

*Minutes*  
**DAGSBORO TOWN COUNCIL**  
**Bethel Center**  
**Monday, October 17, 2022**

**I. CALL MEETING TO ORDER**

Meeting was called to order by Mayor Baull at 6:01 p.m.

In attendance were: Mayor Brian Baull, Vice-Mayor Theresa Ulrich, Councilman William Chandler, Councilman Norwood Truitt, Councilman William Labor, Town Administrator Cynthia Brought, and Sgt. Nicholas Disciullo. See sign in sheet for others in attendance.

**II. PUBLIC COMMENT**

Mayor Baull expressed his appreciation for everyone's hard work with the Dagsboro Night Out event on Tuesday, October 11, 2022.

**III. APPROVAL OF MINUTES**

**September 19, 2022 Regular Town Council Meeting Minutes**  
**September 19, 2022 Executive Minutes**

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

**IV. CONSENT AGENDA**

**a. Police Department Report**

Sgt. Disciullo introduced our newest officer, Catherine Hazell. She was officially hired two weeks ago and joined us from the Ocean View Police Department where she was employed for a year and a half. She was highly recommended and so far, has done a great job with us. Officer Hazell stated that she is excited to be here. The Council welcomed her.

Sgt. Disciullo shared the September police stats. There were 327 traffic citations and 33 criminal arrests. Of 800 police hours, 452 hours were on patrol, 132 were investigative, and 216 were administrative. We had 190 complaints, 9 collisions, 17 drug arrests, 5 DUIs, and a few other criminal arrests that were notable.

Mayor Baull asked if there were any questions.

Councilman Chandler said to Sgt. Disciullo that over this past weekend he spoke with an officer from Eastville, Virginia Police Department. The officer told him that they were a 5-man police department

with a total population of 320 people. They make over 2000 traffic arrests annually. Sgt. Disciullo repeated annually? Councilman Chandler said yes annually. He said they are the leading ticket writer on the eastern shore. It is their main source of income. Sgt. Disciullo stated that we did 2600 arrests last year. Councilman Chandler said then we are right up there with them. Sgt. Disciullo said we are comparable. Councilman Chandler thought the population comparison was interesting with 320 people and 5 officers. Vice-Mayor Ulrich asked if that was on the way down to the Bay Bridge Tunnel? Councilman Chandler said yes, and I recommend you be very careful going through Eastville, Virginia.

Sgt. Disciullo stated there were a few notable things that Chief wanted him to go over. They are doing speeding enforcement on Main Street. The past few weeks they've written about 20 tickets. Several of the officers have been out there 30 to 60 minutes at a time and speeding is about average with traffic being heavy sometimes, so there is not a whole lot of room to speed. They have documented everything they've done.

They are at the schools for the drop-off in the morning and dismissal in the afternoon and the community has been giving them a lot of appreciation for that. There hasn't been a lot of traffic enforcement, but a lot of visibility and they've been trying to split up the workload as far as who is at the schools. Mayor Baull stated that there is a sign coming down 113 heading into town and asked where did it come from? Sgt. Disciullo explained that it came from an out-of-town resident who has a school bus stop just north of town on the highway. She complained enough and was able to get the sign put there. Mayor Baull stated that it catches people's attention when that light starts flashing red and blue lights that come on automatically. He stated that when you come up on it, it starts flashing school bus stop ahead.

Sgt. Disciullo added that during the times at the school, Cpl. Glaeser and Cpl. Cullen have changed several flat tires and one of the officers in particular purchased gasoline for someone that needed it. Chief also wanted him to mention that the Night Out event was great and wanted to thank everyone for their help with that. Also, Cpl. Glaeser's F-150 truck is finally all set up, on the road and everything looks good with it. The Durango will possibly be finished this week. They are waiting on a light bar for the front and then we should have it back.

Sgt. Disciullo shared that he doesn't want to mention any names or agencies yet, but we do have an officer who is seeking employment at a larger agency and is in the process of it now. Chief wanted him to say that this will probably be happening in the next 30 days. Councilman Chandler questioned one of our officers? Sgt. Disciullo said "yes."

