

Minutes

DAGSBORO TOWN COUNCIL

Bethel Center – 28307 Clayton Street

Monday, April 16, 2018

I. CALL MEETING TO ORDER

6:00 p.m.

Meeting was called to order by Mayor Brian Baull at 6:02 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Theresa Ulrich, Councilman William Chandler, Councilman Patrick Miller, Town Administrator Cynthia Brought, and Police Chief Floyd Toomey. Councilman Norwood Truitt was absent. See attached sign in sheet for other members of the audience.

II. PUBLIC COMMENT

Mayor Baull informed Council that a second copy of the 75th anniversary proclamation for the Dagsboro Volunteer Fire Department will be on display at Town Hall.

III. PUBLIC HEARING

A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON AN APPLICATION TO AMEND THE ZONING MAP OF THE TOWN OF DAGSBORO, DELAWARE FROM CRD – CLUSTER RESIDENTIAL TO R-RESIDENTIAL FOR A CERTAIN PARCEL OF LAND CONSISTING OF APPROXIMATELY 9.23 ACRES, LOCATED ON THE SOUTHWEST SIDE OF MAIN STREET, 442 FEET SOUTHEAST OF ROUTE 26, BEING THE LANDS OF HARVEY TINGLE FARM, LLC, AND IDENTIFIED AS SUSSEX COUNTY TAX PARCEL 2-33-11.00-224.02

AN ORDINANCE TO AMEND THE ZONING MAP OF THE TOWN OF DAGSBORO, DELAWARE FROM CRD – CLUSTER RESIDENTIAL TO R- RESIDENTIAL FOR A CERTAIN PARCEL OF LAND CONSISTING OF APPROXIMATELY 9.23 ACRES, LOCATED ON THE SOUTHWEST SIDE OF MAIN STREET, 442 FEET SOUTHEAST OF ROUTE 26, BEING THE LANDS OF HARVEY TINGLE FARM, LLC, AND IDENTIFIED AS SUSSEX COUNTY TAX PARCEL 2-33-11.00-224.02

Mayor Baull informed those present of the procedure and rules for a public hearing. Town Administrator Brought confirmed the public hearing was advertised. Mr. William Chandler, was present on behalf of himself and his wife (the applicants) to inform Council their purpose is to preserve the land as open space instead of it being built on.

There were no public comments in favor of or opposed to the application, therefore, the public hearing was closed. A motion to approve the resolution was made by Vice-Mayor Ulrich and seconded by Councilman Miller. All in favor. A motion to approve the ordinance to amend the zoning map was made by Councilman Miller and seconded by Vice-Mayor Ulrich. All in favor. Councilman Chandler abstained from both votes.

IV. APPROVAL OF MINUTES

A. March 26, 2018 – Town Council Meeting

Councilman Chandler made a motion to approve the meeting minutes for March 26, 2018. Vice-Mayor Ulrich seconded the motion. All in favor.

V. CONSENT AGENDA

A. Police Department Report

Chief Toomey informed Council that work on the traffic light at Main Street and Clayton Street took place the previous Friday. They did not have much notice that it was being done or that they would need an officer for traffic control, but it did get done.

Chief Toomey also gave Council an update on where the police department stands currently. He stated Officer Discuillo is doing really well – he has exceeded expectations. Chief Toomey used grant money to get new tasers approximately fourteen months ago, which included a five year maintenance plan. Their old tasers were being phased out and now they have the newest ones. They also just got body cameras and got that program started with a five year maintenance plan, again using grant money. The software for the cameras will be upgraded every two and half years and five years of cloud storage are included.

Chief Toomey has also been working a deal with a local firearms dealer to replace their weapons. They should change their weapons every seven to ten years. Their current weapons are nine years old. The local dealer is going to make a one-to-one trade for new weapons; the weapons were originally purchased on a grant so this is also at no cost to the town.

April is the final payment for the two newer vehicles – the 2011 Taurus and Explorer. The Tahoe would be the next vehicle to be replaced, but Chief Toomey doesn't see that being needed for another eighteen months. He has spoken with Town Administrator Brought about this and they are going to keep the money in the budget that was for those payments and put it aside so that they can just buy the vehicle when needed instead of financing.

