

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center - 28307 Clayton Street
Monday, September 20, 2021

I. CALL MEETING TO ORDER

Meeting was called to order by Mayor Baull at 6:00 p.m.

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

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

July 19, 2021 Virtual Town Council Meeting

Councilman Truitt made a motion to approve the minutes as presented. Vice-Mayor Chandler seconded the motion. The vote was 4-0 with one council member absent.

IV. CONSENT AGDENDA

a. Police Report

Chief Flood stated that in your packet are two months of stats for July and August. He stated that Corporal Anthony Valenti received a letter from the Regional Director of the Office of Highway Safety commending him for one of his speed enforcements. Those letters aren't uncommon from our local Office of Highway Safety as our officers do a really good job with the assignment whether it is speeding, seat belt, distracted driving, or DUI and they write the tickets that need to be written. The regional letter is a big deal for Anthony, as it lets them know that we are doing a good job down here.

Chief Flood stated that National Night Out is Tuesday, October 5th from 5-7 p.m. The bikes were received and Joe Quinn, Town Maintenance, put them together. He stated that local police departments as well as the State Police and fire department will be there with demos, the helicopter and State Police K9 units.

Vice-Mayor Chandler asked, "in regard to the statistics for July and August there were roughly 400 traffic arrests and four DUI's, is that typical, customary, above average, or below average?" Chief Flood stated that the total traffic tickets are above average, but he is at a loss for words as he doesn't know what else

Chief Flood stated that this department lives and dies by grants and they work hard for grant money. Looking to the future, the town is going to grow whether we want it to or not. With part of the County Grant money they were able to pay the Tahoe off so there are no more vehicle payments. With what was left of the County Grant money they upgraded/added to some big ticket equipment items that the town will not have to purchase for quite some time.

b. Emergency Interconnection Agreement that was received from the Town of Millsboro

Vice-Mayor Chandler stated that there are items in the Agreement that need to be addressed. One being the Force Majeure Clause, the way it is written in this draft. If you have an emergency fire breakout in Millsboro or in Dagsboro, that created a necessity for having additional water, that wouldn't qualify under this Agreement because they write out firefighting events as a Force Majeure event. He stated that the Force Majeure Clause is rather narrowly written and it needs to be broadened.

Secondly, under the terms and rates, in an emergency situation any water that we need, Dagsboro will pay Millsboro at the current rate that Millsboro charges, whatever the current rate may be at that time. But if Millsboro draws water from Dagsboro because they have an emergency and they need our water, they will pay Dagsboro the lowest rate chargeable to Artesian from any of its other water suppliers, which means they are going to look to the lowest water supplier of Artesian and say that is what Dagsboro has incurred as a cost, which obviously doesn't work. Vice-Mayor Chandler stated that whatever rate Dagsboro pays for Millsboro's water is what Millsboro will pay for Dagsboro's water. He stated that it is called the "Goose and Gander" Rule, therefore that clause needs to be re-written.

It is his understanding that this Agreement will replace entirely the existing water Agreement that expires in December of 2022 and this Agreement would have a twenty-year term. He stated that the Council needs to wrestle with whether they want to enter into another twenty year Agreement or not. This Agreement would exist for twenty years with the same notice to terminate within six months of the end of the Agreement or else it automatically renews.

In the Standard Operating Procedure Exhibit "A", the procedure that Millsboro has designed for on a monthly basis, the valves between Millsboro and Dagsboro will be turned on for fifteen minutes, actually the valve from Millsboro to Dagsboro will be turned on, not the other valve from Dagsboro to Millsboro, to make sure that they are operating properly and the lines get cleaned out. It indicates that if the flow meter is turned on and it is flowing the wrong way, that is if it is flowing to Millsboro rather than to Dagsboro, it would be immediately shut off. If it is flowing toward Dagsboro, then it would be allowed to run for fifteen minutes and we would be charged for all of the water that comes through the line during those fifteen minutes. He stated that he understood why, as it is to test the system and make sure the lines are cleaned out. His question is if the system is turned on and the water is flowing to Millsboro and not to Dagsboro, and it is shut off immediately, then have we really done a test? He stated that it doesn't specify in that event that the operators will confer and agree upon a subsequent date to test the valves to be sure they are working. Does this mean that the valves get shut down

