

**MAYOR and COUNCIL  
TOWN OF MILLSBORO  
322 Wilson Highway  
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS  
MONDAY — FRIDAY  
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171  
Fax: (302) 934-7682**

TOWN OFFICE  
PARKS/RECREATION  
STREETS  
WATER/SEWER

POLICE DEPT. 934-8174

**MINUTES  
JULY 6, 2015  
MILLSBORO TOWN COUNCIL**

7:00 pm Vice Mayor John Thoroughgood called the meeting to order. Present were Secretary Joseph J. Brady, Treasurer Michelle Truitt, Council persons Ron O'Neal and Tim Hodges, Town Solicitor, Mary Schrider-Fox, Assistant Town Manager Matt Schifano and Town Manager Faye Lingo. Absent was the outgoing Mayor, Robert H. Bryan and council person Irene Keenan.

Vice Mayor led the pledge of allegiance.

Due to absence of Bryan and Keenan presentations did not take place.

**Swearing in of new council persons:**

Assistant Town Manager did the honors beginning with Mr. Bradley Cordrey (District 1) and then James Kells (District 3). Both took the oath and joined the existing council.

**REORGANIZATION –**

Mayor - Vice Mayor Thoroughgood as chair asked if there were any nominations for the position of Mayor. Hodges motioned, O'Neal second John Thoroughgood for Mayor. Thoroughgood asked if there were any other nominations, hearing none, Truitt motioned to close the floor to nominations, Brady second. Floor Closed. Thoroughgood called for a vote for himself as Mayor, approved unanimously.

Vice-Mayor - as Mayor, Thoroughgood then called for nominations for Vice Mayor. Hodges motioned, Brady second the nomination of Michelle Truitt for Vice Mayor. Mayor Thoroughgood called for any other nominations, hearing none, Hodges motioned, Brady second to close the floor to nominations. Thoroughgood called for the vote for Truitt as Vice Mayor, approved unanimously.

Secretary - Mayor Thoroughgood called for nominations for Secretary. Truitt motioned, Brady second the nomination for Kells as secretary. Mayor Thoroughgood called for any other nominations, hearing none, Brady motioned, Hodges second to close the floor to nominations. Thoroughgood called for the vote for Kells as Secretary, approved unanimously.

Treasurer – Mayor Thoroughgood called for nominations for Treasurer. Truitt motioned, O’Neal second Brady for Treasurer. Mayor Thoroughgood called for any other nominations, hearing none, Cordrey motioned, Truitt second to close the floor to nominations. Thoroughgood called for the vote for Brady for treasurer, approved unanimously.

Committee appointments - Mayor Thoroughgood appointed Hodges to serve on the personnel committee to replace Bryan on the existing committee.

President Pro-Tem – Mayor Thoroughgood asked for nominations for President Pro tem. Truitt motioned O’Neal second Tim Hodges. Thoroughgood asked if there were any other nominations, hearing none Truitt motioned, Cordrey second to close the floor to nominations. Thoroughgood called for a vote for Hodges as President Pro Tem, approved unanimously.

**PUBLIC COMMENTS** – Yvonne McCombs of Plantation Lakes addressed the council reference Mr. Prehm’s agenda item concerning terms and conditions. Ms. McComb advised council that in March, Lencraft reported that the homeowners were receptive to the idea of the home owners association owning the golf course. When actually they are not all receptive to the idea and do not feel this should be shoved down their throats. She wanted to make sure council was aware that this is not agreeable to everyone. Mayor Thoroughgood thanked her for her comments.

**PETITION PRESENTATION** – Mayor Thoroughgood asked if Mr. Donald Gray was here this evening. Mr. Gray did not appear to be in attendance.

**SECRETARY’S REPORT** – As past secretary Mr. Brady presented the minutes and motioned they be approved as written, second by Hodges, approved unanimously.

**TREASURER’S REPORT** - As past treasurer Michelle Truitt presented the bills for payment. Hodges motioned, Brady second to approve paying the bills from the designated accounts, approved unanimously.

