

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, July 15, 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, Councilman CJ Shortridge, Councilwoman Carol Thompson, Town Administrator Cynthia Brought, Chief Nicholas Disciullo, and Town Solicitor Greg Morris. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

No public comment was made.

III. APPROVAL OF MINUTES

Approval Town Council Meeting Minutes June 24, 2024

Approval Town Council Executive Session June 24, 2024

Councilwoman Thompson made a motion to approve Town Council Meeting Minutes and the Town Council Executive Session Minutes as presented. Vice-Mayor Truitt seconded the motion. All were in favor.

IV. CONSENT AGENDA

a. Police Department Report

Chief Disciullo stated that for the month of June, the Department handled 271 traffic arrests, 8 collisions, 69 complaints, 5 DUI's (alcohol & drug), 1 drug arrest, 2 stolen vehicle recoveries, 1 felony vehicle pursuit and 1 out of state fugitive.

Councilwoman Thompson asked for confirmation on what is done when they handle business safety checks. Chief Disciullo stated that they complete a patrol check and drive around the area and make sure doors aren't broken, etc.

Chief Disciullo stated that they completed a study on Vines Creek Rd. (just East of Armory Rd when coming into Town) from the speed device that they attached to a pole. He added that in 5 days, it measured 75K vehicles and it determined that the area has a low enforcement rating, but they have continued patrolling the area because of a complaint they received.

Mayor Chandler asked if this is a device that can be moved around in the Town. Chief Disciullo replied, "Yes."

Chief Disciullo stated that they took their shotguns to RangeTime, and they will convert them over to less lethal weapons. He plans on obtaining a grant to cover the small cost. He added that they plan to have 4 of their Officers certified on less lethal weapons with bean bags. He also stated that one of their Officer's has been signed up to take a firearms instructor course in September and he will be able to certify everyone else in the Department except for himself. Mayor Chandler asked for confirmation that Cpl. Cullen would be the instructor. Chief Disciullo replied, "Yes."

Councilman Shortridge asked, "Are the shotguns convertible from lethal to less lethal?" Chief Disciullo stated that they will remove the stock/handle and turn it orange, but the internal components of the shotgun do not change and can be converted back if needed. He added that there are rubber balls that can be used but the consensus has been that bean bags are more effective. Councilman Shortridge asked for confirmation that it would still fire a regular shotgun shell. Chief Disciullo replied, "Yes."

- 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 there were no other updates with the trees at Katie Helm Park. She added that she would reach out to Davis, Bowen and Friedel to get an update on the construction plans for the new police building. Mayor Chandler asked, "Why would it take 6 months to get to the bidding stage?" Town Administrator Brought stated that they were waiting for the Town to finalize the recently purchased property, but she would reach out to them for a meeting. Mayor Chandler asked if they had initiated having all three parcels combined into one parcel. Town Administrator Brought stated that she would discuss that at the meeting with DBF and get an estimate of the cost for combining the parcels.

Mayor Chandler asked if there was an update on the Bond Bill. Town Administrator Brought stated that there were no other additional updates on the Bond Bill. She added that they did get confirmation on the Street Aid amount, which increased almost \$1K for this year. They will receive \$22,150.90 this year, which will be used for streetlights until the funds are gone.

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

V. NEW BUSINESS

a. 120 Water Lead Copper Regulations Representative

Samantha Biltcliffe, with 120 Water, presented a packet to go over the Lead and Copper Rule revisions and what they can do to help the Town. She stated that in 2021 the EPA implemented revisions to the Lead and Copper Rule which added new regulations for all drinking water utilities. One of the largest regulations implemented was the requirement to develop a location-based service line inventory, which is due by October 16, 2024 and that will set up what the rest of the revisions will look like for each individual utility. Under Inventory, they are looking for a fully mapped out version of the system with every single service line that the water utility serves. It identifies and ties each utility to a physical address and the material classification of that line for the public or utility homeowner. She added that there is an EPA required template/Delaware State Template that needs to be formatted and then submitted through the 120 Water portal to the EPA.

Samantha Biltcliffe stated that there are other changes that come after the inventory has been submitted, depending on what has been uncovered with the inventory. She added that if they detect lead, then those lines would need to be replaced. She also stated that if unknown service line materials, lead lines, or galvanized lines are detected, those residents being served by those lines would need to be notified by mail. Ms. Biltcliffe also stated that looking into 2025-2027, water sampling will be required in schools and daycares and there will be updates made to residential sampling. There will be changes over the next 3 years, but it depends on what is found during the inventory.

