

Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, September 16, 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, Town Solicitor Greg Morris and Engineering Consultant Kyle Gulbranson. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

David Elliott, of Delmarva Billiards, stated that he was present on behalf of Delmarva Billiards regarding the proposed Ordinance change regarding the times allowed for alcohol sales in the Town of Dagsboro. He added that he has owned the thriving establishment for about 18 months and is concerned with the changes being proposed because it stated that bars/taverns would be included in this Ordinance and when he was at the Council meeting in July, he was under the impression that it would only affect restaurants. He stated that he felt like Delmarva Billiards would be most affected by the time change that was discussed at July's meeting (11am to 11pm) because they run various events, leagues and tournaments, which start in the morning through late evening.

Mr. Elliott stated that he believes the Town should isolate the problem in a different manner such as the penalty system that was mentioned last month, which he would support but changing the hours for them to be able to serve alcohol would hurt them financially. He stated, "One bad apple shouldn't hold every business back because they are a vendor of beverage service." He added that they should not be penalized because of another business and should only be penalized for their own actions. He stated that he does not support a time change to 11am-11pm for alcohol sales in the Town of Dagsboro. He also added that he worked hard to get a liquor license that cost him thousands of dollars and the State of Delaware allows him to serve alcohol from 9am to 1am. He asked, "Why can't I do that? I have had no police action since opening and do not anticipate any."

Jennifer Clapper, co-owner of Delmarva Billiards, was not able to be present but Mr. Elliott stated that she wrote a statement for him to read. He stated that Jennifer Clapper wrote: "Unfortunately, I am out of town for my full-time job, but I wanted my voice to be heard as one of the owners of Delmarva Billiards. I started shooting pool on a league 20 years ago and immediately loved it. Not long after that, it became a dream of mine to own my own pool hall. My reasoning for this was not to become a millionaire, because a pool hall does not make a ton of money, but I wanted this for the love of the game and to have a fun atmosphere that was also safe for friends and that customers could enjoy. I

wanted to share my love for the game to others and for the pool community to have the opportunity to join multiple leagues, have fun and grow as a pool player. Since David and I have owned Delmarva Billiards, we have seen many new faces join the pool community and enjoy the bar/food and it truly feels like a family on league nights. Many repeat customers attend our weekly tournaments and other events. We bought the business in February 2023 and have not once needed police assistance. The possibility of hour changes could overall hurt small businesses in the Town of Dagsboro. We have events at least once a month, where our doors open at 9am and I enjoy a drink just like many others, no matter what time of the day it is and it does not make us bad people. The change in time could cause our business to lose the chance of hosting bigger events and in addition, having to stop serving on a Friday/Saturday night at 11pm, would discourage people from patronizing our bar when they could choose another location out of Dagsboro city limits, which could ultimately through time cause us to close our doors. This could be a huge loss to our community. I would suggest stopping by our establishment any night of the week and you would see a community of pool players, enjoying what they love, where we are all like family and you will not see people causing trouble. I feel as if our business is being punished because of one bad apple. If our establishment had any issues, I could assure you that David and I would address the issues. Before you vote on this change, please consider the small businesses that survive off the hours that we are allowed by the State. Please do not hold all businesses accountable for one bad apple.”

Mr. Elliott stated that he would support whatever decision the Council makes, but this decision could be detrimental to multiple businesses and hopes they can find a way to enforce a penalty system. He added that changing the hours would not be beneficial to any business in this town that serves alcohol.

Mayor Chandler stated that he wanted to remind everyone that public comments are limited to 3 minutes.

Katie French, a patron of Delmarva Billiards, stated that there has never been an incident there. She added that she has been to more than one of the establishments in Dagsboro where alcohol is sold and has only seen issues at one establishment. She stated that it is an isolated issue and doesn't feel that everyone should be penalized for the issue.

Ricardo Jiminez, General Manager of La Dama Mexican Restaurant & Bar, stated that they opened 1.5 years ago and if any changes are made to the times, it would have a crazy effect on their business.

Bianey Cordoba, owner of La Dama Mexican Restaurant & Bar, stated that the State Law in Delaware allows alcohol to be served until 1am but understands that the Town of Dagsboro would like to change it to 11pm. She stated, “I respectfully request that La Dama Mexican Restaurant & Bar be exempt from this Ordinance, should it be passed.” She added that she holds multiple special events with artists from Philadelphia/Mexico and these events have been paid for in advance and if the Ordinance is passed, it will impose an extreme hardship on the restaurant and possible closure of her business. Ms. Cordoba stated that she chose to open her business in the Town Dagsboro because she/her children were raised

there and loves the town and hopes to contribute to the town through her business. She asked the Town Council to please take into consideration, not changing the Ordinance to 11pm.