Councilman Truitt asked if we still do traffic counts on the number of cars in Dagsboro. Sgt. Disciullo explained that DelDOT has been doing that with the black strips that you drive across on Dagsboro Road and Clayton Street. Councilman Truitt asked if this was done over the summer and Sgt. Disciullo stated that they have been doing a traffic study this year for the new development. This isn't something we do, it is DelDOT.

Mayor Baull said to Sgt. Disciullo that he would like to make a request. He stated that a lot of people coming into town by Armory Road and Chapel Lane are going a lot faster than 25mph and he has sat at

the light and seen cars and bigger trucks going as fast as 52mph. He realizes that the police have various areas to watch but this may also be a good place to watch. Sgt. Disciullo agreed with Mayor Baull that they are coming into town fast. Vice-Mayor Ulrich commented that flashing light signs placed upon entering corporate limits may be good there.

- 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**

Mayor Baull asked Town Administrator Brought if she had anything to add to her administrative report. Town Administrator Brought said Jean Holloway has been out on leave possibly with Covid but she was able to talk to her and set up a meeting this coming Wednesday, October 19<sup>th</sup> at 10AM to discuss the water study. We know there are some errors in what she has proposed. I am going to sit down with her and Stacy and go over the water study so we can see what's going on with it so we can bring it to the Council.

Town Administrator Brought stated that we have the contract signed for the parcel that we are acquiring. Mayor Baull signed it when he got to the meeting and Town Administrator Brought witnessed it. The contract will go out tomorrow and see how it all goes. The only thing that is changed was it went from 30 days to 90 days. If it's sooner, then that is okay with the seller also. Vice-Mayor Ulrich commented that she knows what she went through with her property and thinks since the seller just bought the property they're going to have to go through refinancing and everything as well.

Mayor Baull asked if there was an update on the sink hole that was reported on Clayton by the firehouse. It was checked out and nothing was there. Town Administrator Brought said Engineering Consultant Gulbranson went to check and said there was a lower spot but it has nothing to do with water. It looks like a bad paving job. It has been patched before and has just sunk down. Town Administrator Brought said she has been waiting to hear from them because she told them she wanted something in writing so she would know exactly what they were talking about, but she hasn't heard a word from them. Vice-Mayor Ulrich asked, "and they haven't given you an exact location?" Town Administrator Brought answered "no", he just said off the shoulder at Clayton and near the firehouse. She stated we can deal with it if something comes of it.

Mayor Baull asked if anyone has any questions on the consent agenda. Councilman Truitt asked if there was any more information on Warrington Street. Town Administrator Brought said we have the money for it, and it is combined with the Swamp Road (DeIDOT) Agreement. DMV Paving will be doing the work since they were the lowest bid, he just needs to get his permits and all. Our Legislators are paying for the paving (The \$42,000).

Councilman Chandler stated that he looked at all of things on the Woodlands and he wants to make sure they are going to fix all those things before we dedicate the streets, and that AECOM is going to go there and double-check all those things. Town Administrator Brought said “absolutely”. They are getting ready to start doing some repaving and we have already asked Engineering Consultant Gulbranson to send someone out there while they are doing the work. Councilman Chandler said “perfect.” Town Administrator Brought added that sidewalks weren’t on their list originally but after seeing them on the walk through, they were horrible. They are all pitted, falling apart and the joints are all coming out. We did add the sidewalks now, and they must be fixed. Vice-Mayor Ulrich asked if we are taking over the sidewalks too. Town Administrator brought replied “no”, we only do the roads, and the sidewalks are theirs. Vice-Mayor Ulrich asked for confirmation that we are asking them to fix the sidewalks. Town Administrator Brought stated that if they are not fixed, then we don’t take the roads. They have to comply with everything that we have asked them to do, and they are aware of this.

Mayor Baull asked if there are any other questions. Councilman Truitt asked for confirmation that the Christmas parade is December 13<sup>th</sup>. Mayor Baull replied, “yes sir.”

