

*Minutes*  
**DAGSBORO TOWN COUNCIL**  
Bethel Center  
Monday, November 20, 2023

**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 Theresa Ulrich, Councilman William Chandler, Councilman Norwood Truitt, Town Administrator Cynthia Brought, Chief Steven Flood, and Engineering Consultant Kyle Gulbranson. Councilman Labor was absent. See sign in sheet for others in attendance.

**II. PUBLIC COMMENT**

No public comment was made.

**III. APPROVAL OF MINUTES**  
**October 23, 2023 Town Council Meeting**

Councilman Chandler made a motion to approve the Town Council Minutes as presented. Councilman Truitt seconded the motion. All were in favor.

**IV. CONSENT AGENDA**  
**a. Police Department Report**

Chief Flood stated that the administrative hours for October 2023 are higher due to Cpl. Wechtenhiser being in NC for training. He added that the two new Durango's are scheduled for up fit on December 4, 2023 as long as all of the equipment arrives in time.

Mayor Baull asked for an update on their K-9 Unit. Chief Flood stated that K-9 Buzz has been doing well. They were able to get a couple of arrests in his first week that they wouldn't have been able to get without him. He added that he was paid for in his first week of service.

- 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**

Councilman Truitt asked if the Cross Connection Plan came from DNREC. Town Administrator Brought stated that it is from the State of Delaware Office of Drinking Water. Councilman Chandler asked for an explanation of what the Cross Connection Plan means. Engineering Consultant Gulbranson stated that the State is concerned about cross connections and contamination of water systems. The main concern was from a terrorism factor and want to make sure that wherever there is a cross connection or back flow preventor for commercial buildings, that they are less than 10 years old. Each community must have a plan for the cross-connection issue and back flow preventors. He added that his hope is that DNREC comes up with a model ordinance that can be adopted. He stated that the company that contacted the Town was a vendor that sells back flow preventors and would cover the inspections. Councilman Chandler stated that this would apply to existing and new commercial establishments and the existing ones may need to make changes. He asked if changes needed to be made, would the Town be responsible for any of the expenses. Engineering Consultant Gulbranson stated that he did not think so. Town Administrator Brought stated that the fees should do directly to the customer. Councilman Chandler asked who would monitor this and make sure businesses are complaint. Engineering Consultant Gulbranson stated that it would most likely be the Division of Water that would handle inspections and the Office of Drinking Water would administer the program. Councilman Chander asked, "Have you spoken to Artesian about this?" Town Administrator Brought replied, "Not yet." Councilman Ulrich asked if this would include irrigation systems. Town Administrator Brought stated agriculture and some of the developments but it would not include residential at this time. Engineering Consultant Gulbranson stated that this is brand new, and most communities are not aware of it yet. Councilman Chandler stated that he assumed that Artesian would have some insight on this issue. Town Administrator Brought stated that she would reach out to John Thader.

Councilman Chandler asked for confirmation on the outstanding water bills. Town Administrator Brought stated that 5 residents who were given door hangers still have not paid but 2 have made a promise to pay and if not paid the water will be turned off. Councilman Chandler asked, "Is that the next step?" Town Administrator Brought replied, "Yes."

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

## **V. NEW BUSINESS**

### **a. Woodlands of Peppers Creek COA – Concerns with Developer Fernmoor and the Town Responsibilities Regarding Their Development**

Linda Hitchcock, COA President of WOPC, Paul Hermes, COA Treasurer of WOPC, and Barry Hurst, Finance Chairman of WOPC were present to discuss their concerns. Linda Hitchcock stated that the WOPC had a bond released to them in October 2022. She added that prior to the bond being released, Fernmoor covered expenses in the neighborhood including part of the lighting bill and snow plowing but now WOPC are having to cover these services. She added they would like to know what benefits they

should be receiving from the Town and are looking for an update with Fernmoor because they feel they have no information. Paul Hermes stated that they had to pay for streetlights and snow plowing in 2023, which they were not prepared for and wanted to know if they need to budget for those expenses in 2024. He added that they would like to know what they can expect from the Town taxes that are paid.

