

*Minutes*

**DAGSBORO TOWN COUNCIL**

**Virtual**

**Monday, December 14, 2020**

I. CALL MEETING TO ORDER

Mayor Baull stated that this meeting is being conducted remotely consistent with Governor Carney's executive order due to the current State of Emergency in the State of Delaware given the outbreak of COVID-19. The Governor's order suspends the requirement of the open meeting law to have all meetings in a publicly accessible physical location, further all members of public bodies are allowed and encouraged to participate remotely. This order also allows public bodies to meet entirely remotely as long as reasonable public access is afforded so that the public may follow along with the deliberations of the meeting. All the votes as well as discussions will be taken individually so that all the Council members will have the time to speak if they so choose also so we can properly document it. Mayor Baull stated that this meeting is being recorded and Town Administrator Brought is taking notes as well.

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

In attendance were: Mayor Brian Baull, Councilman Patrick Miller, Councilwoman Theresa Ulrich, Councilman Norwood Truitt, Councilman William Chandler, Town Administrator Cynthia Brought, Engineering Consultant Kyle Gulbranson, Town Solicitor Greg Morris, and Police Chief Steven Flood. See attached sign in sheet for other members of the audience.

II. OATH OF OFFICE

Town Solicitor Greg Morris administered the oath of office to William Chandler and Norwood Truitt for their new terms.

III. REORGANIZATION OF COUNCIL

A. Mayor

Councilman Norwood Truitt nominated Brian Baull for Mayor. Councilman William Chandler seconded the nomination. All were in favor.

B. Vice-Mayor

Councilwoman Theresa Ulrich nominated William Chandler for Vice-Mayor. Councilman Norwood Truitt seconded the nomination. All were in favor.

C. Secretary/Treasurer

Councilwoman Theresa Ulrich nominated Patrick Miller for Secretary/Treasurer. Councilman Chandler seconded the nomination. All were in favor.

D. Assistant Secretary

Councilman William Chandler nominated Theresa Ulrich for Assistant Secretary. Councilman Norwood Truitt seconded the nomination. All were in favor.

IV. PUBLIC COMMENT

Cathy Flowers, 31860 New Street, stated that she wanted to say how awesome it was for the Dagsboro Volunteer Fire Department to do the parade for the Indian River High School teams and recent participation for the service person that passed away. She stated that she felt that is just a part of the small town charm that makes this town so awesome.

Cathy Flowers also stated that she is opposed to amending the Town Code to allow liquor stores in the Town Center. She felt if it is permitted we could end up with six more liquor stores in the Town Center. She felt that Town Center is what makes this town charming, she wants to see businesses there but she felt liquor stores need to stay in the Highway Commercial District. She stated that in the past she had served on Town Council and P&Z and that they would make exceptions and many times they regretted the decision. She felt it sets precedence and it may hurt the town in the future.

Bob Flowers, 31860 New Street, stated that he is opposed to the liquor store on Vines Creek Road. He felt that is a horrible place to put a business as the other business on Vines Creek go to the people, Heather's Home Works and the beauty shop, go to the customers and therefore the traffic isn't as big as an issue.

V. APPROVAL OF MINUTES

November 16, 2020 Town Council Meeting Minutes

November 18, 2020 Executive Session Meeting Minutes

December 2, 2020 Special Meeting Minutes

Vice-Mayor Chandler made a motion to approve the minutes. Councilman Truitt seconded the motion. All were in favor.

VI. CONSENT AGENDA

A. Police Department Report

Chief Steven Flood stated that Sergeant Nicholas Disciullo filmed two commercials for the Office of Highway Safety. One is National and one is for the State. He stated that Dagsboro was the only Police Department in Delaware picked to participate.