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

## **V. NEW BUSINESS**

### **a. Axon 5 Year Contract- Sgt. Disciullo**

Sgt. Disciullo stated that he has copies of an Axon document and the House Bill 215 document if anyone needs a copy. He said he would like to start off with the positive, we are up for renewal on our body cameras. We have eight body cams and have acquired most of them on grants. They cost about \$1700.00 each, which doesn’t include how much we pay for storage, warranty, and upkeep. There is a lot that goes into these. He showed the actual body cam. The State has mandated these at a minimum with House Bill 215 which is the document you have. They have had these for about 3 years, so they are ahead of the curve. Some agencies are trying to get these now and can’t because they are backordered. The renewal on our first contract is December. We were able to get the State to cover the contract which was \$29,590.00. That covers the next 5 years, and it looks like they may be doing that going forward. House Bill 215 went into effect on August 8, 2022. It requires that any custodial interrogation that we have with anyone, at any time, must be recorded. There are some discrepancies on audio and video recording. They require audio at a minimum in our vehicles, so we investigated some other options as far as recording equipment inside of our vehicles.

It took several weeks due to a lot of planning with the vehicles, but I did get a quote from Axon. The quote came in at about \$77,000 for a five-year contract and would cover 6 vehicles. Each vehicle would have a basic camera in the windshield that is linked to Axon to record traffic violations and will record anything in the front of the vehicle. They would also install a camera in the back of the vehicles, which is the rear prisoner camera. This camera will start recording when the back door is opened or when the button is pushed on the computer. They will record the entire time that the officer is interacting with the prisoner. This was priced out a few years ago and the price has gone down. It is about \$15,000 a year. The price includes all of the equipment, installations, warranties and storage. They will send installers to us and install the cameras in our vehicles right on site.

This is important for us moving forward, especially with the House Bill 215 being in effect. Right now, once the window in the car is closed, there is no audio being recorded. For example, my camera could be running, and they could be talking but my camera is not picking it up. That is my main concern with House Bill 215 being passed and this is a solution for that. This would cover us with our in-car cameras as well as our prisoner cameras, so we will be a little bit above what the minimum requirements are.

The State is not paying for this, so we do have a couple of grant options. We can get a portion of this covered, but just can't guarantee that we can get this money every single year. It's a lot of work but this year alone, we have gotten \$40,000-\$50,000 in grants. The money is not always guaranteed so it's not known what it will look like in three years. We just wanted to come to you and answer any questions you may have. Copies of the contract and the House Bill are available if you would like to look at them. An email will be sent to the representative from Axon to see if we already have any of the technical equipment listed to lower the cost.

Sgt. Disciullo asked if anyone had any questions about any of this. Councilman Truitt replies "yes" and then asked if the contract price of \$77,000.00 includes all the cameras and connecting the cameras to Axon and what the per year price would be.

Sgt. Disciullo replied that the per year price is \$14,900.00. Axon offers yearly or monthly payments and no money is due until the equipment is installed, which would probably be March or April of next year due to the items being on back order. We would be getting 6 in-car cameras, which are called the dash cam, rear prisoner camera, and all the connections that go with them. Councilman Truitt asked if they face towards the prisoner. Sgt. Disciullo replied "yes," the prisoner camera will be placed right behind the officer's head and face towards the back of the car and then everything will be linked to the lights and doors. Councilman Truitt asked why the audio isn't picked up from the back seat. Sgt. Disciullo explained the bodycam (our current camera) faces forward, so if he's inside the front seat facing forward, and the camera is on, it is only going to pick up his audio, especially if the partition is closed. Councilman Truitt said he thought there was going to be a camera up front and a camera in the back. Vice-Mayor Ulrich said those will have audio. Sgt. Disciullo confirmed the rear cameras will have audio and video and all of it will be synced to the same system and will be uploaded through the cradle point which is our Verizon plan. We have unlimited data so it will be uploaded as soon as it's finished recording. Councilman Chandler asked if that is all stored by Axon and for how long. Sgt. Disciullo replied there is unlimited storage for the term of the contract. If we decided to cancel, our videos won't be

deleted. We can go in and download and save them. Councilman Truitt asked for confirmation that there will be audio in the backseat. Sgt. Disciullo replied "yes," audio and video.