She also stated that the inventory must be completed by October 16th and 120 Water would need the Town's billing data with service addresses. 120 Water's platform is LCR compliant, so it has been built for LCR and inventory submission. The data would be formatted into the Delaware EPA reporting format and then they would source publicly available tax parcel/data assessor data for construction dates to identify when homes were built and when the lines were installed. In Delaware, lines installed after 1988, can be assumed non-lead. Ms. Biltcliffe added that they would come back to the Town with any questions they have about homes that were potentially built prior to 1988. These need to be verified and if there are still any unknown sources, they would make sure the Town is ready to send out notification letters that the line is unknown and figure out how to verify the lines.

Vice-Mayor Truitt asked, "Do you mean the lines from the Town system to the house or the lines inside the house?" Samantha Biltcliffe stated that typically from the main line to the meter and then the meter to the house, but they would not need to go inside the home. EPA/State of Delaware does not care where on the private side of the line they look so if they can rule it out with records, that would be all they need to do. If not, they can look between the meter and the house, or the homeowner can look inside their basement and verify it if they have access to the line coming into the home. Councilman Shortridge asked for confirmation that all that needs to be done to verify it, is to look at the inlet valve to the house. Ms. Biltcliffe replied, "Yes, anywhere on that private side." Vice-Mayor Truitt stated that their system is fairly new. Ms. Biltcliffe stated that she doesn't expect the Town to have lead issues

because this is a significantly newer system and if there is an issue, it would most likely be on the private side that was connected to a well years ago but not on the Town side.

Mayor Chandler asked, "What do we have to do to meet the October 16th deadline and what happens if the deadline is not met?" Samantha Biltcliffe stated that every address in the Town's system needs to be listed and have a material classification answer for both sides of the system. She added that listing the address as unknown is fine but then a letter must be sent to the resident by October 16th. Mayor Chandler stated that then the Town would be compliant and asked what happens if the deadline is not met. Ms. Biltcliffe stated that the State hasn't formally issued any fine amounts at this time but to speculate, she would assume some type of fines and water sampling requirements would need to be in place for any addresses not classified. Vice-Mayor Truitt asked if they would accept records of previous sampling that had been completed. Ms. Biltcliffe stated that sampling isn't valid for material classification with the EPA.

Mayor Chandler asked for confirmation of these regulations being federally or state funded mandate. Samantha Biltcliffe stated that there is grant funding available but there doesn't seem to be an easy process to obtain funding in Delaware. Mayor Chandler asked for confirmation that the attached pricing was correct. Ms. Biltcliffe stated that they have it broken down into three sections and have it set up into a 3-year agreement. This contract would include submitting the inventory by October, sending out letters, and regulations that will come out in 2025-2027 and any sampling. Mayor Chandler asked for confirmation that the price of \$10,080.00 is the annual price. Ms. Biltcliffe replied, "Yes, it is annual but three-year contract is not required."

Councilwoman Thompson asked for confirmation that they would start with residential and then the following year, work on schools and daycares. Samantha Biltcliffe asked, "Do you mean, for sampling?" Councilwoman Thompson replied, "Yes." Ms. Biltcliffe stated that it would depend on the LCRI and if they make any changes to the requirements, but they are considering making it a requirement to include schools and daycares. She added that as of right now, the only requirement is to have the inventory completed by October and send out the letters for unknown sources. She added that the sampling would be the same as it's been and by 2027 schools and daycares would need to be sampled.

Councilman Russell asked if 120 Water was the only company providing this service because they are working with HydroCorp for the Cross Connection. Samantha Biltcliffe stated that 120 Water is the only company that is contracted with the State to use the submission portal. She added that even if the Town decided to complete the inventory on their own, they would still have to submit it through the 120 Water platform. She also stated that there are large engineering firms that provide large projects like this but at a higher cost.

Councilman Shortridge asked if 120 Water was providing services to other municipalities/towns in the area? Samantha Biltcliffe stated that they are working with Rehoboth Beach/Lewes and 14-15 other utilities in the State of DE and are partnered with Delaware Rural Water.

Mayor Chandler stated that they would need time to read through the materials and come to a decision since they had just heard the presentation that evening. Samantha Biltcliffe stated that she understands that it is a lot of information, and they need time to understand it all but to keep in mind that the deadline is Oct. 16th. Councilman Shortridge asked how long it would take to complete the inventory. Ms. Biltcliffe stated that it depends on how quickly they receive the Town's billing information but can complete the records review within 2 months.