Mayor Baull stated that he has a concern with the new lights installed on the highway at Royal Farms as people who are turning onto Clayton Street are turning when they see the green arrow light come on for the people to come across the highway. Chief Flood stated that he has actually written several tickets in regard to that. He stated that they have sat in the turn lane to see if there is an issue with lights, but the bottom line is that people are just not paying attention to the new lights. Chief Flood stated that he had spoken to DelDot because there were complaints about the light cycling fast and they were fast due to

the construction but that should improve as they are almost done with the road construction.

- B. Treasurer's Report
- C. Administrative Report
- D. Building Official Report
- E. Code Enforcement Report
- F. Meeting Report
- G. Water Department Report
- H. Prince George's Chapel Cemetery Report
- I. Correspondence

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

#### VII. NEW BUSINESS

- A. Clay Snead – Address Mayor and Council in regard to the possibility of changing the language in the Town Code to allow retail liquor stores in the Town Center District

Clay Snead, Snead Property Management, LLC, stated that he is asking for reconsideration of their Preliminary Site Plan for the retail liquor store project located at 29471 Vines Creek Road. He appreciated the Town Council and P&Z Commission for their incredible support, as the P&Z Commission voted 5 to 0 in favor of this project and Town Council voted 4 to 1 in favor. Although it may not be obvious to everyone involved, the total vote of 8 to 1, with one absent in favor of this project meant so much to him, his family, and his team because they knew the obstacles he had to overcome in life to get a fair shake in business. He stated that he is clearly only providing facts to events and situations that he had experienced in his life and his tone of communication about his life is not accusatory of anyone and is certainly not meant to be a grievance with the Town.

Mr. Snead stated that over the past fifteen years in every professional management position that he has held, he has been the only African American male either in that region or in the State of Delaware for that business. He excelled and outgrew every position because he had to; being that he was the only African American in his position. He had to be perfect and the best. Every position that he moved in to, there was no one that looked like him or had his life experiences before he got in that position. He stated that at one point he had a ten year consecutive run involving three different positions and two banks where he was the top producer in the company. If he had one bad year, who knows if he would have been granted the same opportunities but because he was perfect, he was given the small chance to make something great.

Mr. Snead stated that he is reminded of a musical artist that he follows. Like his store this musical artist has a multitude of patrons that like his music and brand, but there are also people that would rather not support this artist. He stated that no one should deny him the right to earn a living in his craft. His first year as an artist, first on the scene, he earned his income at an incredible rate. The artist became so well known that he had to do a non-stop concert tour for six months out of the year. Mr. Snead stated that on a nightly basis, security would go to check on him at his trailer at 4 a.m. in the morning to find

the artist hard at work on his next album. One night security asked "sir when do you sleep"? The artist replied to them, "I don't, I have a small opportunity to turn this into something great". Mr. Snead feels that he did not have the head start to life that the average person did and he stated that he cannot allow this moment to pass by him.

Mr. Snead stated that he heard the opposing attorney provide the Town Council with a remedy to their interpretation of the Town Code language regarding a beverage store and the Town Council didn't move to put it into action or pose a resolution after being so supportive. The opposing attorney is the one who provided the remedy to modify the language within the Town Center District.

Mr. Snead stated that as he mentioned earlier, he had to be perfect and reviewed the timeline of events. First, on August 7<sup>th</sup> he obtained a letter from the town approving the proposed use that was reviewed by multiple members present at tonight's meeting. Second, before going through with the purchase of the land, he wanted the security of a unanimous vote from the Planning & Zoning Commission. After much review, deep discussion and deliberation, the Planning & Zoning Commission voted unanimously 5 to 0 to recommend his project to the Town Council. Third, he purchased the property. Fourth, Town Council voted 3 to 1 and 1 absent in favor of the Preliminary Site Plan. Fifth, the Engineer and Architect sent out the DelDot submission in regard to site plan, design, surveys, traffic research, DelDot communications and more. Mr. Snead stated that he has a meeting scheduled with DelDot on January 7<sup>th</sup>. Sixth, a proprietor challenged one word of the Town Code, but provides a remedy, in his attorney's words, "modify the language". Next, the town rescinds their approval of the Preliminary Site Plan, they did not move to amend or modify the language. Mr. Snead feels that the proprietor's intention was to delay the project. In closing, Mr. Snead stated that one of the reasons he has been successful in his career is because he knows how to bring people together, work together and join together in coming to an amicable solution. He stated that in his conversations with many professionals in the business, no one has seen a project get this far into an approval process and then be rescinded. Mr. Snead stated that his request is that the town do what is right, as the Town Council already had a remedy available, and modify the Town Center District to allow an alcoholic beverage store.