**MILLSBORO FIRE COMPANY** – John Hall gave report and thanked Keenan and Bryan for their help over the years and congratulating Cordrey and Kells on being new to the town council. Fire calls for the first half of 2015 are 251 compared to 198 this time last year showing an increase of almost 27%. EMS calls stand at 1167 compared to 1150 for this same period in 2014, an increase of just under 2%. The legislative session ended this year without cutting the Grants in Aid funding which they had proposed. It was left untouched. HB 133 requiring builders to offer residential sprinkler information and installation costs to home buyers was approved. Also, SB 89, Food Production Manager Exemption passed which exempts charitable organizations from the requirement of having a food manager on record. The Delaware Volunteer Firefighter’s Association will be sponsoring the Friday Night Rodeo at the Delaware State Fair on July 24 and members of the fire service will be manning the Recruitment and Retention booth throughout the fair. Last year just over 300 contacts were made at the booth.

**GREATER MILLSBORO CHAMBER OF COMMERCE** – Amy Simmons, Director gave report welcoming the new councilpersons and expressing the Chamber’s appreciation for the work that Robert Bryan and Irene Keenan have done while they were on council. She advised that the next membership meeting is July 16 at the Country Kitchen and the guest speaker is the new managing group for the Hispanic Festival. It had outgrown the prior organizers that had been handling it and the new organization is a little nervous but everything seems to be falling in place for them. The Boro Bash is moving along on schedule but volunteers are still needed. The coffee networking is still taking place the first Thursday of each month, 8:00 am – 9:00 am in meeting room 3.

**MILLSBORO POLICE DEPARTMENT** - Chief Murphy reported that Ptlm. Dufour took training on Introduction to Excel at the Delaware State Police Training Academy on June 9<sup>th</sup>. Homeland Security, no issue; Calea update, no issues; Miscellaneous, the new Tahoe has been ordered and scheduled to be delivered this week.

Grant report is awaiting council approval for the CJC grant. He requested the \$ 6,600.00 be used for equipment for the new Tahoe, Truitt motioned, Brady second to approve the CJC Grant as requested, approved unanimously.

Promotions – Patrolman Matthew B. Dufour, Patrolman Carrie Rambo and Patrolman Jonathan Zubrowski were all hired March 2013 and have met the requirements needed to be eligible to be promoted to Patrolman First Class along with the recommendation from their supervising Sergeant. If agreeable then council approval is needed to make their rank and pay effective as of the first pay period in August. Hodges motioned, Kells second to approve the promotions as presented, approved unanimously.

**STREET REPORT** –Wilson Highway; the town manager reported that the storm water project on Wilson Highway and Mitchell is underway and the construction company is using town property on Wilson Highway (alongside of the Brandywine pumping station) as a staging area for their equipment. Treasurer Brady asked why the dirt was pushed up in a pile. Faye explained that they pushed the top soil up to protect it and at the end of the project they will spread it out and put grass seed down.

Authorization to bid; test borings are being done to determine how the Mitchell Street paving project should be bid; If there is going to be milling required and if so how deep. When that information is completed we will be willing to advertise and go to bid. The town manager needs authorization by council to go ahead and do the advertising. After results are in they will be reported to council and council then determines if or what company the town awards the bid. Hodges motioned, Cordrey second to approve advertising for bids, approved unanimously.

No parking, Morris Street – Mayor Thoroughgood witnessed a vehicle running the stop sign traveling west on Morris Street. When he studied the corner it was obvious the driver could not see the stop sign from the direction she was traveling due to a truck parked near the corner. He mentioned this to public works and they raised the stop sign to make it visible

above tall vehicles. He is asking council if they see this as a problem. This is a four way stop sign and does the town need to alleviate or restrict parking near the intersection from all directions? Maybe raise all signs? Town Manager advised that both Church Street and Morris Street are town owned and maintained roads. Others agreed it is a dangerous area and it was suggested to have the town solicitor look into any restrictions or regulations that might apply and report back at the August meeting.

**RECREATION REPORT** – Mayor Thoroughgood reported that there was a great crowd at Cupola Park for the Dirt Road Outlawz Sunday evening.

