

*Minutes*  
**DAGSBORO TOWN COUNCIL**  
**Bethel Center**  
**Monday, April 22, 2024**

**I. CALL MEETING TO ORDER**

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

In attendance were: Mayor William Chandler, Vice-Mayor Norwood Truitt, Councilman Jason Russell, Councilwoman Carol Thompson, Town Administrator Cynthia Brought, Chief Steven Flood, and Town Solicitor Greg Morris and Engineering Consultant Kyle Gulbranson. See sign in sheet for others in attendance.

**II. PRESENTATION BY CHIEF FLOOD TO CORPORAL WECHTENHISER**

Chief Flood stated that the department wanted to recognize Cpl. Justin Wechtenhiser for all his hard work this past year. He added that Cpl. Wechtenhiser previously worked at Bridgeville Police Dept. for 10 years and saw Dagsboro's vision and wanted to make a change.

He also stated that Cpl. Wechtenshier is their K-9 handler, which includes no extra pay and works part-time as their Homeland Security Investigator which includes a lot of paperwork and no extra pay. He added that this past year, Cpl. Wechtenhiser seized over \$520K of suspected illegal currency which could be tied to cigarettes, alcohol, money laundering, human trafficking, and terrorism. He also added that along with K-9 Buzz, they assisted Ocean View Police Dept. with a complaint they had which resulted in seizing over \$9K worth of stolen property. Together they have also seized heroin, 110 lbs. of marijuana, cocaine, and meth.

Chief Flood stated that he wanted to present Cpl. Justin Wechtenhiser with a plaque for Officer of the Year for 2023.

**III. PUBLIC COMMENT**

No public comment was made.

**IV. PUBLIC HEARING**

**AN ORDINANCE TO AMEND CHAPTER 270 TO THE MUNICIPAL CODE OF THE TOWN OF DAGSBORO FOR THE ADOPTION OF ADDING PART 4 WATER SYSTEM RESPONSIBILITIES CROSS-CONNECTIONS AND BACKFLOW PREVENTION, ARTICLE VIII, 270-20, ADOPTION OF RULES, ARTICLES 270-21, SURVEYS OF PROPERTIES.**

No public comment was made. Public Hearing was closed.

**V. APPROVAL OF MINUTES**

**Approval Town Council Meeting Minutes March 28, 2024**

Councilman Russell made a motion to approve Town Council Meeting Minutes as presented. Councilwoman Thompson seconded the motion. All were in favor.

**VI. CONSENT AGENDA**

**a. Police Department Report**

Chief Flood stated that the stats are included in the packets. He added that Cpl. Cullen is still doing well at home and recovering. He added that his projected date to return to work is August.

Mayor Chandler stated that they are short of one officer but are still making it work. Chief Flood stated that they are doing the best that they can. He added that he will be going on medical leave in June for knee surgery and will be out of work for about 6 weeks.

- 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 Chandler stated that they should decide on a definite date to meet to discuss the Comprehensive Plan. He also stated to Councilman Russell that the other Council members would be available on May 9<sup>th</sup> and since he isn't, they can either look for a new date to meet or they can move forward and give him a briefing before and after the meeting. Councilman Russell stated that they could move forward with meeting on May 9<sup>th</sup> since everyone else is available. He added that he has started looking over the Comprehensive Plan and will give his comments to Town Administrator Brought before the meeting takes place.

Mayor Chandler stated that the Administrative Report stated that the water tower will be repainted and would be down for 6 weeks. Town Administrator Brought stated that Artesian is having trouble with their wells and wants them up and running 100% before the painting begins. She added that it wouldn't be a problem to get water to the Town but if there was a major emergency, such as a fire, they want to make sure they are running 100%. She also stated that Artesian and Southern Corrosion have been in contact with each other, and it sounds like it will be mid-May or later when the painting begins.

Mayor Chandler asked for confirmation that the water tower would be drained completely, and they would paint the inside of the tank. Town Administrator Brought replied, "Inside and outside of the tank." Councilwoman Thompson asked, "Has this ever been done before?" Engineering Consultant Gulbranson replied that it has been painted at least once since the tank was installed."

Town Administrator Brought stated that Brian Baull would be attending the Council meeting in May and has a plaque ordered to present to him.