Carlton Savage, Scaled Engineering of Rehoboth Beach, DE, he is representing Mr. Clay Snead and his company Snead Property Management in regard to the project at 29471 Vines Creek Road. He stated that he has been alongside Mr. Snead since the beginning as he sought the town's approval for the liquor store. From the beginning he commented and commended Mr. Snead on his approach to gather information and be extremely transparent with the town as it related to this venture. Mr. Savage felt that he did a great job of reaching out to the town and getting the information he needed.

Mr. Snead asked Scaled Engineering to prepare a conceptual plan of proposed improvements and detail that would be the most presentable layout. During that process they strived to ensure that they met the intent of the town's zoning code and all regulatory requirements for approval. Mr. Savage stated that one of the first questions he asked Mr. Snead during that process was whether the town was on board with the intended use. He responded that he already touched base with the town and had a letter from the town which stated that the use was appropriate for the property. After Mr. Savage

reviewed the permitted uses under the Town Center District, the use of the word beverage then became clear that this would include all beverages including alcoholic beverages since it was not specifically excluded. This became even clearer after he reviewed the next permitted use in the Town Center District which was specialty shops which excluded obscene materials and other items from being permitted and this was not done in the permitted uses for beverages. Further, the use of alcoholic beverages was included several times throughout the Town Code. The word liquor store only appears once specifically and that's in the Highway Commercial District. Based on the letter that Mr. Snead received, Scaled Engineering completed the conceptual plan and created two different plans that were presented to the P&Z Commission. Mr. Snead was adamant that he wanted the best for the property in regard to the safety and welfare of the public, for his building, any potential user and the town itself. He has been clear from the start that he wants the best for Dagsboro and he is not trying to impede or build anything that is not permitted. Mr. Snead has not wanted to cut corners nor avoid any steps of the process and simply wants to do what is needed to ensure the success of the project. Mr. Savage stated that this is very welcoming in the Engineering field. This client wants the best and is willing to spend a few dollars more. We submitted the Preliminary Site Plan, which was reviewed by the Engineering Consultant for the Town of Dagsboro, Kyle Gulbranson. Then we received a review letter which specifically detailed a plan for a retail store for the sale of alcohol and never expressed a concern of that use. During the Preliminary Site Plan review at the P&Z Commission meeting, concern of the use was not an issue and it was discussed several times. While some members may not have specifically liked the idea a liquor store, it was already deemed an acceptable use. Mr. Savage stated that Mr. Gulbranson explicitly re-assured members of the P&Z Commission that this use was discussed in prior meetings while creating the Code section and that the intent of the Town Center Zoning was to allow the sale of alcohol and liquor stores under the term beverages. The bulk of the P&Z Commission meeting was devoted to the layout of the building and whether parking should be in the front or back. A unanimous vote in favor of approving the Preliminary Site Plan was given and they advised that they would make a recommendation to Town Council to approve the Preliminary Site Plan.