Ms. Cordoba stated that she owns two other smaller businesses which helped her open La Dama. She wanted to bring something different to Dagsboro with different cultures. She stated that they have made mistakes in the past, but they are cleaning things up and asks for consideration. Ricardo Jiminez stated that they are also a family business because they create space for children and the whole family.

Public comment was closed.

III. PUBLIC HEARING

A RESOLUTION TO CONSIDER AMENDING SECTION 275-16 (A)(4)(A)(10) ADDING TIMES TO RESTAURANTS, EATERIES AND BARS FOR SELLING ALCOHOLIC BEVERAGES AND PENALTIES FOR SERVING ALCOHOLIC BEVERAGES AFTER HOURS WITHIN THE COMMERCIAL DISTRICT.

AN ORDINANCE TO AMEND SECTION 275-16 (A)(4)(A)(10) OF THE MUNICIPAL CODE OF THE TOWN OF DAGSBORO FOR THE ADOPTION OF TIMES WHEN RESTAURANTS, EATERIES, AND BARS CAN SELL ALCOHOLIC BEVERAGES AND PENALTIES FOR SERVING ALCOHOLIC BEVERAGES AFTER HOURS WITHIN THE COMMERCIAL DISTRICT.

Bill Riley, of Salisbury Md., stated that he is opposed to the Ordinance because he attends Delmarva Billiards and there has never been any trouble there. He added that everyone should not be punished because of one bad apple, and it would hurt the business to have the hours changed to serve alcohol.

Mayor Chandler stated that the Council is considering the Amendment that evening to the Commercial District, not the Highway Commercial District. The Highway Commercial District Ordinance will be considered at October's Town Council Meeting. He added that both businesses that have spoken against this Ordinance are not in the Commercial District and at the October 21, 2024 meeting there will be a vote on the Highway Commercial District.

Mayor Chandler asked Chief Disciullo and Cpl. Cullen to speak about the issue from the Public Safety standpoint that affect either or both establishments that are present that evening.

Chief Disciullo stated that they are here to serve the Town and can adapt to what decisions are made and added that there are never any issues at the establishments in question in the morning. He added that with the 1am closing time, they need to be in the area for another hour after closing time to make sure there are no issues. He added that the department would not have any issues with coverage up until midnight and felt that would be reasonable but does not want their staffing to affect how businesses operate.

Councilman Shortridge asked for confirmation that this all started with an incident at one of the establishments. Chief Disciullo replied, "Correct." Councilman Shortridge asked, "How many of those incidents have occurred in the past 18 months - 2 years at that location?" Chief Disciullo replied, "Less than 5." Councilman Russell asked if the incidents happen during the one hour after closure time or throughout the night. Chief Disciullo replied, "Throughout the night." He added that there have been issues that they deal with in the morning because they were reported late. Commissioner Russell asked if there have been issues after closing at 2:30-3:00am? Chief Disciullo replied, "Not recently because we have been having coverage at the establishment." Commissioner Russell asked, "And prior to that?" Chief Disciullo stated that prior to that, there were incidents. Mayor Chandler asked if they have coverage at the establishment currently during the early morning hours. Chief Disciullo replied, "Yes, while we can. The department has been stepping up and working overtime hours so there is coverage."

Mayor Chandler asked if the State Police were ever involved. Chief Disciullo stated that they are, and he has received calls from the State Police regarding the issues with the establishment. He added that he is working with the State Police, and they are aware of what is going on. Mayor Chandler asked if the establishment has their own security. Chief Disciullo stated that there is. Ricardo Jiminez stated that they always have security. Mayor Chandler stated that even with security there, they still need to have police coverage and why is that? Chief Disciullo stated that because one of the instances was not being handled by their security. Mayor Chandler stated to Ricardo Jiminez that he would have a chance to speak after the Council is finished their discussion, not while they are speaking.

Councilwoman Thompson asked why the incident had to be handled the next morning and not the night before? Chief Disciullo stated because the alleged victim didn't report it until the following morning.

Councilman Russell asked if the Liquor Board has completed any inspections at the establishment. Chief Disciullo stated that it is his understanding that they have, and they are on their radar. Councilman Russell asked if any violations have been issued from them. Chief Disciullo replied that when they went to the establishment, it was closed.

