

**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  
OCTOBER 5, 2015  
REGULAR COUNCIL MEETING**

7:00 pm meeting called to order with Mayor John A. Thoroughgood presiding. Present were Vice Mayor Michelle Truitt, Secretary James Kells, Treasurer Joseph J. Brady, Council person Bradley Cordrey, Tim Hodges and Ron O'Neal, Town Solicitor Mary Schrider-Fox and town manager Faye L. Lingo.

Mayor Thoroughgood led the pledge of allegiance.

**Public Comments** – there were not any.

**SECRETARY'S REPORT**

Secretary Kells motioned the minutes be approved as written, second by Cordrey, approved unanimously.

**TREASURER'S REPORT**

Treasurer Brady reported the accounts balanced and motioned the bills be paid from the designated accounts, Hodges second, approved unanimously.

**MILLSBORO FIRE COMPANY**

Ray Burton substituted for John Hall and gave the report. Using monies the town collected with the building permit the company was able to purchase portable radios and pagers for the EMS employees. This month they hope to do the same for the Fire Police. The older, outdated units will be returned to Motorola for credit towards the purchase. October 4 – 10 is Fire Prevention Week with emphasis on "smoke alarms in every bedroom". Activities have already begun with taking the 5<sup>th</sup> graders from East Millsboro Elementary on tour of the Fire School in Georgetown. This week there will be fire truck rides at Mother Goose and Giggiebug's Day Care and also a mini-muster at Millsboro Elementary. The North East Rally Club comes to town for their annual Pumpkin Run on October 15 – 18 and they meet at the fire station and the Millsboro Fire Department volunteers assist with the event. The Delaware Volunteer Fire fighter's annual conference ended Saturday, September 19<sup>th</sup> with a parade thru downtown

Dover. All of the paid EMT staff participated and attended the continuing education seminars. Two members of the Millsboro Fire Department were inducted into the Delaware Volunteer Fireman Association Hall of Fame. They were John Hall who was honored as immediate Past President of the Delaware State Fire Police Association and Lynn Bullock as the 2014 Firemen of the Year.

### **GREATER MILLSBORO CHAMBER OF COMMERCE**

Amy Simmons the Director could not be here tonight so Mayor Thoroughgood read her report. The Boro-Bash went well. The Chamber is collecting candy for the Family Nite Out event scheduled on October 31<sup>st</sup>. The Christmas parade is scheduled for December 9<sup>th</sup> at seven pm and D & D Stained Glass is the sponsor again this year. A tentative date for the Bridal Show is January 17<sup>th</sup> but will not know for sure until the board meeting on October 8<sup>th</sup>.

### **MILLSBORO POLICE DEPARTMENT**

Lt. Calloway, Acting Chief of Police gave report

A warning to everyone that there has been an IRS telephone scam recently. They call your telephone number and will even leave a message with a telephone number to return a call. When you call they tell you how you are in danger of being taken to court, etc. if you do not pay a certain amount. This is entirely false.

There was a firearm instructor course held at Millsboro's range as training in-service for those already certified to instruct. Homeland Security; no active or current threats. There are not any CALEA updates. In September Sgt Legates has been handling cases reference a theft of rental property and was able to obtain warrants to assist the property owner to recoup the missing property. The department provided security for the Boro Bash and everything went smooth. We also had the antique vehicle on display during the event. The Halloween Family Night is still on schedule. The Chamber is assisting with donations for candy and miscellaneous items. I mentioned at the September meeting that I was hoping to be able to find grant money to use for some of the items. After meeting with the finance officer, Bill, it was determined that we would not be able to. I am asking council if they would authorize \$200.00 towards candy and handouts for the kids. Hodges motioned, Truitt second to authorize the \$200.00, approved unanimously.

The department participated in the Office of Highway Safety, DUI saturation patrol. There were only 3 DUI arrests but it resulted in a total of 22 tickets for a variety of items. Twelve officers worked for a total of 58 hours. This program is funded by the State. The Railroad crossing closing went without any issues. It was closed about four hours and Norfolk Southern and DELDOT had everything under control.

Education reimbursement: Sgt. Wheatley and Pfc. Dufour have requested to be reimbursed for their college tuition for classes taken over the summer. Dufour \$1,101.50; Wheatley \$2,233.90. Brady motioned, Cordrey second that Dufour and Wheatley be reimbursed as requested, approved unanimously.

Grants – The grant will be back in its entirety as soon as I get all of the numbers back but because of the time allowed I am asking to have permission to send Cpl. Rogers and Cpl. Moyer to recertification in Asp Baton instructor training that is scheduled October 27<sup>th</sup> and 28<sup>th</sup>. Once they receive this they will be able to train members within our department. Brady motion, Kells second to authorize Rogers and Moyer to attend the Asp Baton training for \$600.00 from the SCBG, approved unanimously.