At the Town Council meeting the use was acceptable and the reason for the meeting was to approve or deny the Preliminary Site Plan as submitted, and there was never a use issue. Similar discussions with the P&Z Commission were had, personal opinions were given, and a vote to approve or deny the Preliminary Site Plan with reason was taken. One business owner's interpretation of the Code changed everything for our client, Mr. Snead. One person's view of the Code has taken weight over an entire town government after several months of meetings. An attorney was hired to represent a competitor and they presented to the Mayor and Town Council that the intent of the Code was to not allow liquor stores in the Town Center District. No specific evidence was given to support the reasoning other than state laws and other state approval processes. Alcoholic beverages have a separate process. In the Town of Dagsboro's Zoning Code those processes are not the town's concerns and this is no different than restaurants in which alcohol is allowable under the Code. Restaurants must also go through a separate liquor license permitting process.

Mr. Savage stated that in his career of fifteen plus years, he has never seen a Town or Body decide a formal vote and then remove such a decision. He has been a Town Engineer for a Sussex County

municipality for multiple years and has always valued the importance of these public meetings and what they stand for. It is very important to have a formal process to allow everyone involved to give their input at the meeting and discuss all items in an official manner at the appropriate time. Once a vote is made then the decision seemingly becomes permanent. The decision generally has extreme value to the developer and the decisions made related to that decision are important. In this case, monetary decisions, including purchase of the property in question, were made because of this process. After hearing the decision of the Mayor and Town Council to remove the prior approvals, we reviewed which other town centers have liquor stores and asked if this is something that is normal procedure after the review and it was hard to think of any. He stated that he has lived his whole life in Sussex County and cannot think of any town that does not have a liquor store in its Town Center. Some may be grandfathered in, others aren't and he doesn't have the details of how they all got there, but a liquor store is a use that is acceptable in most Town Centers. He disagrees with the Preliminary Site Plan approval being removed and the use struck from the property. There is a simple solution and even the opposing attorney agrees it is the answer and that is to formally add liquor store to the list of permitted uses in the Town Center District.

Attorney Chad Lingenfelder stated that the Town Council elected to rescind the Preliminary Site Plan approval based on Town Solicitor Morris's opinion. He stated that they don't agree with that opinion and he believes in the spirit of working together that this should be stated for the record. There should be an understanding of what Mr. Snead has gone through in order to bring this project to fruition or at least until the Preliminary Site Plan was rescinded by Town Council. He stated that echoing what Mr. Poppiti said in his letter, as well as in his comments on the record, they are asking for a simple solution to the problem. The problem is, according to Town Solicitor Morris's opinion, that an alcoholic beverage store, otherwise known as a liquor store, is not permitted under the Town Center District Code, which is part of the town's Charter. With that being the statement of the Town, they are asking the Town for a simple solution which would be to amend the Town Center District's Code and this would be under the purview of the Town Council via amending its Charter. Based on comments made today, as well as comments made over the last two months, the Town Center Code has been amended in the past. Furthermore, doing a quick search of just three random districts, Town Center District, Residential Planned Community District and the Light Industrial District within the Town of Dagsboro, over the past fourteen years those districts have been amended at least ten times. They have been amended various years and at various times throughout the history of the districts being created in 2005 and 2006. It is not out of the realm for the Town of Dagsboro to do the slight amendment that was proposed by Mr. Poppiti. This is supported now by his client, supported by the Engineer, and of course supported by the law. Again, this is based off of the assumption of Mr. Morris's opinion that a liquor store is not a permitted use.

The primary concern that Mr. Lingenfelder heard from the town minutes, when the Town Council voted 3-1-1 to approve the Preliminary Site Plan and also addressed when the Town Council elected to rescind the Preliminary Site Plan approval at the Special Meeting on December 2<sup>nd</sup>, 2020, was in regard to traffic. Mr. Lingenfelder stated that Mr. Snead has provided documentation to the town showing that DelDot is not requiring a Traffic Impact Study. He stated that having DelDot not require a Traffic Impact

Study is a huge step in the process when developing any piece of property. A Traffic Impact Study would show that DelDot believes or anticipates the traffic will exceed a certain percentage on what already is a lot of traffic on that road. DelDot believes that the traffic impact will not exceed a certain percentage of the traffic flow. Not to say that there will not be an increase in traffic, but DelDot is not requiring a Traffic Impact Study to determine what actual increases would happen on that road. Mr. Lingenfelder felt that DelDot not requiring a Traffic Impact Study should assure the Police Department, Town Council and the citizens of the Town of Dagsboro that traffic may be increased but not to the extent that DelDot believes would cause significant harm to the roads, to the community, to increase policing, or to increase potential accidents. He stated that the documentation has been produced to the town showing that a Traffic Impact Study would not be required for this project.

