

Meeting Minutes
DAGSBORO TOWN COUNCIL
Bethel Center
Monday, October 20, 2025

I. CALL MEETING TO ORDER

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

In attendance were Mayor William Chandler, Councilwoman Carol Thompson, Councilman CJ Shortridge, Councilman John Marvel, Town Administrator Cynthia Brought, Town Solicitor Greg Morris, Chief Nicholas Disciullo and Sr. Cpl. JP Cullen. Vice-Mayor Jason Russell was absent. See sign in sheet for others in attendance.

II. PUBLIC COMMENT

There was no public comment.

III. PUBLIC HEARING

An Ordinance Extending Not More Than 180 Days a Moratorium on Development Applications

Mayor Chandler confirmed with Town Administrator Brought that the notice was published in the papers. Ms. Brought stated that "yes, we did."

Mayor Chandler stated that this notice was published in the paper in accordance with our Ordinances with respect to a proposal to extend the existing moratorium which was adopted in April of 2025 and extends until the end of October 2025. The purpose of extending the existing moratorium is to enable us to accomplish the things we initially set out to do that unfortunately we haven't been able to achieve in the six months that we gave ourselves to do that. He stated that there were three objectives to achieve. First was to do an overall review of all the fees, permit structures, and license fees. Second, to review the Zoning Ordinances and to get those in order so that they are consistent with what we believe the people in the Town of Dagsboro told us that they wanted to see when they did the survey we did. The third objective was to give the town a little bit of time and opportunity to figure out if there were changes, for example to its governing Charter. The Charter Revision Committee was created to study the Charter and see if there were changes that needed to be made. We expect that the town's demographics would perhaps change fairly dramatically depending on the growth that we eventually endure.

Mayor Chandler stated that those were the three objectives that we laid out in April to achieve. We weren't able to achieve all of them. We did achieve some as we adopted some new licensing fees which are in place today. There are impact fees and building permit fees that we will be discussing tonight, which are important features of the changes that we were thinking we need to implement. Mayor Chandler stated that tonight we are just discussing the potential new impact fees and charges. He stated that they are not voting on anything just discussing and that it will be addressed in the future. Mayor Chandler stated that Town Solicitor Morris advised him that there are certain fees that require a 90-day period of advertising before they can be adopted. Mr. Morris stated "yes, that is correct, it would be the building permit fees." Mayor Chandler confirmed with Mr. Morris that the impact fees could be adopted based on a Resolution, but the building permit fees have to have a 90-day period and a Public Hearing. Mr. Morris stated that "yes, that is correct." Mayor Chandler asked Mr. Morris if he knew of any reason why that was different, would it be administrative burden that is imposed on one versus the other. Town Solicitor Morris stated that "it's because the Town Code specifically states that building permit fees have to be 90-day notice." Mayor Chandler stated that we would have to do that to adopt them legally and validly which is another reason that we cannot act on those tonight.

Mayor Chandler stated that those are the reasons he felt it was appropriate to extend the moratorium for 180 days, which isn't to say that it would be 180 days. He stated that we could complete these tasks in the next 30-90 days and if we do, we could then vote to lift the moratorium. He stated that there is nothing mandatory about it lasting 180 days, it's only if you needed that much time.

Town Solicitor Morris stated to Mayor Chandler that since it was a Public Hearing that the public should address the Council before the Town Council discusses it.

Town Solicitor Morris stated that no person came forward to speak either for or against, therefore the Public Hearing is closed.

Councilwoman Thompson stated that she would welcome the extension as the Chair of the Charter Revision Committee because they are not done with the Charter. She stated that they decided to start with the easy portion and now they are in the meat of it and therefore they need a little extra time.

Councilman Shortridge asked Mayor Chandler if when the moratorium comes out and a developer comes in and says that they want to build here for what reasons, could it be denied? Mayor Chandler stated that you can deny an application for a development if it doesn't comply or isn't consistent with what the Code requires for that development. Councilman Shortridge stated for example it doesn't meet Zoning. Mayor Chandler stated "yes, you could deny for that reason or if it has more density than the Code allows for that zoned area." Mayor Chandler stated that those are the legal reasons.

