

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY –MARCH 24, 2014

Call Meeting to Order: The regular meeting of the Town Council was called to order at 7p.m. by Brad Connor, Mayor. Those in attendance were Mayor Connor, Stacey Long, Town Administrator; Vice Mayor Truitt, Councilwoman Ulrich, Councilwoman Eckerd, Councilman Baull, Chief Toomey of Dagsboro PD, Kyle Gulbranson of URS, Attorney Rob Witsil Jr. and others as listed on the sign in sheet. Presentation of Certificates of Appreciation to: Rob Colone for Soul Ministries, Janet Skibicki and Olivia Kondraschow were unable to attend tonight but hopefully they will be present at next months meeting. Stacey prepared to read the certificate and asked Mr. Colone to come forward but he was not present so the meeting moved ahead.

Approval of Minutes: A motion was made by Councilwoman Eckerd to approve the minutes of the February 18, 2014 Workshop meeting and it was seconded by Councilman Baull. All in favor. Motion carried. A motion was made by Councilman Baull to approve the minutes of the February 24, 2014 Regular Council Meeting and seconded by Councilwoman Eckerd. All in favor. Motion carried.

Planning & Zoning Report:

1. **Organization of Commissioners:** Stacey reported that Gayle Chandler has been appointed Chairperson, with the understanding that she will not be attending the Town Council meetings personally but will send a written report for the council meeting. There was no appointment for Secretary and Janice Kolbeck will continue in that position until someone is appointed, Nancy Marvel was appointed as Vice-Chairperson. Councilwoman Eckerd asked if it was acceptable that Chairperson Chandler not attend the Town Council meetings as for the 7 years that she was Chairperson she attended every meeting and presented the report from the Commission and was present to clarify issues and answer questions. Attorney Witsil stated that he did not see this as an issue if a written report was available or if someone from the council was present at these meetings. Vice-Mayor Truitt stated that he felt that the report should be presented by someone on the commission rather than written and submitted. Stacey commented that she will be attending P&Z meetings in the future, at the request of Mayor Connor, as there are times when persons contact town hall the day after the meeting to see what the result or terms of their particular items were.
2. **Review, discussion, and possible recommendation of Preliminary Approval for Village on Pepper's Creek subdivision:** Stacey read the sections of the minutes pertaining to each item. The original plan that was submitted by Wayne Mitchell for Dagsboro Properties and approved by P&Z back in 2008 has been presented again by Dukes and Cannon, the new owners; at the March 12, 2014 P&Z meeting as the original project has sunsetted. They had their engineer present to answer questions from the committee. When the plan was submitted in 2008 the Woodland Preservation Ordinance had not be enacted, but with it now being resubmitted it must be adhered to. The plan now consists of 42% of the land as reserve, single family homes of not less than 1200 square feet of living space, 87 home sites on 42.19 acres which is 2 homes per acre, 14 acres +/- open space made up of Storm Water

Management and recreational areas including a walking trail which is being deducted from the open space to be fair minded. Chairperson Chandler inquired about the buffering and was told it goes back to the woods and creek on the north side. There were concerns about traffic with the entrance of the development and the close proximity to the schools, these issues were approved in the original plan and will be addressed again when resubmitted to DeIDOT for approval and may need to be modified if DeIDOT requires any changes. The plan is projected to complete 10 homes per year; the HOA plans were approved originally and will be resubmitted for review again. The Commission decided to table this discussion until the April meeting as there were 2 members absent.

3. Review Chapter 275 Article XII Sign Regulations of the Dagsboro Code. Consideration of recommending an amendment to this ordinance to allow for digital/electronic signage in the Highway Commercial District. Stacey reported that it was discussed by the P&Z commission that the code did indeed need to be amended and they reviewed sample ordinances from Georgetown, Millsboro, Ocean View, Bethany Beach and Millville. The commission will start drafting an ordinance similar to Georgetown, but stated that this type of sign will only be permitted in the Highway Commercial District and that the signs will be on Rt. 113 only. This proposed amendment will be reviewed at the April meeting.

