

Minutes
DAGSBORO TOWN COUNCIL
Virtual
Monday, April 19, 2021

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 6:00 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor William Chandler, Councilman Norwood Truitt, Councilwoman Theresa Ulrich, and Town Administrator Cynthia Brought. Councilman Patrick Miller was not present. See attached sign in sheet for other members of the audience.

II. PUBLIC COMMENT

Cathy Flowers, 31860 New Street, expressed how pleased she is with the new traffic pattern at Main Street. She knows a lot of people were unhappy about it, but she felt it is important to slow people down. She stated there are way too many people running red lights and stop signs and coming close to hitting people.

III. APPROVAL OF MINUTES

a. March 15, 2021 Town Council Meeting

Vice-Mayor Chandler made a motion to approve the minutes as presented. Councilwoman Ulrich seconded the motion. Vote was 4-0 with Councilman Miller being absent.

IV. CONSENT AGENDA

- a. Police Department Report
- b. Treasurer's Report
- c. Administrative Report
- d. Building Official Report
- e. Code Enforcement Report

- f. Meeting Reports
- g. Water Department Report
- h. Prince George's Chapel Cemetery Report
- i. Correspondence

Councilwoman Ulrich made a motion to approve the consent agenda as presented. Vice-Mayor Chandler seconded the motion. Vote was 4-0 with Councilman Miller being absent.

V. NEW BUSINESS

- a. PKS - Audit Results (Fiscal Year July 1, 2019 – June 30, 2020) Andy & Alyssa

Andrew Haynie stated that the most important part of your financial statement packet is the independent auditor's reports which are pages 1 and 2 of your packet. Mr. Haynie stated that this year as well as in past years they issued an unmodified audit opinion, which is the highest level of assurance that an independent auditor can provide within the state. He stated that there were no material adjustments that needed to be made.

There are two sets of Financial Statements in a government. There is a Government Wide Financial Statement, which is long term and a comprehensive presentation of the town's assets and liabilities and then the Fund Financial Statements which are short term and summarize the year under audit.

Mr. Haynie stated that the assets were up this year, one of the biggest increases in Assets was a CD at the Farmers Bank of Willards. The increase in assets was an increase in Liquid Assets for the year. Overall, it was up just over \$200,000 thousand dollars and almost all of that was in cash or CD's. Receivables were down a little this year but no issues were found on collectability. There were a couple of new liabilities this year. There purchases were of new police vehicles and a new lease on a police vehicle. There is a corresponding increase in Capital Assets for that item. The pension liability is required to be reported by all towns. This is the town's liability for the pension that the town would owe for police through the State Plan. The State gives the number and that is what you have to report as liability on the Financial Statement. Mr. Haynie stated that it is a pretty big number that honestly increases every year and the town can't control it.

There were not a lot of changes in the Water Fund for Assets and Liabilities as it is mostly cash and receivables. The water receivables were up slightly this year in comparison to last year. He stated that this is not unexpected as revenues were also up a bit in the Water Fund. The Water Revenues were up just over \$18,000 for the year and other Miscellaneous Income is in there. Overall, it was up almost \$30,000 in revenue this year. The expenses were up a bit due to water usage charges and were up significantly, by \$52,000, which was a large increase on expenditures. Because of this, the town had an operating loss in the Water Fund of about \$57,000, which is up about \$35,000 over the loss last year.

In review of the year itself, the General Fund the Operating Revenues were up about \$42,000 dollars for the year. Mr. Haynie stated that a lot of that was in taxes as they were up significantly. There was a decrease in charges for services which was not unexpected for FY20 due to COVID-19. Fines and forfeitures were off a bit this year but they were really high last year.

Expenses were up significantly. The biggest increase was the Capital Expense, with the purchase of three police vehicles. Mr. Haynie stated that this Statement is different with governments because the purchase isn't spread out over a period of time and those items Capitalize because of the type of Statement that it is. The entire purchase of those vehicles are shown as an Expenditure on the Fund Statements. Mr. Haynie stated that the Capital Outlay increased by about \$122,000 versus the prior year. The Operating Income was positive at \$34,000 dollars, even with the purchase of those assets.