Councilman Russell asked for confirmation that this requirement went into effect in 2021, and they are just hearing about it. Samanta Biltcliffe stated that the EPA was finalized in 2021 and said that the states can choose what they want to enforce. The states weren't sure if they wanted to follow the same regulations as the EPA or make their own changes. She added that the states were slow to roll out their specific regulations, but she has been presenting at Delaware Rural Water for the past 3 years on these regulations.

**b. Review and Discuss Proposed Draft of Ordinance Adopting
Penalties For Serving Alcoholic Beverages After Hours**

Town Solicitor Morris stated that there have been issues within the Town recently that were brought up by Chief Disciullo. He added that it was brought up by the Council that the Town needed to start enforcing the Ordinance when violated. He also stated that he drafted an Ordinance as to when restaurants in the Highway Commercial District can serve alcohol and penalties if violated.

Town Solicitor Morris stated that this is a draft only and any Ordinance in the zoning would have to go through a Public Hearing. He added that this may help some of the problems/concerns that have developed in the Town.

Vice-Mayor Truitt asked, "Does this draft apply to all zoning in the Town?" Mr. Morris stated that this one would only apply to Highway Commercial zoning. Councilman Russell asked for confirmation that Town Center already has an Ordinance. Mayor Chandler stated that the Town Center has an Ordinance. Mr. Morris added but it isn't the same and if the Council decides to change it, they should make them both the same. Mayor Chandler stated that then the Ordinance would apply to both Town Center and Highway Commercial with the penalties listed.

Mayor Chandler stated that this is a draft and would have to be placed on the agenda for a Public Hearing in September.

David Elliott, of 32448 Royal Blvd, asked what penalties were being proposed in the draft Ordinance. Mayor Chandler stated that if an establishment was found to be in violation and served alcohol after the designated time, the first offense would be \$250, the second offense would be \$500.00, the third offense would be \$1000.00 and the fourth offense would be \$1000.00 and suspension of their business license. He added that they looked at what other Towns use in terms of penalties and tried to increase the fines gradually.

Town Solicitor Morris stated that if an establishment is violating alcohol laws, they are going to have to consequences with the Alcoholic Beverage Board in addition to the Town. He added that in his conversation with the Chairman of the Board, if Town Codes are being violated, that is a problem, and they would have to answer to the ABCC. In addition to dealing with the Ordinance, the ABCC would become aware of the violations and then they would have to deal with both issues.

Councilman Shortridge asked if the Town would report the violation to the ABCC? Mr. Morris stated that if the Town believes there is a problem, he will assume that they would report it. Town Solicitor Morris stated that it was suggested to him by John Yomans, of D.A.T.E., that the Town may also want to consider a Nuisance Ordinance because the State has a Nuisance Order and can step in and shut a business down. Mayor Chander added that the Town could potentially notify ABCC but if the Police are involved, the Police Agencies would most likely report it. Mr. Morris added that when he reached out to his contact at the ABCC, they were already aware of some issues that were happening in Dagsboro.

David Elliott, of Delmarva Billiards Sports Bar, stated that he had a nice conversation with Chief Disciullo about the regulations and stated that based on the regulation packet that he was given, the entities were broken down as restaurants, eateries and bars. He added that his establishment is considered a bar and has a tavern license and asked if he would still be considered a restaurant. Mayor Chandler stated that he felt since he didn't have a restaurant, that he would not fall under the proposed Ordinance with the times listed but the fines would still apply. Jennifer Clapper, of Delmarva Billiards Sport Bar, stated that their biggest concern is the hours because they run a lot of events with their pool tournaments and have never had to call the Dagsboro Police for any incidents. She added that they have events where they open at 9 A.M. for pool tournaments and the pool players want to start drinking at 10 A.M. before they start playing and the tournaments can run late also. Mayor Chandler stated that as a taproom/bar establishment, that the Restaurant Ordinance wouldn't apply to them.