Mayor Chandler asked if the security guards are armed at the establishment. Chief Disciullo replied, "Yes, one of my Officers reported that they are." Mayor Chandler asked what they were armed with. Chief Disciullo replied, "Firearms." Mayor Chandler asked for confirmation that they were carrying pistols. Chief Disciullo replied, "That is correct." Mayor Chandler asked, "What does it tell us if we know that Fager's Island and Secrets in Ocean City have security guards, but they are not armed." Chief Disciullo stated that it tells us what type of crowds are anticipated to come to the establishment.

Councilwoman Thompson asked for confirmation if any other businesses besides the one in question, have had any issues at their establishment. Chief Disciullo replied, "That is correct." He added that the only issue that they have late at night are at gas stations, etc. but no other restaurants or bars. He added that they have had no issues at Delmarva Billiards.

Mayor Chandler stated that the State Police will occasionally have DUI Checkpoints around problem areas and asked if that had been discussed. Chief Disciullo stated that they have just restarted checkpoints this year, the first time in 4-5 years. Town Solicitor Morris added that it had been on hold since 2019 because of covid. Chief Disciullo stated that he worked at a DUI Checkpoint two weeks prior in Milford and the location of the Checkpoints are based on crash statistics and is monitored by the Office of Highway Safety.

Councilman Shortridge asked for confirmation that they are only voting on the Commercial District that evening and that does not include the two establishments in attendance. Mayor Chandler replied, "That is correct." Engineering Consultant Gulbranson stated that there are only 8 parcels in the commercial district and most of them are on Clayton Street just past Cea Dag and all those businesses are used as residences. In addition, there is the Verizon Station and a commercial business at Waples/Hudson St. He added that restaurants/bars are allowed in the commercial district but there are none currently.

Mayor Chandler stated that the hours for serving alcohol in Town Center are 10am-10pm. The hours are more restrictive but are only for Town Center. He added that he wanted to make clear the State's hours are set by the State, but they are not preclusive or exclusive and towns have the authority to set their own limits for alcohol. Councilman Shortridge added that towns can be more restrictive. Mayor Chandler stated that there are towns in Delaware that have adopted more restrictive times, and it is permissible to have times that are more restrictive than what the State allows.

Mayor Chandler stated that the Council could decide to vote on the Ordinance that evening for the Commercial District or choose to defer it until next month when they vote on the Highway Commercial District. If they vote now and choose to modify the hours listed for the commercial district, they will not have to go through the Public Hearing process again but could just amend the times to serve alcohol if they choose to. He also stated that another option would be to adopt two sets of rules for the highway commercial district where bars/wine bars/brew pubs could be governed by one set of times and restaurants could be governed by a different set of times that allows sale of alcohol.

Councilman Shortridge asked what the two establishments that were present were defined as. Mayor Chandler stated that Delmarva Billiards would be considered a brew pub/bar/wine bar, and La Dama is considered a restaurant.

Vice-Mayor Truitt stated that since there are no objections, they could vote on the Commercial District that evening. Mayor Chandler stated that they could and if it was challenged later, they could look at amending the hours.

Town Solicitor Morris stated that the purpose of having the Ordinances was to have them similar, so they are consistent and wanted everyone to understand that. Vice-Mayor Truitt stated that the Town Center district has different hours. Town Solicitor Morris stated that he agreed but Town Center can only include restaurants and no bars. Councilwoman Thompson stated that a restaurant in Town Center

could decide to serve alcohol. Mayor Chandler agreed that they could. Vice-Mayor Truitt added but within the time limits that are already stated.

Councilwoman Thompson made a motion to table the vote on the Ordinance to amend section 275-16(A)(4)(A)(10) of the Municipal Code of the Town of Dagsboro for the adoption of times when restaurants, eateries and bars can sell alcoholic beverages and penalties for serving alcoholic beverages after hours within the commercial district. Councilman Shortridge seconded the motion. All were in favor. Vote was 5-0.

Mayor Chandler stated that the Ordinance was tabled that evening and deferred until the October Council meeting.

Public Hearing was closed.

IV. APPROVAL OF MINUTES

Approval Town Council Meeting Minutes July 15, 2024

Councilman Russell made a motion to approve Town Council Meeting Minutes as presented. Vice-Mayor Truitt seconded the motion. All were in favor.

V. CONSENT AGENDA

a. Police Department Report

Chief Disciullo stated they were approved for a grant for Less Lethal Shotguns, which are bean bag shot guns and were able to have 4 shotguns converted. He added that 4 of their Officers would be training with Fenwick Island at the end of the month and would then be qualified on them. He added that with another grant, the Department was able to purchase new computers and a shredder.