Mayor Chandler stated that there are social impact reasons which he thinks that you could argue that there are other considerations that the Town Council is entitled to take into consideration when they are deciding whether to approve a development or not. Those would include its impact given the way that it's designed and its impact on the infrastructure on the town, sewer, water, electricity, roads, health and safety. If there were design features that even though they complied with the Code with respect to entrances and exits on the property, and even if they were approved by DelDOT, he felt that if you had a good faith reasonable basis for concluding that the design is going to perhaps threaten the safety and welfare of residents of the town because of the way that its designed it could be denied. Mayor Chandler stated that those are a couple of for instances that he could give Councilman Shortridge. Councilman Shortridge stated that basically if it does not conform to the statutes, or the Town Council doesn't think, in their opinion, that it would conform to what the town really wants it could be denied. Mayor Chandler stated that as long as you could in good faith and reasonably connect the "in the best interest of the town" with something that affects the public's safety, health and welfare of the town then he thinks you could take that position.

Town Solicitor Morris stated that the reason Mayor Chandler stated that "there is an issue" is because there was a recent decision by Judge Karsnitz in Sussex County where he basically shut down the County's attempt for a couple reasons. He stated that there is a Delaware Supreme Court case that has been out there for a long time and Judge Karsnitz interpreted strictly that the County did not have that ability to impose another restriction that was not in the Code per say. Mr. Morris stated that he agreed with Mayor Chandler that he doesn't believe the Supreme Court decision is that clear. Sometimes decisions aren't clear and therefore it could lead to arguments either way. He felt that an argument could be made one way or another whether you can or you cannot and at some point, it may lead to litigation.

Councilwoman Thompson asked for clarification that the moratorium is only for new development, and it would not affect someone that wants to put a pole barn up on their property. Mayor Chandler stated "yes, that is correct." For instance, if someone wants to build a house on a lot, have a pole barn or garage built, or extend a deck on their property all of those things are permitted during the moratorium. Mayor Chandler stated that at the meeting in April 2025, when the moratorium was first adopted, someone asked specifically if the moratorium applied to his development. Mayor Chandler stated that he answered, yes, it doesn't apply to you because you already have been approved by P&Z and by Town Council, which means that he could move forward with that development therefore this moratorium would not affect the project and that he could start tomorrow. He stated that he went on to say, in language probably not as clear as it could have been, that Town Council was going to at some point adopt new impact fees, new building permit fees, and new license fees. This moratorium doesn't affect the fees until the Town Council adopts them. Therefore, when the project starts, he would be subject to the fees that exist at that time. Mayor Chandler stated that once the Town Council takes steps to enact new fees which would make it effective immediately then it would apply to everyone including already approved projects as well as future projects because we cannot have two sets of fees because it would be administratively problematic and may also be illegal. So, to be clear that when Town Council adopts new fees, they will

apply to everyone. Councilman Shortridge stated, "that would be as long as they had not paid the permit fee." Mayor Chandler stated "yes, that is correct, it would affect any new permit once the new fees are adopted by Town Council."

Councilwoman Thompson made a motion to extend the moratorium for not more than 180 days. Councilman Shortridge seconded the motion. The vote was 4-0 with Vice-Mayor Jason Russell absent.

IV. APPROVAL OF MINUTES

Approval Town Council Meeting Minutes September 8, 2025

Approval Executive Session Town Council Meeting Minutes September 8, 2025

Councilwoman Thompson stated that there is one correction under the Report/Progress Charter Committee. She stated that it should read in the last paragraph "that in red will be the changes that have been made so that you can see what has changed."

Councilman Marvel made a motion to approve all the minutes with the amendment. Councilwoman Thompson seconded the motion. The vote was 4-0 with Vice-Mayor Russell absent.

V. CONSENT AGENDA

a. Police Department Report

Chief Disciullo introduced Cpl. Valenti to the Town Council and stated that he had been with Dagsboro before but left for about three years. He stated that Cpl. Valenti is a Drug Recognition Expert as well as a Collision Re-constructionist and has obtained a lot of training while in the Dover Police Dept and he is happy to have him back on the force. Mayor Chandler stated to Cpl. Valenti, "we are pleased to have you back and you should never have left in the first place."