In summation, Mr. Lingenfelder stated that they understand the town's position, however they respectfully do not agree with the town's position. Mr. Lingenfelder feels that his client has been cooperative throughout the entire process and wishes to continue to be a good samaritan within the Town of Dagsboro as a citizen as well as a potential businessman and owner within the town limits. He asks that the Town Council start the process to amend the Town Center District to include alcoholic beverage stores or liquor stores in the verbiage that Mr. Morris, the Town, and the Legislature would deem best. Mr. Lingenfelder stressed that his client is willing to cooperate with any steps, in any manner that is necessary, to facilitate the change as he has been cooperative throughout the entire process and will do what is required by the town to move the project along to get a final approval and completion on the said project.

Vice-Mayor Chandler stated that a public hearing would be required before they could amend the Code for the Town of Dagsboro. Before they consider amending the Code and have a Public Hearing they may want to put out a survey to the residents of the Town Center District who live in and reside in it full time, as to what their feelings are regarding changing the Code to include liquor stores in the Town Center District.

Councilman Truitt and Councilwoman Ulrich were in agreement with Vice-Mayor Chandler in regard to a survey for the Town Center District. Mayor Baull asked Town Solicitor Morris the best way to approach this, before scheduling a public hearing on the matter and drawing up paperwork involving the residents of Town Center. He asked if this was something the Town could send out to residents/businesses or could it be done informally online. Mr. Morris stated that either way could be done, however the Town Administrator should handle as preferred, as she would be handling the leg work. Vice-Mayor Chandler stated that in the past a written survey was sent by mail in connection with the 2015 Comprehensive Plan, and they responded to the survey. The information was then collected and assembled. Town Administrator Brought stated that it was also done for the 2019 Comprehensive Plan update. Mayor Baull advised that the first step, a mailer to gauge the residents of the Town Center Districts only, will be done to get their thoughts on the issue, before looking at scheduling a Public Hearing on the matter.

Mr. Chad Lingenfelder asked, for the record if Town Council was stating that the survey would go out to the residents of the Town Center and then a Public Hearing potentially will be scheduled based on those results, or a public hearing meeting will be scheduled after those results are collected. Mayor Baull asked for Mr. Morris to address if the survey should be sent to just the Town Center residents or to the entire town. Vice-Mayor Chandler had recommended to just send the survey to the Town Center District residents. Town Solicitor Morris stated that sending the survey to the Town Center District residents would be most appropriate as they are the ones most affected by it. Mr. Lingenfelder stated that he understood that however once those results are returned to the town, is the town then going to schedule a Public Hearing on this potential change or is it dependent upon the results of the survey from the Town Center District residents. He stated that he just wanted this on the record because again, if the survey is only going to the residents of the Town Center District only, the Public Hearing would be for everyone. Town Solicitor Morris stated at this point, no decision has been made as to what to do once the results are collected. Mr. Lingenfelder stated that he understood the timing issue that Town Administrator Brought was referring to, but again, a Public Hearing is for all the residents and a survey of the Town Center District would be for those residents only. There is definitely a bifurcation here that would need to be addressed.