the department can do to get people to slow down and stop being on their cell phones. Vice-Mayor Chandler asked "what area most of those traffic tickets are written?" Chief Flood stated that the officers do a good job of being spread out. It is difficult to write traffic tickets on Main Street because you cannot get out due to the traffic and have to ask if that ticket is worth risking an accident; you have to weigh the options. However, you take it personally when someone rides through Town at 64 mph on Main Street as there is no excuse for that. You do want to put them on notice and give them a ticket for it. He stated that the tickets are given all throughout the Town and doesn't want to state only on Rt. 113, as that is not accurate. There are a lot tickets written on Clayton and Main Street, as well as on Armory Road.

Mayor Baull asked Chief Flood, in regard to the traffic light on Rt. 113, when you are southbound on Rt. 113 to turn left onto Clayton Street people can't apparently tell one light from the other and asked if he had any suggestions that can be made to Del-DOT. Chief Flood stated that people need to keep calling to complain to Del-DOT since it is a Del-DOT issue. He has said it before, but will say it again, "if you are paying attention it is not an issue, it is clear which light is yours." Del-DOT has made modifications but it continues to happen. Councilman Truitt asked if a post light would help. Chief Flood stated that he really wasn't sure if a post light would help. Sergeant Disciullo stated that Del-DOT added a sign that states left on green arrow only. Chief Flood felt that when the lights were replaced they got set back further and he felt this was the issue because you could see the North, South, East, and West better than you could before. If you pay attention and look straight ahead it shouldn't be a problem but when you are on your phone at a stop light and you glance up and see green, you just assume you can go. Vice-Mayor Chandler stated that his complaint about that light is that it changes quickly. When you are on Clayton Street and want to turn left onto Rt. 113 toward Selbyville, you better hustle or you will get stuck in the middle of the intersection. Chief Flood stated that he agreed with that and it is the same when coming from Nine Foot Road and that's also a Del-DOT issue.

- 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

Town Administrator Brought stated that she would like everyone's' thoughts on Trick or Treat for Halloween as Town Hall is getting calls about it. She stated that October 31st is a Sunday and she felt that wasn't a good idea and asked how the Council felt about moving it to Saturday October 30th from 6-8 p.m. Councilwoman Ulrich didn't see an issue with it being on Sunday and stated that it has been held on Sunday before. Councilman Truitt felt that Saturday was the better day as people were off and there is no church. Vice-Mayor Chandler stated that he liked Saturday as he does not want his grandkids

having a sugar high just before bedtime on a school night. Councilman Truitt stated that we could hold it on Saturday and then Sunday can be the rain date.

Vice-Mayor Chandler made a motion to hold the Town of Dagsboro's Trick or Treat on Saturday, October 30th from 6-8 p.m. and Sunday, October 31st from 6-8 p.m. would be the rain date. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

Vice-Mayor Chandler stated that in regard to the ditch clearing behind Clayton Theatre and Bodie's Dairy Market, he has not been down to look at it, but some have stated to him that it was not cleared all the way. Town Administrator Brought stated that the bigger trees were impossible to have removed. She stated that he cleared the under lying brush and there is trash that needs to be cleaned out, which he would not clean out. She has contacted the prisoners to clean the trash out and is awaiting a reply for when they would be available. Vice-Mayor Chandler stated that what he was referring to was not trash or big trees, but the under brush. The house that is directly behind the Clayton Theatre has not been cleaned out. Town Administrator Brought stated that if he couldn't get equipment in there maybe that could be part of the problem as he only had so much space to work with. She stated that she would have to go look at it. Town Maintenance, Joe Quinn had been present during the operations. Vice-Mayor Chandler asked if Joe was out there when the work was actually being done. Town Administrator Brought stated "no," but he checked on him periodically. She stated that others have said it looked great but if you are unhappy with it then we will have to get him back out there. Vice-Mayor Chandler stated that he is not unhappy, it was just mentioned to him that it could have been done a little further along.

