

**MINUTES OF MEETING**

**DAGSBORO TOWN COUNCIL**

**BETHEL CENTER – 28307 CLAYTON STREET**

**MONDAY – AUGUST 26, 2013**

The meeting of the Town Council was called to order at 7 p.m. by Patti Adams, Mayor. Those in attendance in addition to Mayor Adams were Stacey Long, Town Administrator; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken , Sgt. Litten of Dagsboro PD, Attorney Witsil and others as shown on sign in sheet

**Presentation & Discussion by DelDOT of the US 113 North/South Study, Millsboro-South Area.**

Andrew Bing of DelDOT introduced several members involved in the environmental phase of the study, and Brian Barrons who is the current Project Manager, who gave the review since 2011 on the alternatives of the West, East, No Build/Rte. 113 Alignment and the Blue route which is the favored plan. Public Hearings are scheduled for September 18<sup>th</sup> in Millsboro from 4p.m. to 8p.m. and September 19<sup>th</sup> in Selbyville from 4p.m. to 8p.m. These meeting times will be broken down into a workshop session from 4 to 6 and a public hearing session from 6 to 8 with 3 minutes allotted to anyone who would like to go on the record with their opinion. Rep. Adkins, commented that the area south of Millsboro is a no build zone, with the towns of Dagsboro, Frankford and Selbyville being opposed to the plan and since this project is to be 20% funded by the state there is no way that this will ever be approved. Mr. Barrons explained that because the state is seeking Federal funding for the project that the entire proposed plan must be presented regardless of what will actually happen as a requirement of the National Environmental Policy Act. Senator Hocker , stated that this resolution was originally presented by then Senator George H. Bunting, Jr. prior to Rep. Adkins and myself being elected to office, and DelDOT has gotten so far off track from the original resolution that the Governor had severely reprimanded all the members of the Sussex County legislature due to their stand on no funding for the area south of Millsboro, citing decreased property values while the project is in limbo as to limited information being disclosed on the exact location. If the project were to be funded 100% by the state the southern portion would not be an issue and the cost involved would be much less as the project would be much smaller. Mr. Barrons explained that tonight was not the time to discuss the details and that the time for this is the Public Hearings to be held later this month and that the public should review the info on the internet or in person at libraries in the area or at the Town Halls and at that time make informed comments as to their feelings. There was also some discussion in regards to the Proposed Route going thru historic areas and also very close to schools. The bypass would also cross the pond in 2 places in Millsboro and cross the Indian River as well. The public was not happy 3 years ago with the proposal and are not happy now. Mr. Barrons stated that DelDOT is the one who is authorizing this study be completed in order to receive Federal monies for the project. The subject of the possible alignment along rte. 113 was deemed impractical due to the continuing growth along the corridor and it is as busy as the Route 1 beach area between Lewes and Dewey. The

information can be found online by going to the DelDOT homepage, clicking on projects, Sussex County, North/South Study. Senator Hocker asked Mayor Adams if the town had made a formal recommendation as of yet and Mayor Adams informed him that the town would be having a special meeting and the formal recommendation would be made at one of the meetings either in Millsboro or Selbyville.

**New Business:**

1. Consideration of request for holding an auction sale at the old Dagsboro Food Rite. Dennis Daniels has asked for permission to hold an auction/sale 1 time. Stacey relayed the determination by Kyle Gulbronson of URS that as the location of the event was in the Town Center District and open to commerce that it should be allowed as a 1 time event as there had been other exceptions made for similar circumstances, but permits would be required for signs to advertise the event. If it became an ongoing event then the Council would need to revisit the idea of making it an acceptable use rather than making a 1 time exception. Councilwoman Flowers asked where the auction would actually take place be it inside or outside. Since no one was present at the meeting to answer any questions Attorney Witsil interjected that this would be a similar situation as with the approval of the temporary sales permits at Dagsboro Paint and Wallpaper and at the Super Clean property but as we have limited information with which to make a decision and no one here to give up the details we have no option but to table the discussion until more information can be reviewed and insurance and sale details are determined. If he would like to come to the September meeting and reschedule the sale for October. Motion was made by Councilman Connor to table discussion until Mr. Daniels can come in and provide more information to Council, seconded by Councilwoman Flowers All in favor. Motion carried.
2. Consideration of applying for Surface Water Planning Grant – 50% match Stacey gave report from Kyle Gulbronson from URS regarding storm water drainage throughout the town. The project study will include field investigation, GPS study, mapping, drain lines and a determination of what is working and what needs repair. Stacey has attended a workshop and once the study is complete there is money available at 100% for repairs that need to be made to the system. Councilwoman Flowers inquired as to whether or not money was available to pay the Town's part of the Project study, Stacey commented that there was \$9,900.00 for capital improvements in the Public Service Impact Fee account and \$27,000 in the Property Transfer account, she also suggested that a letter be sent to our local representatives in order to obtain funding for the repair work, which we could use to offset the expense of the study, as the StreetScape project is a long way down the road. Stacey has sent letters with pictures to DelDOT concerning the lack of drainage on Main and Clayton Streets, as it creates a safety hazard, and we have had no response to our letter. Motion made by Councilman Connor and seconded by Councilman Hansken to have URS begin writing the grant application for the Surface Water Planning Study. All in favor. Motion carried
3. Review and Consideration of Policy Statement Regarding Dagsboro FOIA Regulations. Attorney Witsil suggested updating the town FOIA policy to make it more in line with the