Police Department:

1. Presentation of Police Report: Chief Toomey presented the Monthly Statistical Report. There were 2,730 miles driven during the month, 42 traffic arrests, 9 traffic warnings and 6 criminal arrests. There were 360 man hours, 135 for patrol, 82 investigative and 143 administrative. There were 410 business checks, 47 complaint responses and 7 collisions. Chief Toomey was happy to report the Patrolman Paskey has graduated from the Academy and has begun his field training here in the town's department. He was unhappy to announce the resignation of Cpl. Ober effective immediately due to his own actions. Councilwoman Ulrich asked what effect the resignation had on the K9 as Ober was his handler. Chief Toomey responded that the department is investigating the available options and that for the next 10 days the K9 remains with Ober. Chief Toomey stated that there are 2 or 3 K9 handlers who are being considered in regards to this situation.

New Business:

1. Commercial Insurance Quotes: Stacey commented that we have received 2 quotes for insurance. A quote from Wilgus and a quote from Avery Hall who we are with currently. The current quote from Avery Hall for Selective is \$33,254.00 for the year and the Wilgus quote from Gladfelder is \$29,600.00 for a difference of \$3,654.00. There are issues surrounding the difference which are cause for hesitation. The lower rates from Wilgus are based on "assigned risk" assessments versus "standard market quotes" and with the security of dealing with a company who is familiar with our insurance and going on board with an unknown. The Gladfelder organization would not provide the availability of local service that we have with Selective thru Avery Hall. The rates have gone up from last year but different aspects of insurance are driven by different things. The general liability aspect is based on the budget, workman's compensation is based on payroll and the police insurance based on the number of officers. After much discussion by council a motion was made by Councilwoman Ulrich to accept the quote of Avery Hall and stay with Selective and it was seconded by Vice-Mayor Truitt. All in favor. Motion carried.

2. **Consideration of purchasing Town Cell Phones for essential responding employees and Mayor's position:** Stacey commented that while speaking with other town managers, they commented that there was a good cell phone program available through the state. The town currently reimburses the police officers \$100 a month which is \$25 each, for a portion of their private cell phone use, Stacey, Bob and the Mayor are currently receiving no reimbursement for the use of their phones which would increase the monthly reimbursement from the town to \$175.00. One such state program would include 6 phones, 3 for the police department and the 3 remaining phones for the Mayor, Stacey and Bob with a shared 1,800 minutes between all lines for \$160.93 a month. A plan for 5 phones, 2 for the police to rotate between officers depending who was on duty and 1 each for the Mayor, Stacey and Bob would be \$114.95. The current scenario for relaying messages to the police during regular business hours is that the citizen calls in to the town hall, the town clerk takes a message and contacts the officer on duty and they either respond via their cell phone, which would allow the caller the private # of the officer, or come into the office and make the call. There is currently no after hours or emergency number available for the Town of Dagsboro other than to dial 911. Chief Toomey has no problem with using his own phone for police use as his business card already has his cell number on it, he will not speak on behalf of the other officers as he does not know their feelings on the issue. The policy of the town is not to give anyone's personal contact number to someone calling in, unless that employee has told them to do so. There have been cases where the town has had broken water lines and someone was needed immediately and fortunately a person was able to be contacted by going to the fire hall. The council prior to the last exiting council had cell phones as did the police that were supplied by the town. Stacey will research this period and get details before the next meeting. It will also be addressed that an emergency and or after regular business hours # can be placed on the website and sign at town hall. After much discussion it was decided to table this discussion until the other police officers and be consulted and the way the cell phone plan was handled previously.
3. **Consideration of salary increases for police department employees:** Chief Toomey had presented a proposal last month for an \$8,000.00 pay increase to bring the pay scale of the department more into the range of other town forces of comparable size. Councilwoman Ulrich asked how the resignation of Cpl. Ober affects this situation and Chief Toomey stated that since Ofc. Paskey is no longer in the academy, once another full-time officer is hired, to replace Cpl. Ober's position then the current part-time position will be eliminated since the town will have 4 full time police officers. The pay scale and rate structure that Chief Toomey presented is section 1.1 and 1.2 of the documents presented. A motion was made by Councilwoman Eckerd to adopt sections 1.1 & 1.2 for the pay scale and rate structure of the police department with the funds coming from the Property Transfer Tax Account, with the understanding that this will be re-visited each year as this is an account that has a fluctuating balance that is driven by property sales in the town and that the part time position on the force will be eliminated upon the hiring of the 4th full time officer, and seconded by Councilwoman Ulrich. All in favor. Motion carried.
4. **Consideration of obtaining a credit card for department heads and adoption of credit card procedures:** Stacey presented a draft credit card policy very similar to that of Georgetown and asked if there were any questions on the policy, Councilwoman Ulrich commented that she understood the need for a credit card for the police department and for the town hall, but why is there a need for the mayor to have one since there would be one for town hall use. Stacey gave a recap of the recent trip that Mayor Connor, Councilwoman Eckerd and she took to DC, the money that was taken from Petty Cash was insufficient to cover their expenses and