Mayor Baull stated that the Christmas parade is scheduled for Tuesday, December 14th.

Vice-Mayor Chandler made a motion to approve the consent agenda. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

V. PLANNING & ZONING REPORT

Meeting 9-2-2021 - Seabreeze Business Park – Kyle Gulbranson

Engineering Consultant Gulbranson stated that, Seabreeze Business Park, presented a Conceptual Plan for a flex space business park on Clayton Street at the Planning & Zoning Commission meeting on September 2, 2021. He stated that they are planning on building it in phases and it would be a total of six buildings. They were uncertain on how many, but some the buildings may have apartment space above. They have interest from several different businesses to locate in the facility. He stated that the Conceptual Plan was just that and there are a lot of missing pieces that they will present as the plans evolve. The Conceptual Plan that they submitted met the Town's Code in terms of building size, setbacks, and parking. One issue is that since this is tenant space, they are not sure what types of businesses will be going in there. They have been advised that as long it is a business that is a permitted use within the Town Center District, that it would be ok.

Prior to the next P&Z meeting on November 4th, the P&Z Commission is reviewing the Town Center District's permitted uses, as it has been a long time since the regulations were written. They will delete uses that shouldn't be there and add uses that need to be added to the Town Center District and make the recommendation to the Town Council. Engineering Consultant Gulbranson stated that he felt that the P&Z Commission was ok with the layout of the project that was presented on the Conceptual Plan. The plan is to start with two buildings and expand as the business increases. The possibility of an athletic field was discussed as well since there is a need for that in the area. Vice-Mayor Chandler asked if all the proposed businesses were all within the universe of the Town Center District. Engineering Consultant Gulbranson stated that most are but they had asked about an auto restoration shop and currently auto restoration is not a permitted use in the Town Center District. That is one reason why the P&Z Commission is reviewing the list and making the needed clarifications. Vice-Mayor Chandler asked about the manufacturing aspect of the businesses. Engineering Consultant Gulbranson stated that the foundry was described as small scale and more of an artisan type work and nothing on an intensive level which he felt needs clarification in the regulations. Surrounding towns that have a Town Center District, crafters and artisans were something that all the towns had, but it is not mentioned in Dagsboro's regulations. The foundry, the way he described it, would be a good fit and his business is wood working, making trophy cases, etc. Mayor Baull asked about the indoor boat and RV storage as that could take up some room. Engineering Consultant Gulbranson stated that he felt that would entail someone who lives in Florida in the winter with their RV and when they return they need some place to store it. He stated that they will be back at some point with their Preliminary Site Plan and hopefully by then the Town Center District permitted uses will be updated.

VI. NEW BUSINESS

a. Police Department Future Growth

Chief Flood stated that in regard to the potential growth within the town he wanted to let the Council know that he will be looking toward the future and a proposal to hire more police officers. He stated that it will be awhile, especially since he doesn't think we will get anyone certified, therefore if you do have to hire someone that would be eight months to a year out. He felt this is something that would behoove the department and the town in the future to get that ball rolling due to the long process. Vice-Mayor Chandler asked if that would be expanding or replacing. Chief Flood stated that it would be expanding. He stated that currently there is one shift with less coverage and he would like to sure that up with some more coverage which would be feasible for everybody. Councilwoman Ulrich asked if the part-time officers were being utilized. Chief Flood stated that one of the part-time officers will probably be leaving soon to work for Frankford and that will cut us down to one part-time officer. He stated that Officer Mckinnon was gone for a while on military work but he is back and picking up some hours which are helping the cause. Councilwoman Ulrich asked how Officer Glaeser was making out. Chief Flood stated "great so far, everyone seems to like him and he has received a compliment letter for changing a ladies tire." Chief Flood stated that "he is what he expected, someone with experience that can help the other officers grow a little bit." He stated Corporal Valenti leans on him quite a bit as he is on his rotation. Officer Glaeser is doing well.

because it is flowing in the wrong direction and we wait another month before it is attempted again? He stated that it is not clear to him.