#### B. Artesian – John Thader and Rob Penman – Second Interconnection Agreement

Mr. John Thader stated that the Second Interconnection Agreement was presented to the town. A discussion took place with Town Solicitor Greg Morris and Town Administrator Cindi Brought last week. Mr. Thader stated that the Second Interconnection Agreement would connect the Dagsboro system to Artesian's system and go out to Frankford. Many of the items addressed at the interconnection were covered in the original Agreement but some additions were made to alleviate any concerns regarding the interconnection with Frankford. The interconnection will be operated as a single one way interconnection until a time in the future that Dagsboro decides they would like to have it as a two way interconnection. Although it will be designed and constructed in the aspect of a two way interconnection, it will only feed water from Dagsboro to Frankford and water will not transmit back from the Frankford system to the Dagsboro system.

We also discussed in the Agreement the ability to have the tank levels move within Dagsboro as an important part of maintaining high water quality within the system. Not only will the plant in Dagsboro provide a higher level of chlorine than you normally get, the ability for the tank to fluctuate will also allow the water quality in the town to be at a higher chlorine level.

Rob Penman stated that they also discussed invoicing. Water that would be going through Artesian's interconnection at the Dagsboro plant would be billed to the Town of Dagsboro. The water leaving the Dagsboro interconnection into the Frankford interconnection would be billed to Artesian for water used. Mr. Thader stated this was correct and basically it would be easy for Artesian to work with the Town in regard to the billing. He stated that if the town would like to draft Artesian a bill for the water that moves out of the town that this is what would happen. If the town would like Artesian to net it out and provide a single netted out bill, that is perfectly fine as well.



John Thaeber stated that interconnections between water service providers are prevalent throughout the State of Delaware. He stated that Artesian has interconnections with the Town of Middletown, Town of Selbyville, Town of Clayton, Newark, and Wilmington. They have interconnections with Tidewater, Suarez Water, they connect to Worcester County, Maryland, and connect to Chester Water. He stated that Artesian provides water to Elsmere, Slaughter Beach, Fenwick Island, South Bethany, Odessa, and Delaware City. The way that these interconnections work is they are providing reliability and support to each other. He stated that some are provided for base flows, some are provided for peak flows, and some are provided just for emergencies. He stated that when Artesian provides their Consumer Confidence Reports they also attach certain systems Consumer Confidence Reports to complete their application because they do bring in water from other areas and certain towns will attach Artesians because they know some of their water enters their system. Mr. Thaeber stated that none of the interconnections have ever had a problem with Artesian water not blending or not being compatible with someone else's water. Primarily this is because most of the systems are ground water systems and historically ground water is not an issue when you are co-mingling water. With all of these different entities we are all regulated by DNREC, Public Health, and EPA. If there were any issues with systems or someone was having a water quality issue, Artesian has an obligation and they have an obligation to let them know. They work together to work through the problems when they occur, which are very few and far between. It doesn't require inspections of their facilities or ours. They are all under a code of providing the highest water quality they can. Artesian monitors the water quality in their water system and he would assume anyone else does as well.

Mr. Thaeber stated that it was discussed how the different Agreements work as far as where Artesians' responsibility would end and where the other provider providing water to the Town of Dagsboro, where their responsibilities would end. It was also discussed that there is a need for the Town of Millsboro to access a certain quantity of water from Dagsboro's tank and none of what Artesian is doing would limit that ability.

Town Solicitor Morris asked Artesian representatives if it is possible and economically practical to block water from flowing back to Millsboro through the Interconnection from Dagsboro except in the circumstance of where the Town of Millsboro had an emergency in which they would need to draw water from the tower. Mr. Thaeber stated that he can answer from the Engineering side, but not the legal side of the question. He stated that primarily most interconnections can be set up with very significant controls that make water flow more freely or less freely back to an Interconnection. If an Interconnection is set at certain pressure levels then it would only open if the pressure went down to a certain level, which could be set as an emergency pressure level.