Federal guidelines, changing the \$25 per hour flat rate fee to read the rate to be commensurate with the lowest hourly payment rate of the Town Administrative Staff. When a form is submitted Stacey would get back to the applicant with a cost estimate based on what information is requested, before actually doing the work and having the applicant refuse payment due to excessive cost. Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to accept the FOIA Policy for Dagsboro. All in favor. Motion carried.

4. Consideration and possible action on a request to reduce or eliminate letters of credit for the Chapel Crossing development. County Bank is requesting a reduction of the Street Bond #165 and elimination of the Water Bond #166 as it appears that the developer has defaulted on the loan. The bank is bonding 120% of the street construction in the amount of \$41,683.20 which will enable repairs to be made to existing street and curbing and apply the final coat of asphalt to finish the project. Town code requires bonding of 125% but as the bank if funding the final completion 120% is fine. The Water Bond can be eliminated as the water system in the project has been completed. Motion made by Councilman Connor to eliminate Bond #166 and reduce Bond #165 as requested and seconded by Vice-Mayor Truitt All in favor. Motion carried.

**Water Department:**

1. Presentation of Water: Report A letter has been sent to property owner on Vines Creek Road concerning default on payment plan for impact fees. Since that time payment has been received for full past due amount and account is current. Water Quality there was an auto flusher put on the hydrant at the end of Piney Neck Road from July 8<sup>th</sup> to the 30<sup>th</sup> running 5 days a week to deal with issues reported by homeowners at the end of the line. There were complaints on Helm Street last month reporting white particles in the water. Artesian was called to flush the lines and they reported that the particles were excess calcium deposits, the homeowner has just recently called again complaining that that white particles are back so we will need to schedule another flush. Stacey met with Dagsboro Electric and Plumbing out at Savannah Liquors to review the lines and to get quotes for installing check valves to prevent back flow either at the entrance to each business or at the 1 inch main connection and we are still waiting a quote. Inspection of the tank: Stacey has contacted Southern Corrosion to evaluate the interior and exterior condition of the tank and give the town a suggested maintenance plan since we are coming up on 10 years. There is the option that during the next several years we might purchase a service contract similar to an insurance policy where the town would pay premiums that would help offset the cost of the maintenance issues that are approaching in the future. The representative will be at the meeting next month to explain this in more detail. The little white house next to the entrance to Chapel Crossing at 28401 Attorney Witsil is working on papers to enforce the mandatory connection to the water system. QuickConnects on hydrants, the Woodlands have completed their installation of QuickConnects but Chapel Crossing still had not done their QuickConnect installations there are several issues with this property as mentioned earlier.
2. Consideration of purchasing automatic hydrant flushers to help improve water quality on dead end lines. There are 2 dead end areas with constant complaints of water quality, Helm

Street and Piney Neck Road. Stacey got quotes back in November 2011 for 3 different types of auto flushers the quotes at that time ranged between \$8,812 to \$12,800 for 4 auto flushers and all attachments including chlorinating baskets. Artesian will come out and flush at no charge when a water quality complaint is received but if set up to come on a scheduled basis there would be a charge. There were 6,000 gallons of lost water in July and 3,000 gallons in August due to flushing these lines. The suggestion of looping Helm Street into Chapel Lane would be beneficial if practical to do so as would loop Piney Neck with Waples, if it were an option. DWRA and Kyle Gulbronson of URS can offer us other possible alternatives to deal with this situation, but we need to be wise before just making such a large expenditure so this discussion is tabled until next month when more information will be available. Consideration of Hydrant Maintenance Program proposal from Delaware Rural Water Association. It is necessary for proper operation and maintenance of hydrants for them to be flushed more than once a year. Periodic flushing is recommended to maintain proper quality. Since our system is relatively new twice a year flushing is fine but as the system ages flushing should be done more frequently. There are companies in the state that do regular flushings for towns and the lowest cost found in the Delaware for 75 hydrants is \$16,000. DWRA has proposed a plan where they will log our hydrants, do a pre flush inspection, inspect again following flush to insure proper drainage, provide a self-contained trailer flusher to eliminate water on ground for \$4,125. The yearly flush provided by Artesian and the annual flush done by DRWA together would give us the 2 annual flushes recommended for proper operational maintenance. Motion made by Vice-Mayor Truitt and seconded by Councilman Connor to accept the proposal from DWRA for flushing all town hydrants in the town once a year in addition to the once a year flushing of all the hydrants done by Artesian. All in favor. Motion carried.