Town Administrator Brought stated that she spoke to Artesian prior to this meeting and they advised that turning the water on for fifteen minutes is not going to clean out the lines and suggested an hour. Artesian did not like the clause stating that Millsboro would maintain the meters. Vice-Mayor Chandler stated that Millsboro will maintain the meters and the valves and do any kind of repair or maintenance work and charge Dagsboro for it. He stated that one valve belongs to Millsboro and one valve belongs to Dagsboro and each should maintain their own valves.

Councilwoman Ulrich stated that meanwhile we continue to go back and forth with them and we cannot turn on with Artesian until this is resolved. Vice-Mayor Chandler stated that is what we are being told and he is not certain that he understands it. She asked if we can say we are turning the water on no matter what because this is ridiculous. She feels this is being done intentionally so Millsboro can keep getting money from us. Vice-Mayor Chandler stated that you could shut the valves off and the water from Artesian would only flow through the town, it will not be able to go to Millsboro. He felt the argument would be if there was an emergency and they need the water. He felt that the Agreement is close to being ready, assuming Millsboro is reasonable and agree to the changes that we are going to recommend. He doesn't think this should take thirty days to have this in place so we should be able to turn on with Artesian in thirty days or less. Town Administrator Brought stated that the town manager may want to take it to another Council meeting. Vice-Mayor Chandler stated that if they bulk, why can't we have Artesian shut down the valves, turn on the water and pay our final bill to Millsboro. Mayor Baull stated that he recalls meetings with Millsboro where they stated that they were going to hold us to the contracts length. Another time it was brought up, Millsboro said pay us "X" amount of dollars and we will let you out of the contract early. Mayor Baull stated and now we get this. Vice-Mayor Chandler agreed and he doesn't understand it either. He stated that his position, if you asked him publicly about this, is that this supplemental Agreement which requires us to pay them for water that we use monthly for an hour, and he doesn't know how many gallons that is, is fully consistent and complies with the contract that is in existence. We are required to pay for water we take and we will pay for the water we take, but we will just take an hour's worth once a month, and that would be fully compliant with the contract.

VII. OLD BUSINESS

a. New Police Station/Meeting Room – Kyle Gulbranson/Chief Flood/Cindi Brought

Engineering Consultant Gulbranson stated that he met with Town Administrator Brought and Chief Flood to draft a list of needed items that the Police Department would need in the new building. The list consists of elements and equipment that the police will need in their new building and also the Town Hall meeting room. One of the things the police department said that they would like to have is a carport on the Southside of the new building. He stated that the way we are envisioning it the Southside of the building would be the entrance that the police would use when they are bringing prisoners into the building for processing and a public entrance would be on the street side of the

building. The building would have two primary entrances with security for both. He stated that they are looking at a processing room that would have a least one holding cell if not two. The holding cells would be approximately 6ft by 8ft with a bathroom adjacent to the holding cells, not in them. A gun depository cabinet would be at the entrance of the processing room and also a temporary evidence locker. The temporary locker would be used to hold evidence during the booking and then it would be placed upstairs in the permanent evidence room. The police department will have a reception area at the main entrance with a secure desk, reception desk and a workstation. He stated that they are looking at two separate offices for police personnel one for the Chief and then an additional office. Based on Chief Flood's discussion earlier we want to have shared work spaces that would allow 4-6 officers to be able to use the shared space as the police department grows. One office could be located upstairs and it was thought that the chief's office would be best for that. In regard to security, it would be needed throughout the buildings and at the entrances. Security access would be by a security key fob or some type of card for personnel. We are looking at a separate bathroom facility with showers and a locker to be located on the first floor for the officers. A break room on the first floor with counters, sink, refrigerator, microwave, and possibly a cooktop. These are some of the parameters that once someone is hired to design the building, they would use to start the design of the building and give them guidance as to what you are looking for.

We feel the Town Hall and meeting room improvements need to be as flexible as possible. We thought one large room that could serve multiple purposes such as Town meetings and Town events with portable furniture. There would be a main entrance from the parking lot into the meeting room. There would be a separate entrance that would link the existing Town Hall to the meeting room and a new bathroom facility in the new addition. He stated that the current bathroom in Town Hall would become a breezeway to facilitate traveling back and forth between Town Hall and the meeting room.