**WATER AND SEWER REPORT** – Town Manager reported that as part of the permit requirements there is a need for ground water monitoring. This was part of the construction permit and factored into the funding under engineering. At that time the scope of work was under CUBE Associates and they were going to subcontract with Maser Consulting. Since those documents were signed CUBE has merged with Duffield. As a company or affiliate of Duffield they cannot contract with Maser due to a conflict of interest. All parties, CUBE, Maser and Duffield are okay with The Town of Millsboro contracting with Maser directly. Right now the funding is listed as engineering start up with the understanding that the contract amount for Maser is included in that line. The Town will break the Maser fees out and create two lines; one for CUBE and one for Maser with the total amount budgeted being the same as before. If agreeable we need approval from council to sign the Maser Contract. Hodges motioned, Kells second to accept the Maser contract, approved unanimously.

**MAYOR'S REPORT** – Conditional use application from Barry Ziegler for 227 Morris Street. The property is zoned Urban Business and the applicant is requesting to use as a residential use. The town manager explained the property is located directly behind Bodies Market and was used as a residence and that the prior owners are now deceased. That the town does not have the option of changing the zoning without changing it for three properties and going to the Office of State Planning and amending the town's current comprehensive plan. Mr. Ziegler addressed council explaining that because the prior use was a residence when he purchased the property he thought it was zoned appropriately. Since it is not he is asking permission for the residential use to continue. The Town Solicitor explained that a residence is allowed as a conditional use in Urban Business if council chooses to allow it. After discussion clarifying the location Hodges motioned Cordrey second to approve the conditional use for one year as a residential use, approved unanimously. The new application is for one year and then subsequent renewals are for two years.

John Prehm, resident of Plantation Lakes addressed council concerning the terms and conditions that were approved by council at the April 2015 council meeting. Mr. Prehm explained that the ownership of the Plantation Lakes Golf Course is an issue with many of the residents and that he believed the following documents prove his case. He is asking council to rescind item #13e from the terms and conditions. Documents he referenced are "1. - Special Obligation Bond – CUSPIP Number 601266AA7 which specifically excludes the golf course from the HOA on page 37. 2.- The Master Disclosure and Information Addendum to the Purchase

and Sale Agreement, Plantation Lakes – Delaware on page 3 Paragraph 8.3. 3. - The Certificate of Incorporation of Plantation Lakes Homeowners' Association, Inc. approved by the Secretary of State of the State of Delaware. Article II, Section 2. States The Golf Course is not part of the Community Facilities". Mayor Thoroughgood thanked Mr. Prehm and appreciates his concern and decided to appoint a committee to investigate Mr. Prehm's comments. Committee will be Kells, Cordrey and Hodges with Hodges as chair.

Building Code – Hodges reported that due to scheduling problems he and Kenny have not had time to review and asked it to be tabled.

Burton's Crossing request for a bond reduction. They are holding a performance bond for water in the amount of \$ 79,692.00 and are asking to have it released. CABE has reviewed the recommendation and have agreed the work is complete and it can be released with the understanding that a maintenance bond will then have to be acquired by the developer. The existing sewer and paving bonds remain in place. Brady motioned, Hodges second to release the existing water bond as long as they acquire the maintenance bond, approved unanimously.

Supplemental tax assessments, there are new values that have been assessed since the assessment list was posted in April; council action is required to approve so that they may be billed. Truitt motioned, Brady second to approve the new supplemental tax assessment, approved unanimously.

7:45 pm Truitt motion, Brady second to recess into executive session after a ten minute break, approved unanimously.

## **REGULAR SESSION**

8:25 pm regular session called to order with Mayor Thoroughgood presiding.

Hodges motioned, Brady second to accept the resignation of the Assistant Town Manager, Matt Schifano effective September 2, 2015, approved unanimously

Cordrey motion, O'Neal second to authorize the town manager to advertise to fill the position vacated by Schifano, approved unanimously.

Brady motioned, O'Neal second to adjourn, 8:30 pm, approved unanimously.

Respectfully submitted,



James Kells,  
Secretary