Councilman Chandler asked if the initial upfront cost will be \$77,000.00. Sgt. Disciullo replied "no," the initial upfront will be the first year which is the \$14,900.00. Vice-Mayor Ulrich asked what the \$3000.00 was for. Sgt. Disciullo explained that it is API Integration Services and is probably an integration service for our computer systems. Vice-Mayor Ulrich commented that the cost is \$14,976.00 per year and asked if there are any other annual fees on top of that, like maintenance fees. Sgt. Disciullo replied "no," it covers everything. Councilman Truitt asked Sgt. Disciullo if his grant requests would be yearly. Sgt. Disciullo explained that it depends on which grant they go for. There are State and Federal grants so a state grant would probably cover a fraction of the \$15,000.00 and depending on how much funding is available he may be able to get a second round. They also have other equipment that they need that is usually purchased with these grants. He spent two hours on a Federal grant today, so it is a lot of work. The grants would be on a year-to-year basis so they would have to apply for them every year if the funds are available.

Councilman Labor asked if we own the equipment at the end of the five years and for the next five years, do the prices go down. Sgt. Disciullo explained that how it works is that you own the equipment for the 5-year contract and that five-year contract also guarantees that you will get newer equipment towards the end of the contract. As new equipment comes out, we would automatically get the newest. Councilman Labor questioned if the next 5 years would also be \$15,000.00. Sgt. Disciullo replied "yes," depending on if they have any price increases. Councilman Truitt asked if this will be a State requirement in perpetuity. Sgt. Disciullo replied that as of right now, audio is your minimum requirement according to the House Bill. I don't know how hard the State will be looking at this. I don't want us to be the ones to get in trouble for this so with this equipment, it puts us ahead of the minimum requirements and we don't have to worry about this at all. Mayor Baull stated that if this equipment helps one officer avoid getting a lawsuit, with the way our society is today, then it is money well spent because it protects the prisoner and their rights and protects our officers. Vice-Mayor Ulrich asked if any other towns have this so far. Sgt. Disciullo stated that he was told Millsboro had signed up just before us and they are doing about 20 cars. Councilman Labor asked if Axon is the only company that does this type of thing. Sgt. Disciullo stated that they are the only ones that offer it for this price. There are a few others that do body cameras, but I have seen their equipment and it's not as good as Axon. They have the best quality on the market right now.

Vice-Mayor Ulrich asked Town Administrator Brought if there was something that could be done if we didn't get the grant money and would the budget be able to sustain the cost. Town Administrator Brought stated that she was sure we can come up with it because we can use the real estate transfer tax towards Public Safety, but we can't keep delving into it constantly. Vice-Mayor Ulrich asked if this is a signed contract and does it have to be for five years. Sgt. Disciullo replied "yes," they only offer five years. Councilman Truitt asked if we would just be applying for the grant money. Sgt. Disciullo explained that all the grants we have gotten for the prior fiscal year are about ready to close out, so the second round is coming up next month through January. Last year in just Federal grants, we were able to get about \$50,000.00 and in State grants we were able to get another \$20,000-\$30,000.00. We have other

equipment that we need to use that for, so there is no guarantee how much money we will get. They offer the first round of funding that you are guaranteed and for us its anywhere from \$3,000-\$6,000.00. After that they will open grants up to second funding and reverted funding, which is money that people don't claim. For the last two years, we have gotten reverted funding in the amount of \$30-\$50,000.00 and second rounds of funding anywhere from \$5-\$15,000.00. It's really a total toss of the dice to see how much you are going to get but we have gotten it for the last two years from both of those funding sources. He stated that he would like to say that it will continue, and it probably will, but if it stops we would only get a minimum of about \$6,000.00 a year. That would cover about half of this and that would include no other equipment for the year.

Councilman Chandler asked how much we get annually from the County. Town Administrator Brought replied \$30,000.00, but we are paying off the Durango this year with that money and it will take almost all of it.

Vice-Mayor Ulrich asked if it is possible that the State would step in maybe in a year or two and help the towns that comply. Sgt. Disciullo replied that he would like to think so. Town Administrator Brought added that she thinks that if all the police departments pull together to try to get some money from the State, since they are requiring these things, it would be nice if they helped fund them a little bit.