In the meeting room we thought that there could be a permanent seating scenario for the Town Council members and the seating for the public would be movable tables and chairs. Also, a storage room for the portable tables and chairs and a section for building permit plans. In terms of audio and visuals we thought monitors for the Town Hall meetings, which would need to be computer compatible with cable and Wi-Fi. He stated that the security would be similar to the police building; entrance through the main doors would be with security key fobs or key cards. There would need to be a payment drop box designed into the meeting room addition.

Town Administrator Brought has additional improvements that town hall could use if the budget allows for them. For example, new flooring, ceiling tile repairs, new chairs and table, new windows, and a new phone system. Inside and outside of the building are in need of some general paint and wood repairs. The outside of the building is in need of some concrete/mason repairs at the seams of the building. Engineering Consultant Gulbranson stated that once the architect is on board this list would be a starting point for them to try and incorporate as many of those parameters into the design of the building.

Mayor Baull asked in regard to the Chief's office being upstairs, how would that conflict with ADA requirements? Engineering Consultant Gulbranson stated that as long as there are accessible offices on the first floor, which if, Dagsboro were to hire someone who had disabilities could utilize to do their job it would not be a conflict. Mayor Baull stated that he meant what if someone came in to meet with the Chief and wasn't able to go upstairs? Engineering Consultant Gulbranson stated that he would have to come down and meet with them. He felt that the Town didn't need to go through with the expense of an elevator. Councilman Truitt asked what else would be on the second floor. Engineering Consultant Gulbranson stated that there would be an office space, storage space, and evidence room so it is not public areas, not areas that the general public would have to access. Councilwoman Ulrich asked if there would be space in case we do have to put in an elevator of some sort. He stated that we would discuss it with the architect to make sure it is built in. She stated that, her employer usually does an elevator closet that is built in during construction that way if it needed at a later date it's there. That way if they come back and say we have to have one, she stated the elevator closet is what they do in the townhouses that they construct basically the wiring is already run and if needed complete the floors and it doesn't cost much more to add that in.

Engineering Consultant Gulbranson stated that to move forward there are two things that need to be done. Obtain an updated survey and combine the three parcels that the town owns and record it with Sussex County. Then draft an RFP for a design firm to actually start doing the architectural plan of the building. The survey will have to be updated with building locations as the plot we currently have is just a plot so survey work will need to be done to have the existing conditions on the plan so when the designer starts they know what they are working with in terms of utility locations and things of that nature.

Vice-Mayor Chandler made a motion to approve to proceed with getting survey quotes and the RFP for the building design. Councilman Truitt seconded the motion. The vote was 4-0 with one council member absent.

VIII. PUBLIC COMMENT

Bob Flowers, 31860 New Street, asked if the tax ditch that has the under growth is from Cannon Street toward Warrington Street. Vice-Mayor Chandler stated he was not sure of street names, but that it was directly behind the Clayton Theatre. Bob asked if it wasn't something a string trimmer couldn't cut. Town Administrator Brought stated that we just need to look at it at this point. Bob offered to help Joe with cleaning it up.

Anthony Lorenz, 29198 Shady Creek Lane, stated that he is a resident in the Town Center District, his wife and he walk a lot throughout the town. In regard to the new traffic light at Clayton and Main Street, they have tried using the new push buttons on the crosswalks and they take a long time to change, but also when crossing the right turn traffic is still turning when they are in the crosswalk so he is not sure if they are getting the arrow or not.

He stated that the sidewalks throughout the town don't ever seem to be edged and have overgrowth in all the cracks and the trash gets stuck under the overgrowth. Town Administrator Brought stated that it is in the grass cutting contract to do edging and spray sidewalks once or twice a season. Vice-Mayor Chandler stated that he understood his concerns with the upkeep of the sidewalks and edging however, it would be difficult to police as it should be the homeowners who should be addressing this problem on a regular basis.

IX. ADJOURNMENT

Vice-Mayor Chandler made a motion to adjourn. Councilwoman Ulrich seconded the motion. The vote was 4-0 with one council member absent.

Meeting adjourned at 6:56 p.m.

Respectfully Submitted,

Stacy West, Town Clerk