storm Water Management System. Mention was made that we have a volunteer day in the spring to get help cleaning out storm drains, followed by an event in the park to say thank you to those who assisted.

Police Department: Sgt Litten presented monthly recap highlights-Ober is back and has used Ary k-9 twice to assist in apprehending suspects within the first 2 weeks of returning. Bridgeville's new K-9 following state police training has had 2 tracks also but with zero results. New in car equipment which was ordered is being installed at this time and upon receipt of invoice we will apply for reimbursement. The search for another dog for Officer Huff is being discontinued as officer Huff is unable to have an animal where he lives. Sgt Litten went on to talk about the Lidar, (a portable unit using C batteries with a projected life of 33 hrs) a lot of other towns in the area us Lidar in conjunction with Radar. This unit would be used to benefit the department in writing tickets the cost is \$2515.00 and would pay for itself with 50 tickets. All officers are certified with operation of this equipment. The purchase is not available thru Grant funding and would be an out of pocket expense. The council was asked to also consider the hire of 2 part time officers while PFC Ober is on FMLA leave for the birth of his child in mid April, they would be working 20-30 hours a week at approximately \$15 an hour and would not receive benefits they would be sharing the use of the Chief's vehicle we would provide uniforms and personal weapons etc.. Their primary focus would be traffic enforcement and filling in the gaps in the schedule. Officer will be out approximately 6 weeks and this could help fill that gap. When the Chief returns sometime in late October or November, if these part time officers were being productive they could be asked to continue in their part time position. The officers would be paid from the Town as no funding is available. It would be best to bring on 1 officer before Ober goes out on FMLA and other later. Officer Ober 's anniversary date was January 14th and he has had excellent service and would like to promote him to Cpl., with a 50 cent pay increase per hour. He has proven himself a valuable asset to the community. Sgt Litten explained that the department has changed the way tickets are being written (from more for lesser value to ticketing for the actual offense) thus increasing revenue for the department. A special meeting was scheduled for Wednesday February 6th at the Dagsboro Police Department in order to address the issue of an additional officer for DPD and possible purchase of a Lidar unit. Motion made to promote Ober to Cpl., with a .50 cent an hour pay increase by Vice-Mayor Truitt and Seconded by Councilman Connor, all in favor. Motion carried.

Code Enforcement: Helm St: Repair with application of sealer was completed on December 13, 2012 with URS inspection and matter is Closed. The drainage issue at Piney Neck and Waples: Stacey reported that Rep. Atkins said that DelDOT stated that the drain at that location had been cleaned and flushed out. DelDOT feels that there should be no other issues and this will take care of the problem. Stacey will notify the property owner who reported the problem and unless some other drainage issue surfaces this matter is Closed also. Mention was also made by Councilman Hansken of the drainage ditch between his home and Bodie's is often flooded. Stacey will check into this. On January 9th Mr. Zachary King was served with papers for the 33225 Main Street violations. Attorney Witsil will let us know upon his return what the next step is. Viking Financial Services, on Clayton

Street regarding the sign issues. The signs have been removed, however, the owner of Viking Financial Services wrote a letter to the town regarding the cost and preparation of a new sign for all vendors at this location might make it impossible for them to stay in Town, or recommend this location to anyone else. The Discovery Island sign also needs to be examined further in respect to its location.

Building Official: 2 permits have been issued, 1 on Main St for an agricultural pole building and a new roof and the other for a new house on Queen Anne St. Certificate of compliance issued on December 21st to Mr. Banana's Lounge and Bar for units 5, 6 and 7 at Savannah Square, waiting now for their fit out plan.

Prince George's Chapel Cemetery: Today Stacey, Mayor Adams, and 3 Representatives of the Friends of the Chapel met with our Insurance agent the Town leases the Chapel from the State and sublets the Chapel to the Friends. The Town and the Friends have the required insurance and we discussed whether the State might lease directly to the Friends as it is only \$1 per year and that way the town isn't involved with sub leasing the chapel. Our insurance rate is \$320 per year for the liability coverage. We could become an additional insured on the Friends policy and get rid of our insurance if the State had no issue with that.

Water Distribution System: The lowest gallon per minute reading on the new interconnect meter was 11 gallons per minute, where the old one registered no lower than 60 gallons per minute. The automatic flusher was removed from Helm St and moved to Piney Neck Rd and has now been removed from there. No feedback was given as to whether it made a difference or not. Friday we read the meters, the interconnection pit was underwater and the digital readout didn't work so Bob spent several hours pumping out the water so he could get a manual reading. The numbers are much more accurate now. The pit at Cea-Dag is flooded also and we can't get a reading until the pit has been pumped as they are one of our largest users. I don't want to estimate their usage. We are waiting for a part from BRS for quite some time now and once that part is replaced we will be able to get readings at the interconnect without a problem. Bob is currently checking the pits a day or so before the readings take place so that when we actually do the reads the water level will not be an issue.

Correspondence: Letter was sent to IR Band Boosters in reply to their request for funding from the Town, as per our discussion at last month's meeting. A letter was sent to the Germann's regarding the outcome of the Council's determination for their outside sale of "nautical merchandise". A Thank you card from Anne and Floyd, for their Wedding/Going away gift back in October. A Thank you card from Gayle and Bill Chandler, for the sympathy card and flowers for the passing of Gayle's mother.

Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to exit regular session and enter into Executive Session. All in favor. Motion passed at 9:36 p.m.

At 10:05 p.m. Council re-entered into Regular session by Motion of Vice-Mayor Truitt seconded by Councilwoman Flowers. All were in favor. Motion passed. Councilman Connor made a motion to accept option 2 with BCBS Health Insurance and Option 2 Rx plan for all full time employees, seconded by Councilman Hansken. All in favor. Motion carried. At 10:07 motion by Councilman Connor to adjourn the meeting seconded by Vice Mayor Truitt. All in favor. Motion carried. Meeting Adjourned

Respectfully Submitted,

Duane Kenton

Town Clerk

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