The change in Net Position was off about \$10,000 dollars versus the prior year. The change in Net Position is the overall increase of Revenue over Expenditures in the Fund Statement. The Impact Fees were down significantly. In FY19 Impact Fees were high due to larger projects that started that year. The change in Net Position overall, after the Non-Operating Revenues for the Water Fund, was - \$139,000 for the year. He stated that it is still a significant Net Position but not concerning because the Town still has a \$2.1 million dollar Net Position and that is the overall profits.

b. New Traffic Pattern – No Right Turn on Red – General Discussion Mayor, Town Council, and Police Chief Flood

Chief Flood stated there has been flack about it, and he understands because anytime there is a change of anything they get kick back. He stated that they have not written any tickets for it. They have stopped a few people and given warnings about it. He stated that he saw the post on Facebook just like everyone else. It was not put up for a ticket trap. DeIDOT installed it and claims they have a good reason for it and we are obviously not going to turn a blind eye to it. They are trying to educate the public and asking them to please abide by the sign. He stated that they will write warnings for a couple of months and if it comes to having to write tickets down the road that is what they will do in order to help with the safety part of it. According to the stats over the past couple of months, the traffic collisions are down. He attributes that to the guys being out there writing the speeding and distracted driving tickets. They are trying to get people to slow down and pay attention and abide by the rules. He has noticed with the new sign that the traffic light signals are starting to back up in the mornings and maybe we should contact TMC about making sure the lights are on a good cycle.

Councilwoman Ulrich stated that she has noticed the traffic being backed up to the fire hall waiting to turn and it isn't even peak season yet. She asked if it could be proposed to DeIDOT that the signal be adjusted to only turn red when someone pushes the crosswalk button or have the green arrow longer. She is concerned that the traffic will be backed up to Rt. 113. Town Administrator Brought stated that the fire department agreed because she received a phone call from them that they were going to protest as they felt it is interfering with their ability to do their job.

Chief Flood stated that he is also in agreement with that statement. He is not sure that there will be a great solution for any of it. He felt there is going to have to be some compromise along the way. He stated that in peak season it's difficult to turn onto Vines Creek Road with a solid line of cars on weekends and probably can't turn until the light changes. Clayton Street cannot be backed up to Rt. 113 and he can foresee that happening. He feels that once ideas/concerns were gathered we should express them to DeIDOT and ask if something can be done with the traffic patterns. He does not have a problem meeting with DeIDOT to watch the cycle of lights. He stated that he has noticed in the morning that it does get backed up on Main Street.

Councilman Truitt agreed with Councilwoman Ulrich and felt that we need to get some timing information on those lights and discuss with DeIDOT a better synchronization and timing to improve the traffic flow through the town.

Vice-Mayor Chandler stated that he would echo the points that Councilwoman Ulrich and Councilman Truitt have made. He felt that there should be an Engineer or someone who can think about the timing and sequencing of the light. He stated that this may be a function of the law of unintended consequences because he felt that there are greater risks to pedestrians now using that pedestrian crosswalk because of the risk that people are going to assume that traffic won't turn right on red, but they do, and he has seen them do it. Vice-Mayor Chandler stated that this risk was unintentional but now has been exacerbated by DeIDOT. He stated that maybe the sequencing of the light would work if you could sequence it so that it turns green whenever the crosswalk is not allowing pedestrians to cross and actually stays red, he felt that might help. There are very few occasions when there is actually a pedestrian in that crosswalk, therefore on most occasions it should be a green arrow or at least a yellow arrow allowing them to turn right. He stated that would be his recommendation as well. He doesn't know how to fix the problem, but if that doesn't work, maybe the solution would be to do away with one of the pedestrian crosswalks. There are two crosswalks one on each side of the light, on the north end and on the south end. It seems like the heavier used one is the one on the north end where people are crossing to go to the bank or post office and there is also risk on that one. He has been in the crosswalk with the walk signal on and a car coming south on Main Street, turning right onto Clayton Street, just proceeds to turn with him in the crosswalk and others have experienced that too. He stated that this is not exactly safe either and he doesn't know how to remedy that problem. There is just no optimal solution to any of these things, but he is just hoping that the sequencing of the light, the way Councilwoman Ulrich and Councilman Truitt described it, is something that maybe the Engineers could work on. Other than digging a tunnel under the road or a bridge over it, he doesn't feel there is any other optimal solution.

Mayor Baull stated that he agreed with everyone's comments as well. The sequencing does need to be looked at as that entire intersection is only going to get busier as we approach peak season. Mayor Baull stated that for the record, the change with the sign was proposed in 2009. Basically it was silent for the better part of a decade before it got picked back up in March of 2019. The entire time, in looking at the timeline that DeIDOT provided, there is no notation that the Town of Dagsboro was formally notified. Yes, Chief Floyd Toomey was contacted and they spoke to Mr. Chandler, but as a citizen you

can call DelDOT and voice your opinion just like everyone else. There was no formal involvement by the Town of Dagsboro or the Dagsboro Police Department until we all saw the Facebook post of the sign installed. The Town of Dagsboro got raked over the coals by the people who said we just put it up to collect fine money. There were a lot of disgruntled calls at Town Hall. He stated that one caller even said that Mayor Baull personally installed the sign. The Town of Dagsboro did not request this sign.