personal funds had to be used. There are times when representatives from the town need to travel a great distance and unfortunately the town does not have a vehicle for this purpose so the purchase of fuel is an issue along with mileage reimbursement for the use of a personal vehicle. Vice-Mayor Truitt suggested that it would be advantageous to have our auditors review the matter and suggest guidelines and controls for the town. We do have a debit card that is tied to the primary checking account. After much discussion it was agreed that credit cards would be approved for the police department and town hall use. A motion was made by Vice-Mayor Truitt to adopt the policy presented and approve 2 credit cards for the town, 1 for the police and 1 for town hall, each with a \$500.00 limit and to eliminate the debit card and seconded by Councilwoman Eckerd. All in favor. Motion carried.

5. **Town Park Maintenance Expense-Replacement of Mulch:** It has been advised from maintenance that the mulch in park needs to be replaced. It is the original product from the opening of the park in 2010, 6-10 yards are added yearly to just maintain the minimum standard depth but for optimum safety we need to completely replace the material. There were 3 options presented by maintenance for replacing the mulch, 1 was a 90 cu. Ft. single load which would be just what is needed to maintain minimum standards, the second is 100 cu. Ft. to achieve a midrange but with 2 delivery charges and the third would be to totally replace all the mulch and make it new again but also with 2 delivery charges. The 90 cu. Ft. is the best value and yearly additions could be done as in the past for another 3 to 4 years when a full replacement would be needed again. A motion was made by Councilman Baull to approve the purchase of 90 cu. ft. of mulch for playground in the park and seconded by Councilwoman Ulrich. All in favor. Motion carried.
6. **Consideration of Computer Operating System Upgrade:** The state of Delaware has advised the town that as of April it will no longer be accessible to Windows XP users due to compatibility issues with Microsoft. There is 1 computer in town hall that is in immediate need of this update and the police have issues with some of their computers also, each update is approximately \$150. A motion was made by Councilman Baull to have the town purchase upgrades for 2 computers at approximately \$150.00 each and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

Old Business:

1. **Update on establishing a Facebook and Twitter page for the Town:** Stacey has been working on preparing a policy for social media based on the guidelines that Ocean City uses as a reference. She has been in contact with a lot of towns in Delaware: Blades, Milton, Wyoming, Rehoboth, Lewes, Clayton, Laurel, Newport, Millsboro, Frankford and Selbyville and none of them have a facebook or twitter account so there is not much to go on. Fenwick Island does have facebook and twitter pages and has 1800 on facebook and 500 on twitter, both of these forms of social media can be made accessible from the towns website via links and provide almost instant notifications when a change or post has been made. Stacey is now a member of the ICMA (International City Managers Association) and has unlimited networking resources to help with this also. This is something that she will continue working on as it will certainly benefit the town in the future.
2. **Update on organizing a Town Christmas Parade:** The date for the first meeting of the planning committee for the Christmas Parade has been set for Tuesday, April 29, 2014 at 6 p.m. at the Dagsboro Police Department. Committee members are Mayor Connor, Councilman Baull, Town Administrator Stacey Long and Chief Toomey, emails were also sent to the representatives of the DVFD, as they expressed an interest and wanted to be involved in the