Chief Disciullo presented Cpl. Catherine Craft with an Accommodation Award with regard to a 911 call that she responded to on September 10th, 2025, for a dog attack in progress. He stated that she responded to the residence with very limited information, but the grandmother was on the phone with the 911 dispatcher and stated that the granddaughter, about 17 months old, was being attacked by the family dog. He stated that when Cpl. Craft entered the residence the grandmother was lying on top of the dog to hold him down and had put her hand in the dog's mouth to get the dog off the child. Cpl. Craft removed the child immediately to outside the residence at which point the dog lunged at the door aggressively and the grandmother was able to get out as well. Chief Disciullo stated that the photograph given to Town Council was a screenshot of the bodycam footage of the injuries that occurred that day. He stated that if it had not been for Cpl. Crafts' quick response, he felt that child would have been severely injured and she potentially saved the child's life. Mayor Chandler shook Cpl. Craft's hand and stated that anyone that has small children or grandchildren, like he does, it had to have been a very emotional and upsetting thing to do and see. Mayor Chandler stated that he cannot congratulate her enough on her presence of mind with that situation. Cpl. Craft stated that she appreciated his comment.

Chief Disciullo stated that they have received questions regarding the cameras on Armory Road and on Main Street Extended, he stated that they are flock license plate readers that were installed by Indian River School District on a Grant. He stated that they were not aware that those locations are within town limits. He stated that they did offer if we were to get our own cameras that they would tie us in, but if we need to access those cameras, he did get contact information which he had to reach out to them for. Mayor Chandler stated to Chief Disciullo that he does not mind them being on his property, but they are in that field where soybeans are currently and he is not sure how big the combine is, and he does not want to be held responsible if the camera gets damaged. Councilman Shortridge asked if it was literally in the field in the soybeans. Chief Disciullo stated that it's a few feet off the sidewalk and he was surprised that they

weren't required to contact Mayor Chandler before installing it. Councilman Shortridge asked if there was a yellow post or flag or anything around it? Mayor Chandler stated "no, there is nothing around it." Councilman Shortridge stated that he just had solar panels done and they were put right next to the corn row and he cleared it.

Chief Disciullo stated that they are scheduled December 3, 2025, for the accreditation mock walk through and he thinks they may request Mayor Chandler and Town Administrator Brought to be there that afternoon. He stated that they are in full swing for accreditation and they will be sending in revisions on the policies for the next several weeks. Chief Disciullo will be on night shift until the accreditation is done.

Chief Disciullo stated that they had several grants approved and have several more in the works to be approved. They assisted with Apple-Scapple Festival in Bridgeville, they have SeaWitch coming up this Saturday assisting Rehoboth, and several trick or treat events scheduled.

Chief Disciullo stated that the big thing now is accreditation and hopes to be accredited by the end of the year or early next year. Councilwoman Thompson asked, "prior to this the department was not accredited is that correct?" Chief Disciullo stated "yes, that is correct we have never been accredited." She asked if once they are accredited, is there a renewal period? Chief Disciullo stated "yes, every three years would be re-accreditation." Chief Disciullo stated that they will be going to Millsboro PD tomorrow for training as they will be using their facility for detention of our prisoners. He stated that the only way for Dagsboro PD to be able to get accredited was to use their facility and they were very generous in taking Dagsboro PD in to do that. Councilman Shortridge asked Chief Disciullo if that was where they were using currently? Chief Disciullo stated "no, currently we use our own building, but once we do the transition after this training, it will probably be the first week of November. Once the transition is complete, they can no longer bring prisoners to their building again, it would not be allowed. Mayor Chandler asked Chief if he should write a letter on behalf of the town. Chief Disciullo stated "yes, that would be great."

- b. Treasurer's Report**
- c. Administrative Report**
- d. Cemetery Report**
- e. Code Enforcement Report**
- f. Water Department Report**
- g. Correspondence**

Mayor Chandler shared with Town Council about the meeting that he and Ms. Brought had with Gary Wesner. He stated that he sent the Council an email orienting them to the location of the property on Clayton Street directly across from what was going to be the Layfield property that was going to be developed and is next door to Chapel Crossing. He stated that he believes it is 24 acres. Councilman Shortridge asked if it was the Wilkerson property. Mayor Chandler stated "yes, that is correct." He stated that the Council initially turned this down because it was town homes and only one entrance and exit. He stated that Mr. Wesner wanted us to look at this project again because they have now added a second entrance off of Swamp Road in addition to the entrance on Clayton Street. There are now 95 single family residences instead of town homes and added extra parking spaces. It would be a gated community for 55 and older residents and would require a change in the Code because the Code prohibits gated communities in the Town of Dagsboro. It would also require a zoning change because the front of the property is Town Center and the back portion is Residential therefore it would all have to be re-zoned to Medium Residential which then requires a change to the Comprehensive Plan. Changing the Comprehensive Plan requires the PLUS review process and their approval. Basically, there are some steps that need to be taken to achieve what he is proposing. Mayor Chandler advised Mr. Wesner that

Council was more than likely to extend the moratorium and Mr. Wesner understood that he would have to wait until that is completed.