Mayor Baull stated that he also wanted to address the comment that was made to Town Administrator Brought when she was doing the investigative research with DelDOT. It was stated that they guessed the town did not care about pedestrian safety and that could not be any further from the truth. We want everybody in town whether they are walking, riding a bike, or in a vehicle to be safe. The Town of Dagsboro will never be the Town of Berlin where there are a bunch of people walking each day. We have major thoroughfares where hundreds of cars go through every day. You will not see a bunch of people walking the streets of Dagsboro. Mayor Baull stated that perhaps Town Administrator Brought and Chief Flood could take our comments and hopefully work together with DelDOT and make some positive changes.

Councilwoman Ulrich asked Chief Flood about the left turn signal light at Rt. 113 that everybody tends to run because they are looking at the wrong signal. Chief Flood stated that this is not the first complaint on that light and he has seen this three or four times. Essentially, when they redid the lights, it's a play on the lights. If the person at the light is paying attention, they should be able to see that their light is green. There is a play on the lights, as the lights are set farther back and have the black back stop. If you are not paying attention and just look up, he can see where they could mistake the wrong signal. This can be brought up to DelDOT, but he is not sure we will get much headway in regard to this.

c. Grass Cutting Bids – Discussion/Vote on Granting of Bid for 2021 – Mayor, Town Council, and Cindi

Town Administrator Brought stated that she looked at the contract with the Department of Corrections and the contract from Gray's Creative Touch. She stated that David Gray has assured us that he has got the manpower and better equipment. Town Maintenance, Joe Quinn, drove David Gray around town and showed him what is expected to be sure we are on the same page this year. The bid from Gray's Creative Touch covers seven months. She stated that she went back and figured that if he only did six months it would go down to \$11,950 and for seven months it was rounded up to \$13,500. The Cemetery is \$50 per cut and the Town is \$750 per cut. Department of Corrections is \$700 per cut for Cemetery and \$900 per cut for the Town. Looking at last year's DOC expenses they did six months at \$12,700 and this year it increased to \$13,900. If they do seven months it would be \$16,300 plus the \$450 for the port a potty.

Councilman Truitt agreed with Gray's Creative Touch. Vice-Mayor Chandler agreed with Gray's Creative Touch and to try for the six months. Councilwoman Ulrich stated that she is okay with Grays' Creative Touch she just remembers the problems in the past, as far as missing areas.

Vice-Mayor Chandler made a motion to approve the proposal from Gray's Creative Touch. Councilwoman Ulrich seconded the motion. Vote was 4-0 with Councilman Miller being absent.

- d. Donation To Floyd Toomey Scholarship Fund – Recommended \$1,000 – Approval/Vote Mayor and Town Council (PKS Approved Using Public Safety Account)

Mayor Baull stated that Floyd Toomey's wife Anne has started a scholarship fund in his name for students to either continue law enforcement or military.

Councilman Truitt made a motion to donate \$1,000 to the Floyd Toomey scholarship fund from the Town of Dagsboro. Councilwoman Ulrich seconded the motion. Vote was 4-0 with Councilman Miller being absent.

- e. Tree Overhanging Ward Lane in Prince George's Cemetery – Quotes to Trim and Remove Dead Branches

Town Administrator Brought stated that due to the work having to be done by a certified arborist, we only have the two quotes. Delmarva Arborists did not evaluate the tree they were just looking at the dead branches and gave a quote to remove those for the \$4,500. Bartlett Tree Expert gave a quote to give an evaluation as the tree is old and they would like to preserve it. It would be \$750 for the evaluation of the tree.

Councilwoman Ulrich made a motion to contract Bartlett Tree Expert for \$750 to do the tree risk assessment. Vice-Mayor Chandler seconded the motion. Vote was 4-0 with Councilman Miller being absent.