Linda Hitchcock stated that they have been in contact with Fernmoor and the punch list items have been completed. She added that the last thing completed was the sidewalks. Paul Hermes stated that the sidewalks were torn out and replaced. Councilman Chandler asked, "The sidewalks were torn out completely and replaced?" Linda Hitchcock replied, "Yes." Paul Hermes stated, "As far as we know." He added that he doesn't know if they have been inspected by the Town or not.

Linda Hitchcock stated that there are trees next to their development that belong to the Town and would like to know who is responsible if damage occurs from the trees. She added that they have a lot of concerns for WPOC and want to be part of the Town not just for financial reasons, but also to be part of the community.

Engineering Consultant Gulbranson stated that there is a punch list of items that the Town wanted Fernmoor to complete, and they still have a bond with the Town for the completion of the water system and the streets. He added that once all the items on the punch list have been completed and the Town is willing to accept them, then Fernmoor would need to request to the Town of Dagsboro to take over ownership of the streets. This is a formal process that must be taken, which includes a public hearing and then the Town Council would need to approve it. If approved, the streets would then become public streets and the Town would maintain them, which would include paying for the streetlights and snow plowing the roads when needed. He added that since the sidewalks have been installed, they would need to do another inspection. Linda Hitchcock asked if Fernmoor knew that they needed to come to the Town for this request. Mr. Gulbranson and Town Administrator Brought replied, "Yes." Councilman Chandler stated that the bond that is being held is an incentive for Fernmoor to come ask the Town because they would not get the bond until the Town approves it.

Linda Hitchcock stated that there is an insurance policy against the bond and asked if they can go after the insurance company that holds the bond and have then take care of the punch list. Engineering Consultant Gulbranson stated that the bond is waiting for Fernmoor and it's a liability for them, so he isn't sure why they aren't anxious to have it released. He feels since the sidewalks have been taken care of, that most of the punch list has been completed. Linda Hitchcock asked if the next step is for AECOM to do a final inspection. Mr. Gulbranson replied, "Yes."

Linda Hitchcock stated that they have an issue with summer parking in their development and residents/guests have been parking on the streets which causes an issue if the Fire Department would need to come into the community. She added that they would like to see if they can move some of the parking from the parking pads and asked what they would need to do. Engineering Consultant Gulbranson stated that the parking pads were not a Town requirement, it was something that Schell Brothers thought was a good idea in the beginning. The parking pads are not in the right of way, they

are in the common area and the community can choose to remove them. Ms. Hitchcock stated that they came up with an idea that she shared with Town Administrator Brought. Paul Hermes stated that if they park along the streets, they will need the Town's approval. Mr. Gulbranson stated, "That is correct because once they become public streets, the Town owns them. He added that they would have to make sure the street width meets the Town Code and if there is enough room to allow parallel parking, then it is a possibility. Ms. Hitchcock asked if they would need to come to the Town when they were ready to approach parallel parking. Councilman Chandler replied, "Yes," they would have to let the Town know their intentions and then Engineering Consultant Gulbranson would have to inspect the roads and see if it is feasible.

Paul Hermes stated that he assumed WOPC would be responsible for snow plowing this coming winter. Engineering Consultant Gulbranson stated that it would depend on how quickly Fernmoor completes what they need to do and since there needs to be a public hearing, he estimated that it would possibly be February before it is all complete. Mr. Hermes asked why they are paying Town taxes for the infrastructure if they can't receive the Town services. Mr. Gulbranson stated because the infrastructure doesn't belong to the Town yet and hasn't been turned over from Fernmoor. He added that technically, Fernmoor still owns the development. Linda Hitchcock stated that Fernmoor should be paying the Town taxes for WOPC. Councilman Chandler stated that Fernmoor should be paying for the streetlights and the snow plowing until it is turned over to the Town and feels they should contact Fernmoor to cover those expenses.