Chief Disciullo stated that he is in the process of working with a couple of the beach agencies to join their existing Police Accountability Committees (PACS), which was required by law to be effective on August 1, 2024. As of now, they are non-compliant which is why he is trying to work with another department. He added that he will need to have two volunteers that live in Town limits who are willing to join the Board. They would need to attend quarterly meetings and complete 20 hours of training.

He also stated that they are in the process of completing requirements for a non-certified Officer and are hoping to have him attend Dover's Academy beginning October 20th. He added that all paperwork must be turned in by October 9th. Mayor Chandler asked for confirmation that this was not for the State Police Academy. Chief Disciullo stated that it was for the Delaware Municipal Academy. He added that they would need to have an Executive Session held before October 9th, so they have time to turn in the necessary paperwork.

Mayor Chandler stated that Chief Disciullo received special training to determine who is operating a vehicle under the influence of marijuana, etc. and asked how it went for him. Chief Disciullo stated that it went well and it's a great program where he learned a lot.

Mayor Chandler stated that Town residents would love to see the Department be more interactive in public. He added that he knows they are busy, but residents would love to see a hand wave or if they could roll their window down to say hi when they have time that residents would really appreciate it.

- 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 attached the survey results to her report but has not presented it to P&Z yet because she just received it. She added that they had great participation. Mayor Chandler agreed. Town Administrator Brought stated that they had at least 153 people entered their names in for the gift card drawing and would be drawing the winners soon.

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

VI. NEW BUSINESS

a. Discussion and Possible Vote on an Ordinance Amending Chapter 275-16 (A)(4)(A)(10)

The Ordinance was tabled and will be reopened at the October 21st meeting.

b. Lexipol (Accreditation), 2025 County Grant-Rank Promotions

Chief Disciullo stated that they have acquired Lexipol, which is a program to help manage their policies and would make the accreditation process much easier. He added that since Cpl. Cullen is still recovering from surgery, it gives him time to work on it also. Mayor Chandler asked if the contract would be renewed at the end of the year. Chief Disciullo stated that they were able to cover the cost for the first year with the County Grant and after that they would need to work it into the budget. He added that this is something that will need to be paid for each year for accreditation.

Chief Disciullo stated that they need to have competitive salaries so they can retain staff. He added that he would like to give Fall 2024 Promotions with a portion of the County Grant. He added that testing had been completed for the Sergeant position and someone would be moving to that rank and would like to

promote their Corporals into Senior Corporals and PFC into a higher rate of pay. These promotions come to \$6819.08 and would come out of the County Grant for this year. He added that he also budgeted July 2025 to have 3% raises which is what they have consecutively for the past 3 years.

Chief Disciullo stated that these raises would all be funded through the County Grant that would cover them until July 2026 and then would need to be budgeted in. He added that they must keep competitive wages to compete with other agencies.

Councilman Shortridge asked for confirmation that the 3% raise is a cost-of-living increase and this comes up each July. Chief Disciullo replied, "Yes, that is when the fiscal year begins." Councilman Shortridge asked if the wages presented are comparable to other agencies. Chief Disciullo stated that it depends because their revenue is different from other towns. He added that the 2025 salaries are within 5-10% of comparable agencies but salaries increase every year and for them to maintain competitiveness, they need to find ways to keep up.

Chief Disciullo stated that after using the County Grant to cover two rounds of salary increases plus taxes and Lexipol, they still have about \$10k left and would like to let the Town use it towards payroll and set some aside for a vehicle fund. He stated that he would like to have Lexipol, and salary increases moved into the 2025 budget when it is time.

Chief Disciullo stated that recently there was an incident at a neighboring agency with an Officer involved collision and there were issues with getting a chemical test done on the Officer according to their policy. He added that when you are in a collision, most policies require you to have the Officer drug tested. He stated that they do not have anything in place currently and would like to consider obtaining a contract with CNS Occupational Medicine, who would do callouts, and they would only need to pay when we need their services. Chief Disciullo stated that to sign a contract with them, they would need to provide a credit card number to be used only when we need their services and asked for permission to enter into the contract and provide the Town's credit card number.

Councilman Russell asked if they would come to the scene of the accident. Chief Disciullo stated that they would come to any location. Councilman Russell asked if there was a timeline as to when they would come out. Chief Disciullo replied, "They will come out anytime." Councilman Shortridge asked how quickly they would arrive when needed. Chief Disciullo stated that would arrive within an hour.