process also. Amy Simmons, Executive Director, of the Greater Millsboro Chamber of Commerce, will be attending as well. Stacey has lots of information that has been gathered that will be shared at this meeting. Cathy Flowers inquired as to whether the parade is will be in conjunction with the Annual Tree Lighting Ceremony or would it be its own event. It was stated that the parade is not intended to replace the tree lighting in the park but is only intended to enhance the appeal of the town and draw more people.

Administrative/Financial/Code Enforcement:

1. **Presentation of Administrative Report: Prince George's Chapel Cemetery was awarded a \$1,000.00 grant for repairs to the General John Dagworthy monument that needs maintenance work at the base to keep it from collapsing. The town applied for the grant back in December and was awarded the maximum amount. Stacey will wait until the formal letter is received before calling for estimates and scheduling the work, any funds remaining will be used to add more sections of split rail fencing to areas where shallow unmarked graves are suspected.**

DeIDOT was contacted regarding the poor drainage and blockages in the catch basins that are in town mainly on Clayton and Main Streets, a DeIDOT crew was sent out on March 19, 2013 to clean all the town's catch basins, removing debris, enabling proper flow. Chief Toomey also commented that during the last winter storm the corner of Sussex and Warrington had been covered in ice and resulted in an accident at the location. Chief contacted the local DeIDOT office and within 20 minutes, while he was still on the scene, a crew arrived to put down salt and sand and by the afternoon the hazard was gone. Chief Toomey felt that the local office of DeIDOT should be applauded for their response that went above and beyond. Mayor Connor agreed that the town should send a card of thanks to the local DeIDOT office.

Stacey gave an update on the TNR Program stating the Susan Coleman, from the Community Cats Collation has submitted a grant for \$5,000.00, she anticipates a response by the 1st of April. Once approved, her method of operation is to trap the cats on Tuesdays and Wednesdays, take them to Secretary, Maryland, where for \$45.00 per cat, they are spayed or neutered, receive shots, their nails are cut if necessary and while they are asleep a small notch is taken from their left ear as an indication that they have been spayed or neutered. The cats will then be brought back to town and be released. Ms. Coleman will be in need of a committee/volunteers to help with the trapping, if anyone has questions they can contact the town and Stacey will relay the information to Ms. Coleman. Flyers will be available with the information and that information will also be available on the website and on the door at town hall.

The town will be hosting the June 2014 SCAT meeting on Wednesday, June 4, 2014, being held at Cripple Creek. Chairwoman Eckerd is handling the details of this event and the menu has already been decided. The town is looking for sponsors for the bar and for door prizes. SCAT has not yet identified a speaker for the meeting.

The town administrator would like to establish protocol for issuance of certificates of appreciation in the future. Rather than have nominations placed on the agenda and having council vote on them, we would like to follow the policy the county uses and have all requests submitted 2 weeks prior to the council meeting which would allow the Mayor time to approve the consideration, prepare the certificates and have the presentation at the next council

meeting, leaving time also for the recipient to be contacted. There were originally 3 presentations proposed for tonight, however 2 of them were unable to attend as 1 was on vacation and the other was unable to be contacted as of yet. The 3rd was expected to be here and we are not sure why he is not.

The administrator would like to have some clarification for businesses that may be coming to town in regards to the Change of Use guidelines and policy. Currently if a business is proposed for a location in town where a like type business had not been previously, a change of use application was needed in conjunction with a large fee for the purpose of a site plan review, legal fees and a non-refundable application fee. Discussion as to whether the proposed business was already an approved business type, the current structural integrity of the existing location, change to the footprint and would there be any additional permitting required by the fire marshal, department of health or DelDOT, then why would the town charge even more fees for something that already received approval from state or county agencies. In an attempt to bring more business and revenue to the town, Attorney Witsil suggested that application review be put on next month's agenda for the council to discuss. Terry Bratten, the current tenant of a property on Main Street was present to obtain some clarification on this exact issue, as his project is going to involve major renovations to a specific property. He is coming into town hall this week to file his permits to get started on his project.