**b. Crosswalk Conditions, Trees Outside Property Lines, Sidewalks – Discussion and Possible Solutions**

Town Administrator Brought stated that the tree in front of Kathy Coffin's property, located in the median between the street and the sidewalk, has had debris falling and the owner states that tree is not on her property. She added that there are a lot of sidewalks that need to be replaced that she gets complaints about and has included documents from the Charter.

Councilman Chandler stated that the Charter reads that if there is an improvement of a sidewalk that the Town can order the improvement and notify the owner adjacent to that sidewalk and the owner has 30 days to make the improvement. If improvement isn't made, then the Town can follow up and make the necessary improvements itself and charge the adjacent landowner for the improvement. He added that other towns have this same provision, and it causes a great deal of angst from property owners because they receive a bill for the sidewalk in front of their house and it's their responsibility to pay it. He stated that he never realized that the Town had this power under their Charter and thought that the property owner's property went up to the sidewalk but did not include the sidewalk. He felt this is something that the Council needs to discuss.

Councilman Chandler stated that his opinion as to where the tree is growing between the sidewalk and the street is owned by the State of Delaware and feels it is the State's responsibility. He added that when the tree falls that they need to act, which is what the Town did, because of public safety.

Mayor Baull stated that several years ago they had discussed getting grant money to redo the sidewalks by Clayton Theatre, but DeIDOT had so many regulations that the grant money would not cover the costs.

Town Administrator Brought stated that the street-scaping that was completed at the crosswalks looks horrible and feels it would be destroyed again if replaced with the same material because of the heavy trucks that come through Town. Engineering Consultant Gulbranson stated that when DeIDOT looked at it, they said the damage is coming from the turning action of tires. Town Administrator Brought stated that Main Street going through Town is damaged with many ruts and holes and feels the whole road needs to be redone but doesn't know how to get the bricks portion removed and new paving with crosswalk lines installed. Engineering Consultant Gulbranson stated that they can contact DeIDOT and find out when their streets are set for repaving, and the brick part can be paved over. Vice-Mayor Ulrich stated that in the past, DeIDOT paved certain sections of the roads but not the intersections. Town Administrator Brought stated that she has been asking DeIDOT for over two years for patching to be completed in front of Town Hall but was told that the request goes to Dover and still has not been completed.

Vice-Mayor Ulrich stated that they need to request DeIDOT to fix the holes in the turn lane at Rt. 26 and Rt. 20. She added that the property owner put large rocks in the holes, but they are gone now. Engineering Consultant Gulbranson stated that as part of the Morse Project on Vines Creek Rd., DeIDOT wants them to do intersection improvements and will require some additional right-of-way there. Mayor Baull stated that the intersection has been in their Comprehensive Plan because the whole intersection is out of line. Engineering Consultant Gulbranson stated that DeIDOT wasn't happy when they included it in the Comp Plan.

Town Administrator Brought stated that when talking with Chief Flood, he stated that the Town of Seaford has a yellow sign that reads Pedestrian Crossing. Councilman Chandler asked if this is in the roadway. Chief Flood replied that Seaford has portable ones in the roadway that flash in the evening and ones that are mounted by the crosswalk sign. Vice-Mayor stated that the ones in Dewey Beach have the button to push for pedestrians. Councilman Chandler stated that he feels DeIDOT spends a lot of money to protect pedestrians at the beaches but doesn't think DeIDOT would spend that much money in their Town.

Town Administrator Brought stated that she wanted to get the Council's opinion on proceeding with these repairs to the crosswalks and repaving of the roads. All were in favor of having Town Administrator Brought to proceed with making calls to get something started with these projects.

