

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY –APRIL 28, 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:** Mayor Connor presented certificates to Janet Skibicki who helped coordinate a new route for the Meals on Wheels program, crocheted hats and blankets for the needy, coordinated clothing donations, and helped with cleaning up Beaver Dam Road. The second certificate was presented to Olivia Kondraschow, who donated blankets, toys, food and money to the Delaware SPCA in January. Instead of birthday presents for her 10th birthday, Olivia collected items to help animals in need.

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

REPORTS:

Planning & Zoning Report:

1. **Organization of Commissioners:** None of the commissioners are available to take the position of secretary so the minutes will still be transcribed by Town Hall until someone is appointed.
2. **Review, discussion, and possible recommendation of Preliminary Approval for Village on Pepper's Creek subdivision:** Recommendation for preliminary approval was unanimously given by the commission.
3. **Review Chapter 275 Article XII Sign Regulations of the Dagsboro Code.** The commissioners have reviewed a draft electronic sign ordinance prepared by URS very similar to the Town of Georgetown. There are a few additional changes needed and they will review the final draft at the May meeting with intentions to forward this to the Council during their May meeting to set a Public Hearing.

Treasurer's Report: Presentation of Treasurer's Report: General checking \$145,979.20, Public Service money market \$5,462.17, Police Grant \$1,204.50, Police money market \$12,004.76, Property Transfer \$69,539.20, 3 CD'S \$28,051.69, \$47,758.25 and \$5,145.38. MSA \$5,223.58 PGCC checking \$1,141.93, savings \$3,769.86, 3 CD's \$32,693.51, \$44,672.84 and \$32,055.74. SALLE/EIDE \$7,161.72. Water checking \$30,690.29, Impact Fees \$203,516.93, Reserve account \$35,784.02. 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 Ulrich. All in favor. Motion carried.

Police Department: Presentation of Police Report: Chief Toomey presented the Monthly Statistical Report. There were 2,950 miles driven during the month, 60 traffic arrests, 31 traffic

warnings and 2 criminal arrests. There were 372 man hours, 117 for patrol, 63 investigative and 192 administrative. There were 410 business checks, 68 complaint responses and 7 collisions. Chief Toomey reported that SSG Litten appeared in District Court of Maryland to testify in a drug case resulting in a conviction and incarceration. Chief stated he began phase 1 of the Law Enforcement Executive Development Assoc. (LEEDA) course sponsored by the FBI. Chief Toomey was happy to report that Patrolman Paskey is fully engaged in his field training with the town's department, phase 2 where he is being observed and critiqued and is expected to be released on his own the last week of May. Councilwoman Eckerd asked how they were doing with the new vehicles and Chief replied that they are still not here yet and he is really not sure what the delay is.

Administrative Department: Chapel crossing, on April 8th Stacey and Kyle met with Lee Ramunno, the new owner of the development. They have stated that they do not foresee the beginning of phase 2 in the near future. A letter has been drafted to County Bank calling in the bond to finish the streets within the development. Mr. Ramunno has agreed to sign an agreement stating that any damage that may happen to the finished streets in phase 1 during construction of phase 2 will be repaired at his expense. The letter is being sent to County Bank tomorrow. County Bank has agreed to contract with the paving company to get the job done ASAP.

Stacey reported that we are still waiting to hear on the status of funding for the TNR program. The third party agreement with the DVFD has been reviewed by URS and signed by the Town. The invitation to bid has been published on the town's website, April 15th in the Wave Newspaper, April 18th in the Coastal Point Newspaper. The pre-bid meeting was held 4/23/14 with URS representing the Town. The bids will be opened on May 8th at 2 p.m. at the new fire hall. The Court of Appeals will be Monday, May 19th during the Town Council meeting. The assessment list will be posted at Town Hall on May 1st and Notice of listing and court of appeals will be posted in 5 public place around town as required by our charter.