2. **Presentation of Treasurer's Report:** General checking \$137,070.07, Public Service money market \$11,460.85, Police Grant \$96.08, Police money market \$6,004.04, Property Transfer \$70,829.20, 3 CD'S \$28,051.69, \$47,758.25 and \$5,145.38. MSA \$7,358.10 PGCC checking \$643.63, savings \$3,768.47, 3 CD's \$32,693.51, \$44,672.84 and \$32,055.74. SALLE/EIDE \$5.00 but they just received a check for \$7,000.00 that has not be processed. Water checking \$66,621.10, the amounts for Impact Fees and the Reserve account were not included in the report due to an omission and will be included next month. Check details are provided for all accounts in the packets of the council members. A motion was made by Vice-Mayor Truitt to accept the Treasurer's report and it was seconded by Councilwoman Eckerd. All in favor. Motion carried.
3. **Presentation of Building Official & Code Enforcement Report:** Building Official: There have been 2 certificates of Completion/Compliance issued, 1 for an agricultural pole building on Main Street and 1 for unit #4 in the Woodlands of Peppers Creek on Shady Creek Lane. There have been 2 building permits issued, 1 for 404 Queen Anne Street, in Prince George's Acres, for interior renovations and 1 for a sign permit at the Indian River High School. Code Enforcement: correspondence has been sent the Dagsboro Volunteer Fire Department regarding large amount of trash that have blown away from the construction site due to the high winds we have had. Stacey has been speaking with a representative from McCarthy Homes about opening an office on the ground floor of the Elder property at the bottom of the hill where the antique store was. They are currently located on Rte. 26 in Millville, and with the construction process underway and estimated to last for the next 3 years they are looking for a place to relocate their offices where they can meet with their clients. That location would be home to 3 entities, McCarthy Homes, Coastal Rentals and McCarthy Stone. They would like to enhance the appearance of the building with representations of their products, building and sign permits would be required in addition to a business license. On December 5, 2013 an exterior inspection was done at the Marconi property on Main Street. The property was posted on March 21, 2014 demanding an interior inspection that is scheduled for April 10,

2014. Stacey will be present at the inspection along with the inspector from URS and Chief Toomey of the Dagsboro police department. (recorded stopped)

Water Department:

Presentation of Water Report: Stacey reported that we are getting low chlorine residual levels when the weekly testing is done at town hall by Artesian. It is Millsboro's responsibility to provide a .3 chlorine residual reading at the interconnection but the readings at town hall are lower. Stacey has met with Artesian representatives to discuss this issue and determine how the town can chlorinate the water on our end. A proposal is being designed to install a chlorine booster system at the building by the water tower. There have been meetings between Artesian and water engineer, Rick Davis and between Rick Davis and the Director of Public Works, Kenny Nibblet from Millsboro, who states there are communications error between their department and the town in Dagsboro through the SCADA system and until the communications error has been rectified, Millsboro's Public Works Director will be communicating directly with our engineer, Rick Davis so he can forward the information to Artesian so they can continue the design process. Stacey will present the proposal to the council when it has been received.

During the meeting between our engineer and the Director of Public Works, it was revealed that Millsboro is going to conduct flow tests at the interconnect meter to verify flow rates in the coming weeks as the Millsboro council is trying to rectify the billing overage to Dagsboro. Our engineer will be present during the testing so that we have a representative there to confirm the numbers. The Mayor and Town Administrator were told at the March 5, 2014 SCAT meeting, by Millsboro that they are working on the issues and should have something together before their April town council meeting.

The town will be having annual hydrant maintenance done by Artesian from April 14th to the 16th and hydrant flow tests will be done by Delaware Rural Water Association once the hydrant maintenance is complete.

Adjournment: At 9 p.m. a motion was made by Councilwoman Eckerd to adjourn and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

Respectfully Submitted

Duane Kenton

Town Clerk