Ricardo Jiminez, Manager of La Dama Mexican Restaurant & Bar, stated that they have been open for about a year and spent a lot of time and money getting the restaurant opened. Bianey Cordoba, Owner of La Dama Mexican Restaurant & Bar, stated that she wanted to bring something different to the Town and bring in new customers because she grew up there. She added that her customers love the food and atmosphere at La Dama and enjoy staying later in the evening. She also stated that they have special events to help offset the high cost of rent they pay and to build a clientele that is more than one ethnicity. Ms. Cordoba added that they have artists come to entertain from Mexico City and Philadelphia, local bands, Mariachi Dinners, and Bingo/Karaoke Nights. She added that her restaurant is growing and when they have special events, she hires 4-5 security guards at the door to help make it safer but sometimes incidents are out of their control.

Bianey Cordoba stated that if the Ordinance restricts serving alcohol after 11 P.M. they would probably have to close the restaurant. Ricardo Jiminez added that they have put so much money into the restaurant and restricting them to serving no alcohol after 11 P.M. would hurt their business because customers like to start and enjoy drinks later and asked for the Town to consider their comments. Ms.

Cordoba stated that they would follow the Town's requests because she wants to have a nice place for customers to come and enjoy.

Councilman Shortridge asked, "What times would you like to see on the regulations?" Bianey Cordoba stated that her liquor license allows them to serve until 1:00 A.M. with 12:45 P.M. as last call. She added that if they must close by 1 A.M., she has no problem with that. She also stated that customers are not going to come to an event at 11:00 P.M. if they must stop serving alcohol at that time. Ricardo Jiminez stated that he respects the Town's rules/policies but this would not work for them, and the restaurant would have to close, causing their employees to lose their jobs. David Elliott stated that he would concur with the same hours per the liquor board with last call being 12:45 A.M. and closing at 1:00 A.M. Councilman Shortridge asked if those were the times that the Liquor Board allows. David Elliott replied, "Yes." Mayor Chandler asked for confirmation that the Liquor Board allows alcohol to be served between 10 A.M. to 1 A.M. Town Solicitor Morris stated that it has been changed to 9 A.M. Mayor Chandler stated, "Towns can be more restrictive than the Liquor Board."

Mayor Chandler stated that the Council would take their comments into consideration and that they would be reviewing the Ordinance at a Public Hearing at their September meeting and welcomed them to attend.

Ricardo Jiminez asked for confirmation that the policy is not in effect currently. Mayor Chandler replied, "Correct, it will be a future agenda item."

Bianey Cordoba stated that they are planning to start serving breakfast in October and are trying to bring more into the restaurant.

c. Discussion/Vote on Contract Chief of Police Nicholas Disciullo

Vice-Mayor Truitt asked if the contract will be for 5 years. Mayor Chandler replied, "Two years." Commissioner Shortridge asked if Chief Disciullo's salary is based on working a certain number of hours. Mayor Chandler stated that he would receive the salary for the Chief of Police for the Town of Dagsboro. Councilman Shortridge asked for confirmation that if he works over 40 hours that he does not receive compensatory time and if he works overtime, he is not paid extra. Mayor Chandler replied, "That is correct, and I think he understand that." He added that it is no different than the previous Chief of Police.

Councilwoman Thompson made a motion to approve the Contract for Chief of Police Nicholas Disciullo as presented. Vice-Mayor Truitt seconded the motion. All were in favor.

d. Discussion Town Council & Planning & Zoning August Break

Mayor Chandler stated that it has been a tradition that the Town Council and P & Z to not meet in the month of August because of vacations/traveling.

Town Administrator Brought stated that if an emergency would come up, then they would have a special meeting.

Councilman Shortridge asked if cancelling the meeting for August would interfere with the 120 Water proposal. Town Administrator Brought replied that they would be fine. Mayor Chandler agreed.

Councilman Russell made a motion to approve an August break for Town Council and P & Z meetings. Vice-Mayor Truitt seconded the motion. All were in favor.

VI. OLD BUSINESS

a. Comprehensive Plan Update

Town Administrator Brought stated that they need to make a brochure, but the survey is just about complete. She added that she would contact the Chamber of Commerce to have the fillable form completed. Mayor Chandler asked for confirmation that they would mail the survey out with the water bills at the end of July. Town Administrator Brought replied, "Yes, they hope to have them mailed out with the waters bill and then talk to Town businesses to see if they would allow them to have the survey available at the businesses also." Mayor Chandler added that there would also be a survey link on the Town's website and that they would like as much feedback as possible from residents.

Town Administrator Brought stated that they will have (2) \$50 gift cards available for anyone who sends their survey back in with their contact information listed for a chance to win them.

VII. PUBLIC COMMENT

No public comment was made.

VIII. ADJOURNMENT

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

Meeting adjourned at 6:44 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk