

Minutes

DAGSBORO TOWN COUNCIL

Bethel Center – 28307 Clayton Street

Monday, April 15, 2019

I. CALL MEETING TO ORDER

6:00 p.m.

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

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

II. PUBLIC COMMENT

Cathy Flowers, New Street resident, stated the Easter Egg Hunt was very nice. Mayor Baull agreed and thanked everybody that was involved – sponsors, the fire company, and volunteers. He thinks there were about two hundred kids and then they had parents and grandparents with them so that made a total of about four or five hundred people there.

III. APPROVAL OF MINUTES

A. March 18, 2019 – Town Council Meeting

Councilwoman Ulrich made a motion to approve the meeting minutes for the March 18, 2019 Town Council meeting. Councilman Chandler seconded the motion. All in favor.

IV. CONSENT AGENDA

A. Police Department Report

Chief Toomey informed Council that the previous day, one of the department's officers made a routine traffic stop. The traffic stop resulted in the officer finding seventeen oxycodone pills leading him to investigate further. The investigation resulted in him finding 212 pounds of marijuana with an estimated value of \$962,000 and the vehicle was seized. The subject was taken into custody. The Delaware State Police drug unit then assisted and completed a more thorough search of the vehicle. Several other elements of the Delaware State Police were involved because of the nature of the situation. They found a hidden compartment that was welded to the frame of the vehicle that contained \$276,570, which was seized. They ultimately did warrants on the individual for possession with the intent to deliver marijuana (Tier 5 category), possession of a controlled substance, possession of drug paraphernalia, and several

traffic charges. Charles Mulvihill was the owner and operator of the vehicle. Through further investigation, they found he was a California resident and was trafficking in this area.

The Dagsboro Police Department has moved in the direction of getting the DEA involved and doing a DEA seizure. If they get the DEA involved, the town would get approximately 70% of it, but there are strict guidelines on how they can spend that. Vice-Mayor Miller asked if it could be used for police related expenses, such as vehicles. Chief Toomey replied they cannot use it for routine patrol – it has to be drug related. Hypothetically, if they chose to re-open the K-9 program they had at one time, it could be used for that vehicle because it wouldn't be routine patrol. Councilman Chandler asked where the stop was at. Chief Toomey replied it was on the highway – the officer initially saw the vehicle and operator at Royal Farms and ran the tags and then initiated the stop. He cannot give more details because of the DEA being involved, but the Delaware State Police Public Information Office has just released some information about the incident for those interested. Chief Toomey also can't state the officer's name because he doesn't want him to become a target.

Chief Toomey also stated there was a question a few months ago about traffic light cameras. Councilman Chandler had followed up on it also. Chief Toomey got in touch with the CJC director and he thought it was a camera just to monitor traffic movement and Chief Toomey thought they were wanting a camera that will find people running the red light. Councilman Chandler confirmed Chief Toomey's thought. Chief Toomey stated the director has never done that before so he is in the same dilemma that Chief Toomey is – trying to find the procedure and who they talk to about getting it done. Chief Toomey wasn't successful at getting a response previously, but the director is going to try to talk to some people and find out what they need to do. They are following up on it, but the procedure isn't as easy as it sounds. The CJC Director has done crime cameras before, but the camera Council wants is different because they have to get Del-Dot on board and install the camera.

Chief Toomey also informed Council that the statistics they have this month are reflective of the burglaries mentioned last month. They had a lot of investigation hours the last month.

Finally, Del-Dot will not be in town on Tuesday (as originally told), but they will be in town Wednesday. His understanding is that Wednesday they will do the formal stripes (currently they are temporary) and then epoxy them. The last step will be on Thursday to add the reflectors down the center of the road and then, hopefully, they will be done. Councilwoman Ulrich asked if the lights will go back to as before. Chief Toomey replied they will. He plans to call as soon as the work is complete to ask them when they will put the loops on the traffic lights back into operation.

Councilman Chandler asked Chief Toomey about House Bill 111. Chief Toomey replied that he thinks the schools will enforce it, but he isn't sure how they will do that. Town Administrator Brought stated she would forward an e-mail to Chief Toomey that states they are going to try utilize local police departments.

- B. Treasurer's Report
- C. Administrative Report

Mayor Baull stated when there is a date decided for the trees, it can be advertised on the town's Facebook page. Town Administrator Brought agreed because volunteers will be needed. She also informed them that one of the companies that submitted a grass cutting bid stated even though they didn't get the bid, they would volunteer if the town ever needed volunteers for something. She plans on reaching out to them also.

Mayor Baull asked how the first grass cutting went. Town Administrator Brought stated it went well. The first time is always more complicated, but she didn't notice anything missed. She asked Council to inform her if they notice anything. Councilman Chandler asked if they cut the easements. Town Administrator Brought replied that they did. The maintenance person followed them a little to help show them the areas that need done.

Councilwoman Ulrich commented on the sinkhole. Town Administrator Brought replied that progress is being made. The repair itself isn't much, but she included the fees for AECOM's work because that gets expensive.

- D. Economic Development Committee
- E. Building Official Report
- F. Code Enforcement Report
- G. Meeting Reports
- H. Water Department Report
- I. Prince George's Chapel Cemetery Report
- J. Correspondence

Councilwoman Ulrich made a motion to approve the consent agenda. Vice-Mayor Miller seconded the motion. All in favor.

V. NEW BUSINESS

A. Downtown Development District Resolution – Discussion and Vote

RESOLUTION OF THE TOWN COUNCIL OF DAGSBORO, DELAWARE TO APPROVE APPLICATION TO THE STATE OF DELAWARE DOWNTOWN DEVELOPMENT DISTRICT PROGRAM FOR DESIGNATION AS A DOWNTOWN DEVELOPMENT DISTRICT

This resolution needs to be approved in order for Town Administrator Brought to apply for the Downtown Development District. The town did apply in the past but it wasn't selected and she has been encouraged to apply this time. She clarified the misconception that the town gets money from this – it is actually to help businesses, developers, and homeowners by giving rebates on their projects. She and Kyle Gulbranson have spoken with the Kerns and they are on board with the town using their project in the application. They have a new partner (the same people that own Heirloom where Mr. Kern currently works) and they would be interested in the rebates offered through this program for their project. This would be for the Town Center area. The town would still have control over what goes in and the people would have to apply for the rebates.

Mayor Baull asked if this costs the town money. Town Administrator Brought replied it doesn't cost any money, she would just have more paperwork to complete.

Councilman Chandler asked if Council will get to see the application. Town Administrator Brought replied she can get a copy to Council members.

Councilman Chandler made a motion to adopt the resolution to apply for the Downtown Development District. Vice-Mayor Miller seconded the motion. All in favor.

B. Rough Draft of 2019-2020 Budget - Discussion

Councilwoman Ulrich asked if this isn't something the finance clerk has done before and if there was just a problem where something didn't get put where it was supposed to. Town Administrator Brought replied that she has done it before and it's correct that the finance clerk just didn't put items in the correct place. Town Administrator Brought had started working on this with her early, but then she was sick for two weeks and then spent a lot of time trying to make corrections. The budget will be challenging this year because of the potential for several personnel changes.

Councilman Chandler stated that in May, the town will have five months with the new rates for the water system and asked how that is going. Town Administrator Brought stated it is going well; most people are looking at their usage more than complaining about the rates. He stated it would be nice to see some data to see if the changes are helping the budget in the way they had hoped.

Councilman Chandler also noted a significant decrease in the legal fees. Town Administrator Brought confirmed that and stated she is working on lowering the engineering fees also. On the current budget, it looks like the engineering fees are way over, but that was because Duane (finance clerk) didn't put grant money in correct places; she has been trying to work with her on that. Mr. Gulbranson also doesn't need to be at all of the meetings so that will get looked at. The budget will continue to get worked on.

VI. OLD BUSINESS

A. Gateway Signs – Update

They do have two of the bigger approvals. They still need approval for the right-of-way. Rogers Signs is handling everything. The money is also being taken care of by representatives. The project is moving along.

B. Artesian Interconnect Agreement

Town Administrator Brought met with Rob Penman and John Thaeber from Artesian again last week. Davis, Bowen, and Friedel brought plans in for the site plan review so that will be going through the next Planning and Zoning and Town Council meetings. Artesian will probably be ready to start serving water in the first or second quarter of next year. If the town agrees to be serviced by Artesian, the interconnect to Millsboro won't be removed, but it will be blocked off. Lately, there has been a lot of

water going back to Millsboro. Mayor Baull stated that he and Councilman Chandler attended one of their meetings lately and they had a newsletter telling residents to conserve water. Town Administrator Brought will have Councilman Chandler and the town solicitor look at the contract again to be sure the town can get out of it. Council needs to look at the proposed agreement with Artesian and see if they have any questions. They would like an answer by June because if Dagsboro is not going to be one of their users, that determines things on their end.

Councilwoman Ulrich asked how their rates compare to what the town pays Millsboro. Councilman Chandler stated it will be \$3.50 per 1,000 gallons. Town Administrator Brought replied it is comparable to what the town is paying now. Councilman Chandler asked when the contract with Millsboro is over. Town Administrator Brought replied that it is over in 2021 – there are two years left.

Both agreements will need to be looked at again. The Town Solicitor did already look at the proposed agreement with Artesian and did not see any problems with it. Councilwoman Ulrich asked if they would raise the rates in the near future. Town Administrator Brought stated that she informed them that is a concern because the town just went through the water rate study and adjusted the consumer rates accordingly to get the water out of a deficit; she doesn't believe they would raise the rates quickly.

The water quality that would be provided by Artesian would be much better quality and there would be no more difficulties in dealing with Millsboro. Town Administrator Brought has confidence in Artesian. Mayor Baull stated another plus is that if there were ever any issues, the town can easily talk to them as opposed to the lack of communication with Millsboro. Councilman Chandler agreed there is a problem with service there.

Mayor Baull stated everyone can look at the agreement and have this on the agenda for next month. Town Administrator agreed and stated they need a decision by June and if the Council wants to meet with Artesian, that can be arranged.

VII. PUBLIC COMMENT

No public comment was made.

VIII. ADJOURNMENT

Vice-Mayor Miller made a motion to adjourn the meeting. Councilwoman Ulrich seconded the motion. All in favor. Meeting adjourned at 6:42 p.m.

Respectfully Submitted,

Megan Thorp, Town Clerk