Vice-Mayor Ulrich stated that she thinks it's needed. Councilman Chandler asked Sgt. Disciullo what he was asking of the Town Council and if it was just to approve of entering into this contract. Sgt. Disciullo said "yes," to approve entering into the contract. They are looking at about 4-6 months by the time they can get it installed and don't have to make the first year's payment until it is installed. He also added that before they get into any of this, he just wanted to get approval before going forward, because if not able to get any grant funding for it, then the Town would have to incur the cost of it. Councilman Truitt asked if within 6 months would we know one way or another. Sgt. Disciullo replied "yes," by then we should have a better idea. He stated that he is already starting to get numbers for next year so he should have a much better understanding in the next few months if he can cover it all on grant money or not. He stated again, that if he uses all the grant money on this equipment then he would still have to go to the Town for other expenses such as laptops or printers. Town Administrator Brought added that one thing we must keep in mind, and it may be another year or two, but the developments that are coming around should provide a better budget at some point in time, but again, there is no guarantee on that timing. Vice-Mayor Ulrich commented that we are trying to build a new police department and they will need a lot more equipment for that. Town Administrator Brought replied that hopefully that is already taken care of with the Bond Bill money. Councilman Labor asked if the vehicles for the new hires are included in this quote. Sgt. Disciullo said "yes," it will cover everyone's vehicle except for Chief's truck. Each vehicle costs about \$2600.00 per year. Vice-Mayor Ulrich asked Sgt. Disciullo about equipment that we may already have and could it get our cost down. Sgt. Disciullo stated that he was emailing with the Axon representatives today and they basically told him that this is a bundle price and if we take off some of the equipment that we already have, we may end up paying the same price regardless. If they take the equipment off and we are paying the same price, then we should just go ahead and get the new equipment. Vice-Mayor Ulrich agreed and wanted to see if it's possible to save any money at all. Sgt.

Disciullo stated that they basically told him that if we save any money, it won't be a whole lot, possibly \$5-\$6000.00 off the whole amount. Vice-Mayor Ulrich asked if we do not renew again in 5 years would they come and remove all the equipment. Sgt. Disciullo replied that the only thing he has been told is that they give us updated equipment at the end of the five years but if we don't have a minimum storage contract with them, then we won't be able to use the equipment. The equipment is no good to us without a contract for the storage.

Councilman Labor stated that they need to decide at tonight's meeting so that contract can be signed. He then asked for an explanation on the House Bill and asked if this equipment was needed in case there is an interrogation between the officer and the prisoner. The House Bill states, "if there is interrogation between the two parties." If the officer doesn't engage in conversation, then that wouldn't be considered an interrogation, right? Sgt. Disciullo explained that it can be considered an interrogation just by having the prisoner in the back seat, a custodial interrogation. Councilman Chandler added that if the prisoner starts talking and confessing to a crime, that can be considered custodial interrogation because it is a confession. Councilman Truitt asked if with this equipment it would be recorded. Councilman Labor said we shouldn't take the risk of not having this equipment but there will be police departments that don't have this equipment. Sgt. Disciullo said right, but they are the ones who will have a civil lawsuit and he doesn't want that to be us. He added that he feels that what we will pay for in a year is less than what we would pay for in a lawsuit. Mayor Baull stated that having the camera in the back also covers the officer in case the prisoner is accusing the officer of assault when they may have personally harmed themselves.

Councilman Chandler made a motion to approve the proposal offered by Sgt. Disciullo to enter the contract with Axon for terms outlined. Vice-Mayor Ulrich seconded the motion. All were in favor.

**b. Kate-Helm Park – Swing Safety Concern – Cindi Brought**

Town Administrator Brought stated that everyone probably has looked at the email message we received from a resident. She has been talking with Joe, Town Maintenance, about the concern and took some pictures that show where the bricks are. Basically, the resident hit her toe when the swing came back down. We could try putting mulch or dirt in the space, but it is going to wash away and go right back down just with time and use. Engineering Consultant Kyle Gulbranson also looked at the area under the swing and suggested we could get rubber mats to go under the swings. Town Administrator Brought said she has been looking at the mats and they would go up over the lip that is shown in the pictures, and this would prevent anything being washed away and the ground going back down again.