Mayor Chandler stated that Mr. Wesner has set aside a little over an acre of the property which he would be willing to donate or dedicate to the Town of Dagsboro for a potential police department and/or town hall. Mr. Wesner indicated that he also would be willing to contribute to the building of the new building. Councilwoman Thompson asked if the building would be the size that we would need. Mayor Chandler stated that there are no dimensions to the building size, but he does not believe that an acre would be big enough for what the police department needs. Councilman Shortridge asked Chief Disciullo if he knew the square footage that was planned on. Chief Disciullo stated that the original one for the property he believed was close to 5K square feet. Councilman Shortridge asked if that included town hall. Town Administrator Brought and Mayor Chandler stated "no, that was just the police station."

Councilman Shortridge asked what the square footage of the houses and the lots Mr. Wesner is proposing are. Mayor Chandler stated that each house is on a ¼ acre lot and the houses wouldn't be that big because they are for a retirement community and those folks would not want a lot to take care of either house or land. Mayor Chandler stated that Mr. Wesner wasn't even sure if they would have a garage on the lots. Mayor Chandler stated that he asked Mr. Wesner about a potential price range and he advised \$400K - \$600K per house and there would be an HOA.

Councilman Marvel made a motion to approve the consent agenda. Councilwoman Thompson seconded the motion. The vote was 4-0 with Vice-Mayor Russell absent.

VI. NEW BUSINESS

a. Appointment of P&Z Commissioner – Fill Vacancy

Mayor Chandler stated that there is a vacancy on P&Z as Wil Labor has moved away. Mayor Chandler stated that he spoke to Mr. Ryan Stuckey, who is here tonight, and is the owner of Kisa Café which is a great coffee shop with a lot to offer and many neat things. Mr. Stuckey stated to Mayor Chandler that he is interested in serving on the P&Z Commission. Mr. Stuckey has the time to serve and has a lot of thoughts and ideas about the town. Mayor Chandler stated that his recommendation would be to appoint Mr. Stuckey to the P&Z Commission but needs Council's consent or approval to do that.

Councilman Marvel made a motion to appoint Ryan Stuckey to the P&Z Commission. Councilwoman Thompson seconded the motion. The vote was 4-0 with Vice-Mayor Russell absent.

Mr. Stuckey stated that like everyone else he cares about the town and is happy to serve.

b. Utility Tickets Developers (PWA), Residential & Commercial Permit Fees

Town Administrator Brought presented a map to Town Council showing Miss Utility mark out territory for the Town of Dagsboro. She stated that the pink area on the map is what Miss Utility shows the Town of Dagsboro is responsible for which is outside the corporate limits. She stated with the exception of the water line on Dagsboro Road which the town is responsible for because the town water line runs up to the interconnection, from when we were on the Town of Millsboro water system. Anything outside the corporate limits Miss Utility feels like the town owes that even though it is not touching our corporate limits. She disagrees with the map as we have no way to compensate the town because they are not town residents. She felt that if we signed a contract with Artesian to locate the town's water lines, because we have no one that can do that, it should only be for what is within the corporate limits. It is free for the homeowner, and

we have paid a lot of money for the Highlands mark-outs, and we cannot get reimbursed for it. She stated one mark out that we received on our invoice was almost to Omar Road when they did the bridge reconstruction. Town Administrator Brought stated that Mayor Chandler and she needed to meet with Artesian to express their opinion on the whole thing. She stated she is not sure what we would have to do to have the Miss Utility line changed to the corporate limits. Councilwoman Thompson asked if they created the pink area? Town Administrator Brought stated "yes, between Artesian and Miss Utility." Mayor Chandler confirmed that every time Artesian goes out to mark a water line, which is free to the homeowner and developer, Artesian gives the Town of Dagsboro the invoice. Ms. Brought stated "yes, that is correct and sometimes they go back multiple times to the same location because the tickets are only good for ten days." She stated that we did ask Artesian to give us a total of how long they were at each ticket. Mayor Chandler stated that we do need to have a meeting with Artesian because we have a jurisdiction and people outside of the jurisdiction should not be billed to the town. Councilwoman Thompson asked if we don't pay it then who would or would Artesian just absorb that cost. Town Administrator Brought stated "yes, if they decided to go out and mark it knowing that it's not in our town." Mayor Chandler confirmed that the Highlands of Pepper's Creek that is having 52 homes built that the Town of Dagsboro is paying for the water utility mark outs. Ms. Brought stated "yes, that is correct." Mayor Chandler asked Ms. Brought to arrange a meeting with Artesian this week in regard to this matter. Councilman Shortridge asked if the cost could be added into the building permit as part of the impact fees. Ms. Brought stated that was one of her thoughts, but she is not sure if that would be appropriate or not. Mayor Chandler stated that we enter into a Public Works Agreement (PWA) with the developer and would need to spell out that they are responsible for any utility markings that the town gets billed for. He stated the problem is we don't have that language in the PWA with Highlands, but we should have it going forward.