Stacey reported to council that town hall needs 2 new computers, with Windows XP now considered as a dead operating system without support or updates we need to upgrade to Windows 7. When we consulted Solutions Plus who supplies our support they told us that even if we upgraded to Windows 7 our existing system they would be slower than they are now and it would be more efficient to purchase new computers. Councilwoman Ulrich inquired as to whether or not the copy of the Windows 7 upgrade that had been purchased earlier from Amazon could be returned as it was still unopened and Stacey will take care of returning that if it is possible. A motion was made by Vice-Mayor Truitt to purchase 2 new computers from Dell and get the best price possible, and seconded by Councilwoman Eckerd. All in favor. Motion carried.

Building Official: Permit #899 was issued for a wall sign at 32183 DuPont Blvd. Unit #8. Permit # 903 was issued for an 8x10 shed at 310 King George III Street. A temporary sales permit #1004 was issued on 3/31/14 for the barbeque sales at 33334 Main Street for the American Legion Post 24, with effective dates from 5/17/14 to 9/6/14.

Code Enforcement: An interior inspection was scheduled for April 10th at 2p.m. but Mr. Marconi has been in with a letter requesting an extension of that date. Stacey has met with him and the interior inspection will take place on Thursday, May 1, 2014 at 2 p.m. with Stacey Long, a representative from the Dagsboro Police Department and our Building Inspector from URS, present during the inspection. Attorney Witsil stated that the complaint is ready to be filed as it pertains to the exterior and he is only awaiting the report of findings from URS on the interior before moving ahead.

Water Department: Due to a major problem with the software download in April, it was not possible to generate water bills for the month of April, tech support is currently working on this and the problem will be resolved soon. This will also be mentioned in the newsletter, as a reminder for the residents. There is 2.6 million remaining to be allocated for state and local projects that improve terrorism preparedness and other threats and hazards that pose the greatest threat to the security of the US. Delaware Rural Water Association is applying for monies for Dagsboro for fencing and cameras. When this matter was addressed several years ago the fire department had issues of concern that prohibited the installation of the fencing in that, the main hydrant that they used to fill the fire truck would have been inside the fencing, the proximity of the water town to the Tax Ditch would make ditch maintenance difficult if not impossible and the concern by the officers and members of the fire department that the enclosed area would become a storage area for the Town of Dagsboro. With the new fire station almost complete on Clayton Street, now would be an excellent time to revisit this issue as the current fire department could be vacant for some time and criminal mischief and vandalism could become a concern.

Christmas Parade Committee: The next meeting will be held Tuesday, April 29, 2014, at the Dagsboro Police Station and we will have more information at our next council meeting which will be on Monday, May 19, 2014, which is a week earlier than normal due to the Memorial Day Holiday on the 26th.

Prince George's Chapel Cemetery: Approval of fencing/Terms of Committee. The last meeting of the Prince George's Chapel Cemetery Committee was on November 23, 2013 and at that time the committee approved additional split rail fencing for the cemetery but this was not approved by the town at the December council meeting and it needs to be approved at this time as the Prince George's Chapel Cemetery Committee is meeting again on May 4, 2014. The Town owns the front part of the cemetery so there is no issue with the Historical Association and the Preservation Fund has approved a \$1,000.00 grant which can be used for this purpose, any additional expense in excess of the \$1,000.00 will be paid for by the Prince George's Chapel Cemetery fund. A motion was made by Councilman Baull to approve the installation of additional sections of split rail fencing for the Prince George's Chapel Cemetery and seconded by Councilwoman Eckerd. All in favor. Motion carried.

Correspondence: There is information from the SCAT Legislative Meeting that was held in Washington D.C. that the Mayor, Councilwoman Eckerd and Stacey attended and an invitation from the Bethany-Fenwick Area Chamber of Commerce inviting the town council to participate in the Ocean to Bay Event.