Vice-Mayor Chandler stated to Mr. Thaeber in following up on Mr. Morris's question, you are saying that it is technically feasible from an engineering perspective to have the pressure gauge at the interconnection designed that such water would not flow back automatically to the Town of Millsboro, but it would do so only when there was an emergency and it was needed? He stated that his question was in regard to the economic cost to design a pressure gauge like described. Mr. Thaeber stated that there were two things, one would be that you want some type of an alarming system to let you know

when it happened, but it could be as simple as a clay valve. If that is already in the interconnection, then it would be setting the adjustments on that valve and the cost would be inexpensive (less than a thousand dollars). If it required a different type of control valve then it could be around \$10,000 in cost. Mr. Thaeber stated that he would need to look at the Interconnection equipment and make an assessment, but he doesn't believe that it would be that difficult. Mr. Thaeber stated that it is a relatively easy adjustment if the equipment is there already. It is a valve that is sophisticated but fairly easy to set and operate.

Vice-Mayor Chandler stated that under the Agreement between Millsboro and Dagsboro, Millsboro has the right to draw water from Dagsboro's water tower. Vice-Mayor Chandler stated that he doesn't believe that anything Mr. Thaeber described about the Interconnect with Artesian, would adversely affect Millsboro's right to draw water from the tower in the future if they had some extraordinary or cataclysmic need for it. With the access that they have today, it is his understanding or belief that it would still be there in the future even with Artesian having the interconnection that you are proposing. Mr. Thaeber stated that Vice-Mayor Chandler is correct in that the way the interconnection works now, you could give them 200,000 gallons and when it's over its over because you have no ability to replenish the tank. However, if you truly have the ability of Artesian supplying water as well, you then would be able to provide them with additional quantities of water beyond the one shot of 200,000 gallons and felt that this is something not to lose sight of.

Vice-Mayor Chandler stated that he believes the Interconnection that Artesian is proposing, has either been said or he has read, that most of the water that would go through Dagsboro's distribution system to Frankford, would obviously be going through the pipes on the southern end of the Town of Dagsboro and that very little of that water would be migrating towards the northern end of the Town of Dagsboro. Vice-Mayor Chandler asked if this is true, then what would the risk be that some of that water might migrate to the northern end of Dagsboro that could eventually migrate back through the Interconnect Meter and into Millsboro's water. Mr. Thaeber stated that there were a couple of different ways to answer that. A lot of it depends on whether water from Artesian's plant, on any regular basis, and again he doesn't know how much migrates up or how much the flow reverses, but he is sure it does and that is why it is important to Millsboro. Depending on the amount of water that the Town of Dagsboro is taking for the uses that go beyond water, that we may be transmitting through the town to get to the Frankford system, will greatly change the amount of water from the Artesian system that would ever go up to the Millsboro system. It also depends on how much of Artesian's water that the Town would like to be providing service to for the residents of Dagsboro. He stated that some of Artesian's water will make it to the Millsboro system, but it would be a very small amount. If Dagsboro made a decision that they primarily want to rely on the Millsboro system and Artesian was just servicing a small part of the southern part of town, most of the water because of how it runs hydraulically with water coming in from Millsboro, Millsboro most of the time would be receiving their water back as their water would be the first water to be pushed back when needed. There would be some co-mingling of water and over time Dagsboro would have to make decisions on what the best economic plan is and how they want to run their system. That will also change the distribution of how much water you take from each source. If you continue to take the vast majority of your water from Millsboro most of the water going back to

Millsboro would almost always be Millsboro water unless they had a big crisis and had to pull a lot of water back. Vice-Mayor Chandler asked if there was some potential, however minor, would it depend on how much water Dagsboro continues to take from Millsboro versus Artesian and if there is some potential for water to migrate back to Millsboro, actually from Artesian's well in Dagsboro, what would your professional opinion be in regard to how that might affect or impact the Town of Millsboro's CCR certification process. Mr. Thaeder stated that it wouldn't impact their CCR process at all. If they believe that a significant amount of Artesian water came into their system, they would just request Artesian's CCR to attach to theirs. Mr. Penman stated that Artesian does this quite frequently with other municipalities, for example Middletown would be the same type of situation, where Artesian puts water in at one side of the town and Artesian also pulls water out at the other side of town, and Artesian water is running through the town. When it is time to give the CCR report, Artesian gives the Town of Middletown a copy of their CCR report and it is attached to Middletown's as an addendum.