c. Review, Discussion and Possible Vote on Permit Fee Increases and Impact Fees

Town Administrator Brought stated that the water meter fees have increased by about \$30 or more because we had to use a new vendor, Fergusen. She stated that the price needs to be looked at because there is a lot to setting the meter up. We order and Joe installs them and she feels that we are not getting reimbursed because we charge for the meter only and not Joe's time of installing the meter. Councilman Shortridge asked if his meter went bad if he would have to pay anything. Ms. Brought stated "no, existing water meters are typically replaced as they are covered for a certain period of time." This would be for new water meters on the building permit.

Mayor Chandler stated that Town Solicitor Morris put together a proposed set of changes with his help and input to be reviewed by Council to see if they feel the numbers are in line with neighboring towns. He stated that there is an impact fee for fire protection and ambulance services which are currently .25% not to exceed \$2,500 and he is proposing to increase that to .50% and not to exceed \$10K. He is proposing adding a police protection impact fee at .50%. He stated that these higher fees would be for major and minor subdivisions, not single-family lot owners as those would remain at .25% and not to exceed \$5K.

Mayor Chandler asked Town Solicitor Morris if we could start the time on the 90-day notice that way when it is voted on it can be in effect. Mr. Morris stated that he believed that we could and that he would assist Ms. Brought with getting that advertised. Mayor Chandler stated that this will be put on the November meeting agenda so either at that meeting or the December meeting we could adopt something.

d. Review and Discussion on Outstanding Water and Taxes

Town Solicitor Morris stated that there are concerns only on three properties from the list because the town has been working on getting the others paid. He stated that upon receiving notice from the town his office immediately sent out

notices demanding payment on PIDN 1025 & PIDN 1400. The town has already received half payment on PIDN 1025 and thinks the remaining half will be paid in 30 days. He has not heard anything from PIDN 1400. He stated that PIDN U02-0855, S&J has been ongoing and that he filed a munition action in Superior Court last week. He stated that he knows that they have always contested this fee and asked Town Administrator Brought if she knew why. She stated that they did get hooked into the water system and the Town Council agreed that they would pay the fees and he just never has.

VII. OLD BUSINESS

Councilman Shortridge stated that in regard to the complaint about the ditch behind Morse Roofing. He stated that he took personal care of the clean out and the ditch appears to be clear to the culvert. He stated that the only problem is a stack of leaves, but water will flow through it. He stated that nobody else wanted to work on it, it doesn't belong to the State, it's not a tax ditch, and the town doesn't have the maintenance or capabilities to maintain the ditch. He asked who put the rocks in the ditch to keep it from washing out in the first place? Town Administrator Brought stated that it was Sussex Conservation and they did it for free for the Town. Councilman Shortridge asked if there were any plans of maintenance on the ditch. Mayor Chandler stated, "no, but they view it as a town ditch."

VIII. PUBLIC COMMENT

There was no public comment.

IX. EXECUTIVE SESSION

Strategy session to discuss potential litigation and to discuss site acquisitions for publicly funded capital improvements, all in accordance with 29 Del. Code Section 10004 (b) (2)

Councilwoman Thompson made a motion to move into Executive Session. Councilman Marvel seconded the motion. The vote was 4-0 with Vice-Mayor Russell absent.

X. RETURN TO PUBLIC SESSION

Mayor Chandler stated that Town Council met in executive session and discussed various plans and strategies moving forward with respect to capital asset issues and personnel issues.

XI. ADJOURNMENT

Councilman Marvel made a motion to adjourn. Councilman Shortridge seconded the motion. The vote was 4-0 with Vice-Mayor Russell absent.

Meeting adjourned at 7:13 p.m.

Respectfully Submitted,

Stacy West, Finance Clerk