**c. Election Notice – December 2, 2023 – Update**

Town Administrator Bought stated that the election notices have been displayed around Town and an ad was run in the Coastal Point the week prior. She added that November 17, 2023 was the closing date to register and a few new residents came in to register. They have received several absentee ballots.

Town Administrator Bought stated that the ballot was sent into the Department of Elections and is waiting for approval. She stated that John Cook, Megan Flowers, and Marjorie Eckerd have been appointed to the Board of Elections and packets are ready for them.

Councilman Chandler stated that being registered to vote in the national election doesn't mean that someone is registered in the Town of Dagsboro and asked how someone registers for the Town. Town Administrator Bought stated that residents would have to come to Town Hall and fill out a form along with proof that they live in town. Councilman Chandler asked if a resident has up until December 1<sup>st</sup> to vote in the December 2<sup>nd</sup> election. Town Administrator Bought stated that voter registration closed on Friday, but residents can still vote if they bring their ID, a copy of their deed and a utility bill with their address listed. Vice-Mayor Ulrich asked if anyone who has voted in the past, can just show up and vote. Town Administrator Bought replied, "If they are registered."

**d. Christmas Bonuses Police and Administration (10 Employees @ \$300 in 2022)**

Councilman Chandler made a motion to approve Christmas Bonuses to the Police and Administration for \$300 to each of the 10 Town employees. Councilman Truitt seconded the motion. All were in favor.

**VI. OLD BUSINESS**

**a. Snow Plow Bid – Discussion and Vote**

Town Administrator Bought stated that they only pay for snow removal if there is snowfall of more than 3 inches and the Police Dept. usually calls her if they feel plowing is needed.

Councilman Chandler stated that Gray's Creative Touch fees would be \$100/hr. per truck.

Councilman Chandler made a motion to accept Gray's Creative Touch bid for snow plowing for 2023-2024. Vice-Mayor Ulrich seconded the motion. All were in favor.

**b. RFP – Discussion/Decision on Proceeding With One Bid Received for the Police Department/Meeting Room Proposal From Davis, Bowen and Friedel**

Engineering Consultant Gulbranson stated that they only received one bid for the design of the new Police building and construction management after sending the RFP out to four firms. He added that two firms were interested but they only received one bid. After receiving no response from advertising for additional bids, he stated that he personally reached out to a couple firms, but no bids were received. Vice-Mayor Ulrich asked if the firms gave a reason why they were not interested. Mr. Gulbranson replied, "No, I think everyone is just busy."

He also stated that he reached out to Town Administrator Brought earlier that day and suggested having Davis, Bowen and Friedel complete the site plan and physical design of the building and then they could get an estimate of the construction cost to see how expensive the price would be and possibly look for more funding. At that point, they could do an RFP for the actual construction management of the building. He added that the package they received is the complete package and that may be why they only received one bid.

Councilman Chandler asked if DBF would be willing to break the bid down and only include sections A-G on the proposal. Engineering Consultant Gulbranson stated that they can ask and he estimated \$109K for the design of the building and the site plan based on their estimate.

Councilman Chandler asked what amount of funding they have for the project. Town Administrator Brought replied that they have around \$900K remaining. Councilman Chandler asked if they would they have a drawing of what the structure would look like. Engineering Consultant Gulbranson replied, "Yes, they would have a full architectural and engineering drawing of the building and then they would be ready to hire a contractor to start building." Councilman Chandler replied, "And you think we will be shocked at the cost of the building?" Mr. Gulbranson stated that he believes so and shared that the Town of Selbyville just built a new Public Works Building, which is a pole building, and it costs about \$750K and its only open space for storage.

Councilman Chandler made a motion to move forward with Davis, Bowen and Friedel and request for them to give an estimate for the design work only including items A-G on their proposal. Councilman Truitt seconded the motion. All were in favor.

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

No public comment was made.

#### **VIII. ADJOURNMENT**

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

Meeting adjourned at 6:53 p.m.

Respectfully Submitted,  
Wendy Rayne, Finance Clerk