The police department has exceeded their predicted revenue and is within their budget for the year. Chief Toomey also shared some of his goals for the immediate future. He would like to acquire an evidence tracking system (they are still using the old fashioned paper trail which is getting outdated) and also would like to seek state accreditation for the department. Another goal is to obtain/replace their evidence refrigerator – they need a better storage facility for the evidence that is more secure. Chief Toomey would also like to purchase ear-piece mics for the portable radios. This will help the officers to still have communications when they are in crowded settings.

Councilman Chandler asked if the taser has ever needed to be used and where the video for the body cameras gets stored. Chief Toomey replied that the taser was used once and that the video is stored in the cloud. It is a secure cloud with several safety features making it a secure site. The Attorney General's office already has access to the same site which makes it easy for the department to share video with that office.

In looking at the financials, Councilman Chandler noticed the checks that were being written to hospitals to cover blood tests for DUI's. He asked why that falls on the town – if a person refuses a breathalyzer,

it should fall on them. Chief Toomey responded that they have exhausted all means to try to get them to pay for it, but unfortunately, the Attorney General's office won't seek reimbursement for the blood tests. Chief Toomey stated that he has been in touch with other police chiefs and they have the same problem. Town Administrator Brought also contacted several police departments throughout the county and all said they gave up on it because they couldn't get it back. Chief Toomey stated it became more labor intensive to get the money back – he was spending more money on the hours to try to recover the money than to just pay the bills.

- B. Treasurer's Report
- C. Administrative Report
- D. Economic Development Committee
- E. Building Official Report
- F. Code Enforcement Report

Vice-Mayor Ulrich asked about the two houses that are awaiting structural engineering reports. Town Administrator Brought stated that they are the house right next to Town Hall and the house right next to Dagsboro Days.

- G. Meeting Reports
- H. Water Department Report
- I. Prince George's Chapel Cemetery Report
- J. Correspondence

Motion to approve the consent agenda was made by Councilman Chandler and seconded by Vice-Mayor Ulrich. All in favor.

VI. NEW BUSINESS

A. PKS – Audit Results for Fiscal Year 2016-2017

Andy Haynie from PKS was present to share the results from the most recent audit. He informed Council that Leslie, who has run the audit in previous years, was not able to assist this year due to family issues. Alyssa completed the audit this year, but she was not able to be present at the meeting.

PKS has issued an unqualified auditor's report for the financial statements – this is the highest opinion that can be achieved and the opinion that would be desired. A second report has to be issued since the town is a government under government standards and that auditor's report also was given an unqualified opinion. There are a couple of comments for the government report and most are the comments that have been given previously about internal controls. However, because it is such a small organization, the cost benefit to the town in hiring more employees to help the internal controls needs to be considered. This is common among small organizations and the Town Council is aware of what is going on and much of the day-to-day operations.

As far as the statements, the water department had a bigger loss than in past years, but some of that was due to transfers from the water department to the general fund. This is not uncommon among small organizations to need to take money from a utility department to cover general operating expenses. However, this is something to be aware of each year because it is draining the proprietary

fund and infrastructure is very costly in a proprietary fund. If a repair would be needed in that fund, they are expensive repairs.

One thing that PKS does is that they compare what is budgeted versus what the actual numbers are. For the general government side, they noticed what was budgeted for income from the police department was just under \$40,000, but for at least the past three years of the audit, the number has actually been above \$60,000 so this is something that could be adjusted in the budget.

Mr. Haynie directed the attention to the general government report and the expenses. There is not much that can be done for the general operating expenses at Town Hall, but it did decrease as far as the overall percentage of general fund expenditures. Public Safety did increase a little, but it was mostly due to grant expenditures. There were a few more Capital outlays this year, but most were covered by grants and the debt service was about the same.

In looking at the water fund, last year there was a loss of about \$74,000, but a transfer was not needed. This year there was a transfer of \$150,000 to cover the general fund. If that loss is taken out, the water fund was pretty much where it had been the prior year. PKS did note the flat charges for services in the water department versus the escalating fees for usage in the water department – that change could help the department to get to a break even standpoint or even bring in a little profit. Councilman Chandler recalls this suggestion was made in the past and Mr. Haynie confirmed. Mr. Haynie stated the demographics play a role in the change of billing being successful. He gave examples of two towns that have switched to billing with escalating fees. One town made a profit because it had a mix of ages in the population. The other town lost money because the population was older and many people started conserving their water because they were on fixed incomes.