Before beginning the discussion of New Business, Mayor Connor introduced, Bob Wheatley, who introduced himself as a candidate for the 5th District of the Sussex County Council, and is going town to town throughout the county introducing himself and meeting all the town officials.

NEW BUSINESS:

1. Review, discussion and possible recommendation of Preliminary Approval for Village on Pepper's Creek subdivision: Kyle Gulbranson of URS, introduced Hal and Burt Dukes who are the new owners of the Village on Pepper's Creek Property located on Main Street next to John M. Clayton Elementary School and the Project Manager of the proposed subdivision, John Murray of Kercher Engineering. Mr. Murray gave a brief review of the property from its original approval back in 2005 when the property was rezoned from Residential to Cluster

Residential and all permits were applied for and approved. When the project sunsetted due to the economic down turn several years ago the permitting process needs to begin again. The Planning & Zoning Commission has been consulted and has given their preliminary approval and is recommending the town council do the same. They are already in contact with DeIDOT, as their requirements have changed and the town has adopted Woodland Preservation requirements as well, but these are met within the development plans as they exist with open space. Once the town gives preliminary approval then the respective agencies begin the review process. They are not sure at this time how fast they will be developing the subdivision as to number of homes constructed per year. The homes would be comparable to the Kincade Home offered by Shell Brothers. They will set the infrastructure in advance of any sales and hope to develop in neighborhood phases rather than a home here and a home there. A motion made by Councilwoman Eckerd to grant preliminary approval to the Village on Pepper's Creek Subdivision, and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

2. Consideration of recommending to DeIDOT to keep the south side entrance open for the property located at 33214 Main Street (formerly known as MNK Maintenance) Dagswood has 2 year lease with Howlett. Mr. Bratten informed the town that he has been in contact with Steve Sisson of DeIDOT and they are willing to allow access to the property from Main Street using the south entrance and establishing an exit on Cannon Street with the condition that sidewalk repairs are made as recommended. At the present time parking is adequate on the front parcel on the south side of the building. There will also be a 6' fence constructed on the South side of the property and they will be applying for a permit. Planning & Zoning was consulted regarding the entrance issue however this has since been rectified with DeIDot. Mr. Bratten has questions relating to the parking and paving of the area. Attorney Witsil interjected that the Code states that any business in the Town Center District will be paved according to Section 275-35 C1, but a waiver can be temporarily given if deemed appropriate according to Section 275-40 B3 & C3.
3. Review, Discuss and possible revisions to the Change of Use process and fees: The purpose of this discussion is to make a differentiation between an Administrative Change of Use and a Full Change of Use. An Administrative Change of Use would be when a business is moving into a location that had most recently been that same type of business and only the business is changing not the services and with all permits in place could be done with in house approval by the town and minimal review by URS. A Full Change of Use would be when a property is proposed to be used for something completely different than it was used for previously. And a complete review would be needed and would require the creation of Site Plan Review accounts due to the extensive review of the proposed project. After much discussion it was determined that a 2 phase program would be the best way to handle this separation with Phase 1 being a \$500.00 (five hundred dollar) Non-Refundable fee to cover the Town's and URS's minimal review of a like business scenario. Phase 2 would include an application fee and escrow monies. A motion was made by Vice-Mayor Truitt to implement the 2 Phase program for Change of and seconded by Councilwoman Eckerd. All in favor. Motion carried.
4. Repairs to the interconnect pit to eliminate flooding inside the pit: There is a concrete vault that houses the meter for monitoring the flow of water between Millsboro and Dagsboro. Due to excessive ground water in the area in times of heavy participation, when it is time for Millsboro to take a meter reading, the pit is so flooded that the water must be pumped from it before a reading can be taken. This can take several hours or more. Manual reading is necessary as that meter is not designed for radio reading. Stacey has spoken with a representative from Bel Air Road Supply regarding lining the interior of the pit with a

hydraulic concrete application, the potential problem with that is with the pressure from the surrounding ground water, if the pit is made water proof on the interior, excessive pressure from the outside in times of high participation could cause the pit to rise out of the ground causing damage not only to the meter but to the water lines that are connected to it. This has been an ongoing problem for several years since the new meter was installed and the vault was cut open to allow the installation. A sump pump was discussed as a viable option for keeping the water level below the meter, but the problem with that is that frequent monitoring of the pump (2 or 3 daily checks) would be necessary to prevent damage to the pump (if it became plugged up) and we do not have a full time maintenance person on staff to do this. Stacey will check information regarding sump pumps and get back to council with more information before any decision is made.