Mayor Baull asked Town Solicitor Morris if he felt that the Town Council could vote to approve the Second Interconnection Agreement tonight. Mr. Morris stated that he had no problem with any of the language that was in the Agreement. Vice-Mayor Chandler stated that he was not sure they want to formally vote tonight but instead have a special meeting and vote in two weeks and use the two weeks to be sure that there is complete agreement and cooperation from the Town of Millsboro. Mayor Baull asked that Vice-Mayor Chandler reach out to the Town of Millsboro to schedule a meeting.

- C. Holiday Policy Change From 13 Set Holidays to 11 Set Holidays with 2 Floating Holidays; also changing Personnel Policy from "temporary or part-time employees shall be eligible for time off, but shall not receive any compensation for the holiday" to "temporary employees shall be eligible for time off, but shall not receive any compensation for the holiday"; discussion and possible vote to make these changes to the Personnel Policy.

Vice-Mayor Chandler made to motion to make changes to the holiday policy by changing from 13 set holidays to 11 set holidays with 2 floating holidays and also changing the Personnel Policy from "temporary or part-time employees shall be eligible for time off, but shall not receive any compensation for the holiday" to "temporary employees shall be eligible for time off, but shall not receive any compensation for the holiday and to make those changes effective January 1, 2021 to the Personnel Policy. Councilman Miller seconded the motion. All were in favor.

## VIII. OLD BUSINESS

### A. Update on Police Station/Meeting Room ADA Requirements – Kyle Gulbranson

Engineering Consultant Gulbranson stated that he was asked to look into two items with regard to the new police building and addition to the town hall. First, he was to try to come up with a construction cost estimate for planning purposes for the USDA Grant. He stated that it is difficult because we don't know what the interior of the building will be like, but he was able to get a rough cost estimate based on using the RS means square footage guide for construction cost in 2020, that is National Digest that is published by the International Building Code each year. It does have a category for police stations and

based on the 2,000 square foot building that we are looking at the construction cost estimate is \$230.00 per square foot which is roughly \$475,000. He stated that they also said that if you were going to have a holding cell that would increase the cost up to \$280.00 per square foot which would be roughly \$575,000. Mr. Gulbranson stated that is a very rough estimate and is using standard construction measures, but he felt it was a good place holder for the grant. Mr. Gulbranson stated that Chief Flood was impressed with Bridgeville Police Department that was recently constructed, which is a much larger facility than what you are considering, and their construction cost was \$1.4 million. He was also able to get the Engineering cost and administrative services costs which he sent in an email. He stated that it is just for comparison purposes.

Mr. Gulbranson did receive the ADA requirements in regard to the second story of the police station and if the second story is used only for storage and not accessible to the general public, then a traditional staircase would suffice and it would not need to be handicapped accessible.

#### IX. PUBLIC COMMENT

Cathy Flowers, 31860 New Street, wanted to give "Kudos" to the police department for the public service announcement as well as to the town staff who go after the grants to help improve the town. She feels that this is great.

Mayor Baull stated that 2020 had been a challenging year to say the least and it has been a challenge and struggle for the businesses in town and hopefully in 2021 we will see a light at the end of the tunnel, a little agrimony on a State wide, Local and National level. He hopes for things to settle down and get back to the way they should be. The Mayor also thanked the Town Staff and Police Department for doing a great job.

All town meetings will continue to be virtual at least for the couple of months.

#### X. ADJOURNMENT

Vice-Mayor Chandler made a motion to adjourn. Councilwoman Ulrich seconded the motion. All were in favor.

Meeting adjourned at 7:25 p.m.

Respectfully Submitted,

Stacy West, Town Clerk