Vice-Mayor Ulrich asked if it would go up over the pavers. Town Administrator Brought stated it would just hit the edge of it. Councilman Chandler said it would be flush with the pavers so your foot would not get caught on it. Town Administrator Brought added that it will have to be a heavy-duty mat that won't be able to be moved. Councilman Labor said it can be staked down. He asked if we have a "use at your own risk" sign in place for the playground when its being used. Town Administrator Brought said no not really. Vice-Mayor Ulrich stated that it is still owned by the Town of Dagsboro. Councilman Labor stated



he has seen signs posted at several different parks he goes to with his children. Town Administrator Brought said we have a lot of rules at the park but unfortunately, we discussed it earlier, people just like to sue. Councilman Truitt asked how many mats were needed. Town Administrator Brought said just two and of course she will keep looking for the best price. Councilman Labor commented that we still should have some liability protection. Town Administrator Brought replied that we do. Councilman Truitt asked which mat we were looking at, the \$233 or \$300. Town Administrator Brought stated that she wants to talk to Town Maintenance, Joe, about it first so she's not quite sure. Vice-Mayor Ulrich asked if a couple rows of pavers can be added. Town Administrator Brought said that we had talked about that, but Engineering Consultant Gulbranson didn't think that was the answer since the pavers we have now are loose and just placed in the sand and dirt. He felt the mats were the best way to go. Mayor Baull asked if a vote is needed on the mats. Town Administrator Brought replied if she could just get some guidance as to whether everyone thinks this is the way to go or if anyone has any other suggestions, she is open to hear them. She also added that she had also thought about tire chips, but she's seen the kids and adults at the park and not sure how you would keep them contained. Vice-Mayor Ulrich stated that you can make it so the swings are non-swingable. Town Administrator Brought said they had talked about that, but it would be a chore also. Vice-Mayor Ulrich said that it would be a shame to have to come to that because someone is swinging too high. Mayor Baull suggested just to figure out which solution works best and go ahead and get it completed. Councilman Truitt added that he is in favor of the mats.

Mayor Baull stated that we need to look at adding onto the sign at the park, Use equipment at your own risk. Vice-Mayor Ulrich asked Councilman Chandler if that would help. Councilman Chandler replied that it can't hurt and would probably help some.

## **VI. OLD BUSINESS**

### **a. Update on paving of Swamp and Warrington – Cindi Brought**

Town Administrator Brought stated that Matt's Paving can't complete the work on Swamp Road until we have 50-degree temperatures two nights in a row. Temperatures are going down into the 30's this week. She stated that she asked Matt's Paving if they felt it would be Spring before the paving would get done because we have an Agreement with DelDOT. Matt's Paving told her "no," they have been able to work in October and November before. Vice-Mayor Ulrich stated that next week, Monday, Tuesday and Wednesday will have a high of 68-72 and a low in the 50's. Town Administrator Brought replied that they may be able to get it done then. Councilman Truitt asked if they couldn't get it done soon, then what would happen. Town Administrator Brought stated they would just have to do it in the Spring. Councilman Truitt asked if the crush and run for Warrington Street would be delayed also. Town Administrator

Brought replied “no,” that’s with DMV Paving and they are doing a full paving job, not just sealing. Sealing is a problem because it won’t set if it isn’t the right temperatures.

Vice-Mayor Ulrich stated doesn’t the asphalt plant shut down in January or February? Town Administrator Brought agreed that it does shut down in the winter.

Town Administrator Brought stated that DMV Paving wants to get started and he does work with the State, so he is doing everything according to State rules with getting all the permits needed.

#### **VII. PUBLIC COMMENT**

No public comment was made.

#### **VIII. ADJOURNMENT**

Councilman Labor made a motion to adjourn. Councilman Chandler seconded the motion. All were in favor.

Meeting adjourned at 6:43 p.m.

Respectfully Submitted,  
Wendy Rayne, Finance Clerk