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

**VII. NEW BUSINESS**

**a. Discussion and Possible Vote on an Ordinance to Amend Chapter 270, Adding Part 4 Water System Responsibilities Cross-Connections and Backflow Prevention, Article VIII, 270-20, Adoption of Rules, Article 270-21, Surveys of Properties**

Mayor Chandler stated that he feels there will be more to come with this issue. He added that there was an article in the Wall Street Journal about how the Environmental Protection Agency has met with all the Governors and asked them to present how they plan to deal with major cyber security risks facing water and wastewater systems across the US, by June 28<sup>th</sup>. Legislation was introduced into Congress the previous week that would create a governing body that would develop Cyber Security mandates for all public water systems and the EPA would oversee enforcing those mandates.

Councilwoman Thompson made a motion to approve the Ordinance to Amend Chapter 270 to the Municipal Code of the Town of Dagsboro for the Adoption of Adding Part 4 Water System Responsibilities Cross-Connections and Backflow Prevention, Article VIII, 270-20, Adoption of Rules, Article 270-21, Surveys of Properties. Councilman Russell seconded the motion. All were in favor. Vote was 4-0.

**b. Fernmoor-Woodlands of Pepper's Creek Deed of Dedication**

Mayor Chandler stated that they received documents from Fernmoor's General Counsel earlier and that Fernmoor wasn't present due to the religious holiday.

Vice-Mayor Truitt stated that after reviewing the Warranty Agreement, it only refers to Phase I and II and in the original Public Works Agreement, there is supposed to be Phase III also. He added that there is no mention of Phase III in the document that they just received. Mayor Chandler asked Town Solicitor Morris if this was an oversight. Town Solicitor Morris stated that he assumed that was an oversight on Fernmoor's part. He also stated that the documents were all unsigned when they were submitted and recommended that the Town not sign off on the documents executed by them.

Town Solicitor Morris stated that he understands that Fernmoor couldn't be present due to the religious holiday but felt someone should be present to answer questions.

Councilwoman Thompson asked for an explanation on why there is only a one-year warranty on Phase I and two-years warranty on the other Phases. Engineering Consultant Gulbranson stated that Phase I was the first Public Works Agreement that Dagsboro had ever made and as they went along, they realized the need to increase it.

Mayor Chandler stated that they would need to defer this and ask Fernmoor to come to the next Council meeting. He also requested that Town Solicitor Morris reach out to the General Counsel about the oversight into including Phase III in the Warranty Agreement and request that a representative from Fernmoor be present at the next meeting.

**c. Appointment to Vacancy on Town Council and PG Cemetery Rep from Town Council**

Mayor Chandler stated the vacancy on Town Council is something that the Council needs to collectively think about and since there is no urgency that it should be deferred until months Council meeting.

He also stated that they would need to appoint a PG Cemetery Rep from the Council and that this person would be responsible for attending the PG Cemetery meetings twice a year. Councilwoman Thompson asked when the meetings were normally held. Town Administrator Brought replied, "Usually on a weekend."

Councilwoman Thompson volunteered to accept the position as PG Cemetery Rep.

**d. Board of Adjustment Application – Review – Appointment**

Mayor Chandler stated that there was one applicant for the Board of Adjustment position. Town Administrator Brought added that currently there is one vacant position and in June there would be another vacant position. Mayor Chandler also stated that Sherine High applied for the vacant position.

Vice-Mayor Truitt made a motion to appoint Sherine High to the Board of Adjustment for the Town of Dagsboro. Councilman Russell seconded the motion. All were in favor. Vote was 4-0.

**e. Grass Cutting Bid 2024**

Mayor Chandler stated that they received one bid for the grass cutting and it was from the same company that handled the grass cutting last year. Vice-Mayor Truitt asked how the bid compared to last year's bid. Town Administrator Brought stated that the bid was less than last years bid.

Councilwoman Thompson made a motion to approve the grass cutting bid from Gray's Creative Touch for 2024. Vice-Mayor Truitt seconded the motion. All were in favor. Vote was 4-0.

## **VIII. OLD BUSINESS**

### **a. Wisner Property**

Mayor Chandler stated that Attorney Robbie Robinson is working on the title search on the Wisner Property and expects it to be completed in May. He added that everything has been approved, and the Town has a copy of the keys to the building so they can see what work needs to be done.

### **b. Town Clock Quote/Repair Discussion**

Mayor Chandler stated that they received a proposal to repair the clock, which is expensive. Town Administrator Brought stated that the quote to repair the clock is \$10,200.00 but the clock is no longer functioning and needs to be completely redone inside. She added that fundraisers would need to be held or possibly a grant because the Town does not have the extra income to pay for the repairs.

Mayor Chandler stated that another thought would be to collect donations from Town residents who would like to contribute to the repair of the clock. Councilman Russell asked, "What would it cost to buy a brand-new clock?" Town Administrator Brought replied that it would be a lot more than the estimate to repair it.