Vice-Mayor Ulrich stated that the bottom line is the water fund is losing money due to the transfers. Mr. Haynie agreed, but stated there was still an \$80,000 loss, not including the transfers, over the past couple of years. Vice-Mayor Ulrich asked for suggestions on what to do about the transfers to cover payroll and other costs. Mr. Haynie stated that he knows of towns that have done a full rate study to see what their rates should be and then presented it to the public to explain the rate increase and put the rate increase through. He shared that most places are not charging enough, especially if the rates have not been adjusted in the last five to ten years. He has also seen towns that did the study and then caved to the public after the presentation because nobody wants to see a rate increase. There is no good answer. He has seen towns go to a tiered system and that has seemed to be more successful – the big users are paying a higher rate. They keep record of what people are using each quarter and then use that to put in the rates, but there is no discount for the lower users – they would keep paying the same. Town Administrator Brought reminded Council that this also was an off year because there were a lot of leaks, issues with automatic flushers on the hydrants, and flushing more because of the chlorine, which contributes to a lot of loss for the water that the town is responsible for paying. Councilman Chandler asked for a ballpark number of what it would cost to have a rate study done. Mr. Haynie has seen it done for \$5,000 or less, but also thinks it might be possible to follow Millsboro because of the unique situation with them.

Councilman Chandler agrees something needs to be done, as they've discussed before, because of the possibility of expensive repairs in the future. Mr. Haynie agreed – even though there is grant money out there, the town would have to cover the cost upfront and then wait to get reimbursed if they received a grant.

Councilman Miller asked how many meters were replaced in the last year. Town Administrator Brought replied less than ten meters were replaced. Mr. Haynie asked if the town charges for meters. Town Administrator Brought replied that initially meters are charged, but when they are replaced, they are not. If the town has to replace the meter because it has gone bad, the town has been covering that cost, not the customer. However, the meter is guaranteed for ten years so if it falls in that time period, it gets replaced for free. Mr. Haynie stated some towns have a surcharge, like an infrastructure charge, that is added in to cover costs like meter replacements. Town Council was in agreement that this is something to consider. Mayor Baull mentioned the infrastructure is approaching twenty years old. Councilman Chandler confirmed that and added that there has been no rate increase during that time either. Town Administrator Brought stated that she and Councilman Truitt had discussed this and the last time they considered a rate increase, they ended up just lowering the gallons used for the flat rate price. Mr. Haynie stated that he had never done an audit with a rate increase for the town and he has been doing the audits for the last seven or eight years.

B. Parking Area Town Hall – Parking Blocks/Handicap Space

Councilman Chandler stated he has asked Sussex Fence to come see if they can make the fence stand upright again. During that call, he was asked if there were parking blocks and Councilman Chandler informed him there were not and it was suggested that would be a wise thing to have. Councilman Chandler pointed out that there is not a handicap space either, which they probably should have. His thought is that he will get the fence straightened, but then considered getting a few of the parking blocks. Chief Toomey had sent an option to him and he thought they looked good. He informed the rest of Council that they are not concrete – they are a hard plastic that will last in cold weather without cracking. It was determined that seven parking blocks would cover the parking lot – three by the police station, three where the employees park, and then one blue for handicap.

Vice-Mayor Ulrich asked if it should be considered when the last time the parking lot was coated and if stripes would be wanted. Chief Toomey isn't sure there is room for striping, but that if they wanted to, the town could probably do that themselves. He is concerned if they do that, it would eliminate parking and it is tight in the parking lot as it is. Town Administrator Brought asked if they should order a sign for the handicapped space also and Town Council agreed.

Councilman Chandler made a motion to authorize Chief Toomey to order the seven parking blocks. Vice-Mayor Ulrich seconded the motion. All in favor.

C. Contract Town Administrator – 2018-2019

Town Administrator Brought's contract expired so it needed to be approved in an open public forum.