3. Consideration of moving forward with discussion with the Town of Millsboro regarding billing overages for water. After reviewing water figures from July of 2010 to the current time, when the original meter was in place there was unaccounted for water of 48% in FY 2011 59% in FY 2012. Following the meter replacement, FY 2013 reported a 9% amount of unaccounted for water, DRWA states the normal range limits for unaccounted for water is between 5 and 15% which allows for evaporation, flushing and normal operation procedures and we are well within these limits now. Between 2011-2012 there were 1,000,000 gallons of unaccounted for water totaling \$106,933.44 when you add the cost of the original meter of \$8,549 and the cost of the replacement meter of \$17,000 which included pipe and fitting reductions the cost for the unaccounted for water is in excess of \$130,000. Attorney Witsil asked if the town had ever had a forensic study done on the meter to determine that the meter did not either operate properly, read properly was not properly installed and the town has not yet done this due to the expense of such a procedure. It was suggested that since the Town of Millsboro knows that there were issues with the meter from the beginning with excessive amounts of unaccounted for water, that the town send 2 commissioners, Brad, Patti and Norwood as an alternate, accompanied by Kyle Gulbronson of URS to meet with representatives from the Town of Millsboro to discuss options of compensation to regain the some of the funds paid to Millsboro for the billing overages, they won't want to give us money back, but they will

probably do a discount or credit plan on future bills until the town is fully compensated. Stacey is to call Millsboro and set up a September meeting

**Police Department:**

1. Presentation of Police Report-Sgt. Litten gave copies of the June and July reports to the council members in their packets for review
2. Consideration of continuing COPS Grant and hiring of an officer to replace resigning officer. Academy starts October 22, 2013 There is good news and bad news, good news that Chief Toomey will be back in Texas by the end of September and the bad news is that Officer Huff has resigned and his last day was the 24<sup>th</sup> of August. The resulting question is do we continue the Cops Grant and use that to fund his replacement or do we surrender the grant and fund. If we surrender the remaining portion of the grant there is a possibility that if we applied for funding again at a later time that we might be denied due to our previous withdrawal from the program. There is 2 years and 3 months left on the grant currently with no specific deadline so the hiring of another qualified officer would only require an amendment to the terms and this is not a problem. In addition to this information Sgt. Litten informed the town of costs involved with hiring another officer regarding physical, drug and psychological testing would be around \$2,880 and then the cost to send the new hire to the Academy is another \$6,800 but there still \$4,800 available in the grant account to offset that expense. Sgt. Litten stated that even though the officer is not on patrol he is on the towns payroll and the benefit of a new officer compared to hiring an officer from another force is that even if they are a good person, you have an officer with preconceived notions of how to do things instead of coming fresh from the academy. The academy starts October 22<sup>nd</sup> and is a 5 month program, we would like to have someone ready to go by then and have them on the street sometime in March or early April. The Cops grant will pay for the officer even while in training and the town's responsibility of 25% does not come into play until the 4<sup>th</sup> year when the town pays the employee their deferred portion. There is also a requirement of the academy that upon graduation that the recruit guarantee the sending municipality a minimum of 2 years employment after graduation. When the new officer completes the academy and Chief Toomey is back on the force the town will have 19 hours of daily coverage with 4 full time and 1 part time officers serving the town. Motion made by Vice-Mayor Truitt and seconded by Councilman Connor to proceed with hiring of new full time officer for the town and continuing the Cops Grant. All in favor. Motion carried.
3. Consideration of Purchase of Police Cars Sgt. Litten reported that the complete quote information from the Ford dealer was not yet available and will need to present complete set of quotes to council at another meeting when it has been received. The oldest cars are the K9 car being 2003 and the blue car 2005 both with mileage in excess of 120,000 the gray cars are both 2009. The revenue coming in recently from the voluntary assessment fund has been very good lately and the numbers on the budget might have been understated as a whole with is a good thing as far as revenue available to the town. The vehicles being considered are 6

cylinders with all-wheel drive and Chevy's are higher in price and Dodge products are not as reliable. The sale of the Blazer, utility trailer and blue car are also being considered to bring revenue into play regarding the purchase of new vehicles for the town. If the information is received soon there will be a special meeting called to discuss these issues and if not then it will be discussed at the next regular meeting. It was also mentioned by Stacey that a homeowner from Stone Lane came into pay their taxes and had no problem what so ever with the tax increase because it meant there was an increase in the police presence in town which meant added protection for the town.