5. **Consideration of approval of Social Media Policy:** Stacey has been reviewing the Social Media Policies of 3 or 4 towns in the area including Ocean City in order to draft a preliminary policy that would fit the town. The issue of concern is that the media posted to the Facebook/twitter site would need to be closely monitored for acceptable content and that the visitors to the site would need to understand that not all comments would receive an individual response from the Town. The ideal purpose of such sites would be (from the town's perspective) an excellent source of information sharing providing up to the minute news regarding matters of importance to the town's citizens and also for sharing weather related information in the case of emergencies. Councilman Baull and Stacey will act jointly as Administration for the site on a temporary basis for approximately 60 days to see what the needs are and what type of monitoring is needed in the future. A motion was made by Councilwoman Ulrich to adopt the Social Media Policy for the town and seconded by Councilman Baull. All in favor. Motion carried.
6. **Review and consideration of proposed Operation and Maintenance contracts for the Water Distribution System:** The current year to year contract for the Operation and Maintenance contact with Artesian Water Company is set to expire on June 30, 2014. Stacey provided a breakdown of the fee structure, the yearly cost of operation and maintenance, with water sampling and Consumer Confidence Reports is \$9,724.08 with an additional \$100.00 per month for on call/emergency service for a total of \$10,924.08, this cost does not include any tickets submitted for utility mark outs, there is no way to calculate this figure as it varies monthly. An additional charge of \$4,125.00 is added for a second round of hydrant maintenance conducted by DRWA. Delaware Rural Water Association has submitted a quote also, they are more expensive and the quote is not exactly identical as far as services provided, Stacey requested to have this discussion tabled until next month's meeting so that she can have a more accurate comparison for the council to review.
7. **Review FY2015 Draft Budgets:** Stacey presented the first draft of the proposed FY 2015 Budget, providing comparisons by FY 2014 proposed, FY 2014 actual and FY 2015 proposed figures. Chief Toomey interjected that although Stacey had prepared a very good overall budget, there were areas in the Police section of the budget that need to be modified for more accurate representation of the Grant income and expense areas for Highway Safety, Violent Crimes and Sleaf (which is a new grant which we received for the express purpose of purchasing patrol rifles, these police grants are applied for and the funds can only be used for the purpose on the application. Councilwoman Eckerd had questions concerning the educational training expense item of only \$500.00, Stacey clarified the question with a line item list later in the budget which is budgeted for \$4,000.00 which includes her attending the International City Managers Association Convention in Charlotte later this year and includes food/lodging, registration and airfare, other towns in the area send representatives to these

meetings and the information that is provided is invaluable as is the educational aspects and networking potential provide an excellent opportunity for the town.

ENTER EXECUTIVE SESSION: Motion made at 8:58 by Vice-Mayor Truitt to enter into Executive Session, seconded by Councilwoman Eckerd. All in favor. Motion carried.

RE-ENTER REGULAR SESSION: Motion made at 9:16 by Vice-Mayor Truitt to re-enter Regular Session, seconded by Councilman Baul. All in favor. Motion carried. There were no votes taken for executive session items.

Adjournment: At 9:16 p.m. a motion was made by Vice-Mayor Truitt to adjourn and seconded by Councilwoman Eckerd. All in favor. Motion carried.

Respectfully Submitted

Duane Kenton

Town Clerk