Councilman Chandler was in agreement to approve the Town Administrator's contract for another year. He also asked the rest of council to consider a raise in her salary. He suggested a \$3,000 raise. Vice-Mayor Ulrich was in agreement of the raise. Mayor Baull was as well and stated she has done a tremendous job. Councilman Chandler stated he hears the same from people in town.

Councilman Chandler also noted in the contract, it mentions an annual review. This is not something that has been done much in the past and he thinks it is valuable for the employee to get the feedback. Town Administrator Brought mentioned that it had been discussed in the past to make the contract so

that it does not expire yearly and questioned if that would be easier. Councilman Chandler stated he thinks it should still be discussed annually in a public forum.

Councilman Chandler made a motion to renew the contract for Town Administrator Brought and that her gross salary be increased from \$42,000 to \$45,000. Councilman Miller seconded the motion. All in favor.

D. Discussion of Legal Counsel

Councilman Chandler stated that in the past, they have not looked at the pricing of legal services. He thinks the town could perhaps save a little money by looking into this. The audit shows that \$5,000 was budgeted, but over \$9,000 was actually spent. This is not a criticism, but just a fact that the town could possibly save money in this area, especially if they could find someone that would give a fixed pricing quote. He also thinks they could consider how often they need legal counsel – consider if it is needed at every meeting or just maybe five or six times a year to help guide the counsel through.

Vice-Mayor Ulrich asked if the increase in the fees is due to research for public hearings and things like that or where the extra money is being spent. Town Administrator Brought replied that it probably is hearings. Councilman Chandler added that it is probably also due to him looking at The Woodlands and what it takes to turn a road over to the town and similar items that have come up.

Town Administrator Brought stated the attorney rates are \$165 an hour and Donna, his paralegal, is \$125 an hour. Councilman Chandler understands that, but feels there is an increased pressure in the legal area to provide fixed rate pricing or discounted pricing. He also isn't sure how often other towns have their legal counsel present at the meetings. Town Administrator Brought has checked on that and found that most towns do not have their legal counsel present at their council meetings unless there is a public hearing or a hearing that is controversial.

Vice-Mayor Ulrich asked if Town Administrator Brought is using him more because of being new to the position. Town Administrator Brought replied she did use him a lot her first year, but she is in her second year and now not using him as much.

Councilman Miller asked if they do decide to look for other legal counsel, how they would go about doing that and if Councilman Chandler knows anybody that would be interested. Councilman Chandler responded that there are a few in Georgetown that practice municipal law. He stated they would put an ad out for it and consider the options.

Vice-Mayor Ulrich asked if they should be worried that people will be offended by this. Councilman Chandler stated he goes on interviews for jobs and sometimes they hire him and sometimes they don't.

VII. OLD BUSINESS

A. Maintenance Position Update/Discussion

Town Administrator Brought informed Council that she received one application since placing the ad in The Guide. He is an engineer and seems very qualified, maybe even over-qualified. He lives all the way in Delmar and seems to have a current job so she is going to meet with him before having him come back for an interview.

Most of the previous applicants are retired and cannot work too much. Town Administrator Brought is thinking of putting the ad out there as Tuesday, Wednesday, and Thursday for eight hours a day. This would give them 24 hours and still have a four day weekend, which they might find more appealing. Any work that needs to be done by the maintenance person would then need to be scheduled on those days. She has considered full-time, but does not feel the budget can handle a full-time maintenance position, especially at the higher hourly rate they are requesting.

Councilman Chandler stated that the town will be pretty desperate soon. Town Administrator Brought stated they already are. The banners haven't been changed, the park isn't being kept up, and the Santa house is still in the park. For the water, she knows Schrock and Delaware Rural Water Association could be called to help.

The inmates were suggested to help clean up the park, but they need to be supervised and that was done by the previous maintenance person. The boy scouts were also suggested, but it is getting into the time of year that it will be a lot of landscaping projects. Mayor Baull asked about a maintenance company that works on apartments or something being contracted out just for the interim. Town Administrator Brought suggested maybe a small landscaping company that could just help with a few things.

VIII. PUBLIC COMMENT

No public comment was made.

IX. ADJOURNMENT

A motion to adjourn the meeting was made by Councilman Chandler and seconded by Councilman Miller. All in favor. Meeting was adjourned at 7:13 p.m.

Respectfully submitted by;

Megan Thorp
Town Clerk