**Prince George's Chapel Cemetery:**

1. Presentation Cemetery Report- no report
2. Consideration of survey quotes for town owned portion of the cemetery TMP# 2-33-11.00-128.00, 2-33-11.00-130.00 the last survey was done in 1967. Stacey has received 2 bids for surveying the 2 parts of the cemetery owner by the town. Miller and Lewis submitted a bid of \$695; True North submitted a bid of \$750 with an increase of \$100 if they included the wall and fencing info. As the town has not received written approval from the Historical Society, only verbal was suggested that Stacey try to obtain more detailed information from Miller and Lewis as to what the bid included and what it would be to include the wall and fence on their report and this issue will be discussed again at the next meeting.

**Approval of Minutes:** June 19, 2013 – Budget Workshop Meeting: Motion made by Councilman Connor and seconded by Councilwoman Flowers to accept minutes of June 19, 2013, Budget Workshop Meeting. All in favor. Motion carried.

June 24, 2013 - Town Council Meeting: Motion made by Councilman Connor and seconded by Vice-Mayor Truitt to accept minutes of June 24, 2013 Town Council Meeting. All in favor. Motion carried.

**Reports:**

**Treasurer's Report:** General checking \$156,884.49, Public Service Money Market \$9,953.87, Police Grant Account \$4,278.79, Property Transfer checking \$27,003.47 and 3 CD's of \$27,818.06, \$46,738.25 and \$5,091.38. Water checking \$46,084.60 Impact fee savings \$183,853.66 and water reserve \$34,634.02. MSA \$10.73 with a comment made by Stacey that next funding should be received in October we will be receiving \$19,423.32 with a portion of that restricted to street improvements and maintenance. PGC \$529.63, \$5,364.92 and 3 CD'S of \$32,693.51, \$44,672.84 and \$31,721.74. Salle Account \$3,683.36 Councilwoman Flowers made a motion to accept the Treasurer's report and it was seconded by Councilman Connor. All in favor. Motion carried.

**Administrator:** Delmarva Power informed DVFD that 4 lights needed to be move due to the installation of the high tension lines recently installed on Clayton Street, 1 light head was added and another light was moved to another location the changes have been reviewed and approved by the engineer. Dr. Adkins office on Vines Creek Road has moved to Millville and the PRMC office out on the highway is moving to Millsboro to the new medical complex at Peninsula Crossing. Section 130

**article 5 C&D: the Fire & Ambulance Fees paid by the Town to the fire department were used for vehicle purchase and repayment of loans and the amount was \$3,532.78**

**Code Enforcement:** Blue Hen and Waste Management have been sent contacted concerning their vehicles running over the property of owners on Swamp Road when attempting to make right hand turns on to Hazard Street. Blue Hen has responded and will check the situation and inform their drivers use other routes when accessing Hazard Street, Waste Management has not responded. Weed and grass letters were sent to property owners in Prince George's Acres, Hudson Road, Sussex and Main Street. The President of DVFD has been notified as well concerning the weeds and grass at the construction site and in attempting to deal with the General Contractor to take care of these issues. On June 7<sup>th</sup> a letter was sent to SuperClean Demolition concerning the 2 wall signs on the building that they did not submit application permits for. We have received no response from them and another letter was sent on August 22<sup>nd</sup>, requiring removal of signage with 10 days if applications are not received.

**Building Official:** Building permits have been issued for a 24x24 pole barn on Piney Neck Road, a 10x10 shed on Main Street, a 12x16 deck on Chapel Lane and a permit for a wall sign for Mr. Banana's at Savannah Square. Prince George's Acres, permits have been issued for a 30x40 single family dwelling, a 30x12 garage and a 12x16 rear deck. In the Woodlands a duplex permit for units 39 and 40 has been issued.

**Correspondence:** Letters from the League of Local Governments concerning the awards dinner in September, and a letter Amanda Marshall who works at the Bank of Delmarva regarding a possible donation.

**Adjournment:** Motion made at 10:13 p.m. by and seconded by to adjourn. All in favor. Motion carried.

Respectfully Submitted,

Duane Kenton

Town Clerk