All were in favor of Chief Disciullo entering into the contract and providing the Town's credit card information.

c. Bids for 33112 Main Street Building

Town Administrator Brought stated that the water pipe has been fixed by Elvin Schrock and the invoice total was \$1800. She added that the water pipe was crushed but they now have running water to the

building. She stated that Joe Quinn, Town Maintenance, has been doing the plumbing work in the office area and has been working on hooking up the sink/toilet so it is functioning.

Town Administrator Brought stated that she received electrical bids from Neighbor Electric and Brewington Electric and thought maybe they were going above and beyond what they really needed in the maintenance building regarding the estimates that were given. She anticipates the building to be used for storage and an office for Joe Quinn, Town Maintenance. In the larger section of the building, there are lot of wires chewed up by squirrels which needs to be replaced and felt that having lights installed around the walkway of the building where they would be storing bins, etc. would be sufficient instead of the high overhead lights that are there now. The panel box that is on a pole outside definitely needs to be replaced before it causes a fire. She added that when the new police building is started, the electric may end up underground, so she doesn't see the need in spending more than they need to right now. She asked Rayne Electric for an estimate on just making the building safe and replacing just what is needed at this time. She asked Neighbor Electric and Brewington Electric to resubmit bids with the specs that Rayne Electric provided and had not heard back from either of them.

Town Administrator Brought asked the Council if they want to make it work for now or put in all the extra work that is shown in the other 2 estimates. She added that instead of using the New Construction Account to pay for the repairs to the maintenance building, she spoke with PKS, and they are allowed to use the Public Service Impact Fees because it is for public safety/building improvements but wanted the Council's approval first. Mayor Chandler asked what the balance in that account was. Ms. Brought stated that currently the balance is \$126,330.00. The account keeps growing as building permits come in and the only other thing it is used for is ShoreScan monthly subscription fees and in the past has been used to help with police salaries. She added that it can be used for the cost of getting a new officer through the academy also.

Town Administrator Brought stated that when Hershey Exteriors completed their estimate, they used a drone to capture the photos and came up with their estimate that way instead of looking inside the building to see what it looked like. Their estimate would be to place a new roof over top of the one that is currently there. The Morse's have always been very good to the Town. They replaced the roof on Town Hall for free when it was leaking. She added that her hope was to go with Morse even though their estimate is slightly higher, she felt that the quality of work would be better.

Mayor Chandler stated that he agreed with Town Administrator Brought with just fixing what is needed at this time on the building. He added that when the current police building is torn down, everyone is going to need a place to work and would be helpful to have the building useable. Mayor Chandler stated that he would like to give authorization for the Public Service Impact Fee Account to be used for paying for the repairs. He added that he would choose to go with Rayne Electric's proposal because that scope of work is not as expensive and less involved than the other two proposals. He also stated that he would choose Morse Roofing to complete the roofing work because that scope of work is better than the work being proposed by Hershey Exteriors. He added that Morse is local and has been very good to the Town. Vice-Mayor Truitt added that Morse is discounting their proposal by 35%.

Councilman Russell made a motion to approve use of the Public Service Impact Fee Account to cover the cost of repairs to the maintenance building, accept Rayne Electric's proposal to complete the electrical work needed at the building and accept Morse Roofing's proposal to replace the roof on the building. Councilwoman Thompson seconded the motion. All were in favor.

d. Oak Tree Cemetery Ward Lane Evaluation & Park Trees

Town Administrator Brought stated that Local Tree Experts cleaned up the oak tree on Ward Lane when a large branch fell off the tree in the cemetery, but she realized there were still so many dead branches on the tree. She added that she asked Local Tree Experts to contact someone in the forestry division to assess the tree. She stated that the tree was assessed on August 23rd and during the assessment they noticed canopy diebacks, dead and dying branches and a cavity in the middle of the tree and it was recommended by the Delaware Forest Service to have the tree removed as there is potential risk. She added that she would need to get a quote from Local Tree Experts on removing the tree.

Mayor Chandler stated that they would need an estimate, and have it stated whether it is to remove the tree or to include stump removal. Town Administrator Brought stated that they remove stumps also.

Town Administrator Brought stated that last month they didn't decide whether to have Local Tree Experts take down trees in the Katie Helm Park that were safety hazards. The estimate was \$800 to remove dead trees at Katie Helm Park.

Councilman Russell made a motion to approve the estimate from Local Tree Experts to remove dead trees in Katie Helm Park. Councilman Shortridge seconded the motion. All were in favor.

VII. OLD BUSINESS

There was no old business.

VIII. PUBLIC COMMENT

No public comment was made.

IX. ADJOURNMENT

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

Meeting adjourned at 7:04 p.m.

Respectfully Submitted,
Wendy Rayne, Finance Clerk