- f. Discussion Town Ditches that are Town Responsibility – Mayor, Town Council, Town Administration

Vice-Mayor Chandler stated that there are certain ditches within the town that are not tax ditches that have been formally identified. The Town needs to prioritize the order of the cleaning of those ditches and who can take care of that. Town Administrator Brought stated that we have been in contact with the Tax Ditch Association to get a formal map to hang at Town Hall. Town Clerk Stacy West stated that John Timmons with the Tax Ditch Association has added the tax ditch between Cea Dag and Royal Farms to their list to be dipped. He stated that would either happen Spring or Fall of 2023. Vice-Mayor Chandler stated that the one behind the Clayton Theater and Bodies is in bad shape, but others may be worse than that. He is not sure, as he has not walked the properties. Town Administrator Brought stated that she had contacted DOC and they could help with cleaning debris only. We are going to have to require bids and then prioritize. Vice-Mayor Chandler stated that he would provide Town Administrator Brought with a list of names and contact numbers in regard to getting estimates. Mayor Baull asked if we could contact Soil Conservation to assess them and prioritize the order for us or they could possibly point us to who could help with prioritizing. Town Administrator Brought stated that she

could ask, but they are dealing with the storm water issues throughout the town. Engineering Consultant Gulbranson stated that he felt DNREC's Water Shed Assessment Branch or the Drainage Section would be able to give you an idea which ditch may be the most important in terms of drainage based on the area that it drains. He stated that he felt the ditch behind Bodies and the Clayton Theater is a problem area and would be beneficial of cleaning it out.

VI. OLD BUSINESS

a. Updates on Delinquent Accounts/Court Filings – Stacy West and Greg Morris

Town Solicitor Morris stated that he has been working with Stacy in regard to the water accounts for the past three weeks. During COVID-19 there was a moratorium that utilities could not be shut off and that was lifted in July. However, if someone told the provider that they could not pay due to COVID-19 related issues, the provider should put them on a four month payment plan. He stated that in regard to the delinquent tax list, he filed two monition sales last week and two more for this week. Mr. Morris stated that in the auditor's report that he read, it was recommended that the town needed to take more effort on those. Town Clerk Stacy West stated that she has setup payment plans for several accounts in regard to the water accounts. She has reached out to homeowners in regard to taxes but has found some of those were supposed to be paid by mortgage companies. She stated that it is still a work in progress but she has been able to collect about \$10,000 in about 10 days. Town Administrator Brought stated that the only other thing she had discussed with Town Solicitor Morris was whether Town Council wanted to lower the amount from \$500 to \$300. Vice-Mayor Chandler and Councilman Truitt stated they felt it should remain at the \$500. Mayor Baull asked if a note could be put on the monthly water bills in regard to being delinquent, as a reminder. Town Solicitor Morris stated that the payment plan arrangement option will remain in effect as long as there is a State of Emergency.

b. Police Station, Meeting Room, Town Hall Improvements (plans for moving forward)

The Town Administrator asked Engineering Consultant Gulbranson what the next step would be to move forward with the future plans for the new Police Station/Meeting Room. Would it be the architectural drawings? He stated that this would be the next step. They had discussed a meeting with DOT in regard to the entrance and Mr. Gulbranson stated that when DeIDOT is down to look at the signal issue, we could possibly discuss the potential new entrance for Town Hall at the same meeting. In regard to the entrance, we would close the two north entrances/exits and create a new one farther south of the traffic light. Town Administrator Brought will coordinate a meeting with DeIDOT to include Chief Steven Flood and Engineering Consultant Gulbranson.

c. Discussion on Opening up for Public/In Person meetings (documents/emails regarding opening up for public meetings) Mayor/Town Council/Cindi

Councilwoman Ulrich stated that opening meetings to the public would depend on if the Bethel Center would allow meetings. Councilman Truitt stated that he is in favor of resuming public meetings but more toward June or July. Mayor Baull stated that Vice-Mayor Chandler was in favor to resume public

meetings starting in June or July. Town Administrator Brought stated that if we resume with public meetings and we have to wear a mask and have to sit six feet apart it becomes a problem with the sound system. It was attempted at a P&Z meeting and you couldn't hear what anyone was saying, which is why people were taking their masks off. It complicates things when one person may not be comfortable with "in person," meetings they but could still call in. You would have to have the computer for those calling in and we would also have to clean before and after the meetings. Mayor Baull stated that the May 17, 2021 meeting will be virtual.

VII. PUBLIC COMMENT

Bob Flowers, 31860 New Street, stated that he agreed with synchronizing the lights on Vines Creek and Clayton Street. He stated that he feels the Engineers should keep in mind that the traffic on Main Street already backs up past the railroad track in the evenings.

VIII. ADJOURNMENT

Councilwoman Ulrich made a motion to adjourn. Councilman Truitt seconded the motion. Vote 3-0 with Vice-Mayor Chandler leaving early and Councilman Miller being absent.

Meeting adjourned at 7:12 p.m.

Respectfully Submitted,

Stacy West, Town Clerk