Councilwoman Thompson stated that she would offer to help with any fundraising or grant writing to help with the cost. Town Administrator Brought replied that they would need volunteers because the Town Hall is very busy now and can't strictly concentrate on the fundraising efforts. She added it would be nice to have volunteers to help research what can be done. Councilwoman Thompson added that she could get some people to help fundraise also.

Engineering Consultant Gulbranson asked, "Wasn't the clock part of a Park Project that the Town received from a DNREC Grant?" Town Administrator Brought stated that the clock was gifted to the Town by Margaret Morris before she passed away.

## **IX. PUBLIC COMMENT**

Mayor Chandler stated that he wanted to inform the Council that he was contacted by Calvin/Linda Ward, who live on Ward Lane. He added that he visited with them today and apparently when their home was built and connected to the Frankford/Dagsboro sewer system, they had to have a pumping station put in behind their house because their house is located so far back, which essentially pumps to the sewer line. Recently, the Ward's have noticed a smell and realized that the pump and the backup pump that were installed, had failed. The person who installed the pumps stated that the pumps should last forever. Engineering Consultant Gulbranson asked, "Who installed the pumps, the County or the homeowner?" Mayor Chandler replied that it was the homeowner.

Mayor Chandler stated that it was determined that when the water line was installed, the water company drove the pipes underground without digging the ground up and when they did that, they drove them right through the sewer lines. He shared pictures of the water lines piercing the sewer line and apparently this worked for years but eventually tree roots grew heavily into the open sewer line and the water could not be pumped and the pumps burnt up.

He added that the homeowner had to replace both pumps and the whole interline of the sewer line, which costs about \$2700.00. Engineering Consultant Gulbranson stated that there is supposed to be 10 feet of separation between the two lines. Mayor Chandler wanted to make everyone aware of the situation because he isn't sure if the water line installer was insured or what the statute of limitations is on this but feels they need to research to see who is responsible for this issue. He added that he doesn't feel it's fair for the homeowner to be responsible.

Vice-Mayor Truitt asked if the defect happened years ago but wasn't discovered until recently? Councilman Russell stated that since it's the County's sewer line, they should be informed. Town Administrator Brought replied, "Yes because that is a problem also." She added that whoever installed the water system should be contacted. Engineering Consultant Gulbranson stated that they have information on the contractor that installed the water system. Mayor Chandler asked Mr. Gulbranson to locate that information for them.

Town Solicitor Morris stated that if they want the County involved, he was with the new County Engineer this past week and can contact him. Engineering Consultant Gulbranson stated that it sounds like the County isn't aware of the issue. Town Administrator Brought added that the County needs to be notified about this.

Chris Allen, from the Sussex County Association of Realtors, stated that they sent out an invitation for their breakfast and wanted to remind the Council. She added that all the Legislators would be in attendance and would love to see everyone in attendance.

Chris Allen also stated that if presented to the Sussex County Council, there may be help available to help offset the cost of repairing the Town Clock. She added that the Sussex County Association of Realtors also has grants available that she would check on and could also help with the cost.

Lynda Hitchcock, of 29205 Shady Creek Lane, stated that during the Ethics Presentation with the State of Delaware, they stated that no Council member should participate in any matters that they have a conflict-of-interest in. She added that there is a Council member that has a conflict of interest because she lives in the neighborhood and asks that she not participate in any discussions or voting because it is a violation with the Ethics Committee.

Lynda Hitchcock asked, "Does the Prince George's Chapel Representative need to be a Town Council member?" Mayor Chandler replied, "Yes, the Town Council is required to have a Representative." Town Administrator Brought added that they are always open to having new members join.

Sherine High, of 29182 Shady Creek Lane, stated that she is looking forward to receiving information on the BOA position that she just signed up for. She also stated that the previous WOPC Council signed off on releasing the builder in 2022 and since then, they have been paying the electric bills which has caused a hardship to the small budget that they have. She asked for clarification on the punch list and whether it had been completed and exactly what the contract issues are. Engineering Consultant Gulbranson stated that he wasn't aware of any contract issues, but the punch list has been completed. Sherine High added that she referred to a contract issue, but it was an issue with the Warranty Agreement. Mayor Chandler stated that the issue is under the Public Works Agreement. The documents that Fernmoor provided to them failed to reference Phase III under the Warranty Agreement and they will need to correct that.

#### **X. ADJOURNMENT**

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

Meeting adjourned at 6:40 p.m.

Respectfully Submitted,  
Wendy Rayne, Finance Clerk