There is another request for education reimbursement but this is over and above the normal so this needs to be discussed with personnel and tabled tonight.

### **STREET REPORT**

Morris Street and Church Street parking. Mayor Thoroughgood asked if everyone had a chance to visit the area discussed last month and are there any suggestions on how to make the intersection safe. Kells pointed out that not all of the signs had been raised to the new height requirements. It was the consensus that the street is too narrow between Main Street and Morris Street to allow for parking. There is no parking on the east side of Church and a fire hydrant on the west side. Cordrey pointed out that there is a fifty foot no parking area at the fire hydrant which is a state law. Taking that into consideration and maintaining a safe distance from the intersection it was determined that there should be a new no parking on the west side of Church Street between Main and Morris Street. The other three corners are not marked for no parking so is there any thought on how they should be. Hodges stated he was okay with pulling back 20 foot from the intersection, one parking space, and making that no parking. Kells asked if the town could post and paint those areas and the town manager said public works could do that. Brady motioned and Cordrey second to have no parking on the west side of Church Street between Main Street and Morris Street and no parking 20 foot back from the intersection on the three other corners of Morris and Church, approved unanimously.

**AECOM contract** – The Town Manager reported that AECOM (URS) was asked to put together a proposal to work up a budget number for street maintenance for the streets in Plantation Lakes. Lennar has agreed to split the contract 50/50. Hodges motioned, Brady second to approve the contract, approved unanimously.

### **RECREATION REPORT**

None

### **WATER AND SEWER REPORT**

None

### **MAYOR'S REPORT**

Community Harvest Day at Cupola Park on Saturday, October 24<sup>th</sup> Pastor Biamby could not be here this evening due to a scheduling conflict. If you remember last year they asked to hold the same event at the Cupola Park and they are asking to do it again this year only they

will not be having a live band and as before it is open to the public. Brady mentioned that the park is on a first come first serve and share program so if they are not going to be using a sound system do they even need the council's permission. The town manager advised that she thought since it was a public event and not exclusive to their organization that they should have come to council for approval. Hodges motioned, Kells second to approve the event on October 24th, approved unanimously.

#### **Dukes Manor**

No one showed up to represent the development so the item is tabled until the November meeting.

#### **Millsboro Land Associates – Homestead II**

Donnie Collins addressed council. He explained that this property is located behind the Foodlion Shopping Center. They do have a prospective buyer interested in purchasing the property with hopes of moving forward with the development. Schrider-Fox asked how long their feasibility study period is and Collins believes it is three months. Brady motioned and Hodges second to approve the extension, approved unanimously.

#### **Monroe Square –**

No one showed up to represent the development so the item is tabled until the November meeting.

#### **Conditional Use Application**

Lennar is requesting a temporary golf facility/clubhouse and golf cart storage tent. Steve Frisina represented Lennar and distributed pictures showing their intent for the appearance of the golf club facility. He explained that Lennar is allowing one year for permits and one year for construction to have the permanent club house built. They would also make the golf storage tent beige, hoping to have it blend in with the surroundings better than the white. O'Neal asked when the temporary structures were removed what would go in its place. Steve explained that is where the tennis courts will be. Brady motioned Hodges second saying they liked the time frames and would like to see it adhered to, approved unanimously.

**Energy/Building Code**, amendment to the code. The Town Manager advised council that they may remember a couple of months ago council adopted the new energy code but waived the requirement for the homeowner to have the test done for air leaks in the duct work. It was discovered that the State passed a law that if the code was amended that this section could not be waived and would have to be adopted as written. Schrider-Fox advised that council needs to rescind the motion in order to keep the record clean. Brady motioned to rescind the previous motion. Thoroughgood concerned with the law and wants to make sure that the record shows they are not happy with having to adopt that portion of the code. It can be in the minutes but he wants something more. Schrider-Fox suggested that she may be able to write a motion or resolution that explains council is reluctant but are doing so because they are mandated but there is still a motion on the floor. Brady withdrew his motion. The item will be on the November agenda for further discussion.

### **CABE Contract for engineering services**

Carrie DeSimone from CABE a Duffield Associates Company explained that there are two contracts. The first contract covers all miscellaneous items/work they might do for the town that are not large enough projects to require individual contracts. Example the review of the development infrastructure, that is something that is done as the projects go along and do not have their own project number. Hodges asked if the rates have gone up. Carrie explained that one example would be where she is now a PE her hourly rate has gone up but the overall costs the town has probably been seeing since they merged with Duffield but we have never had a new contract with CABE as a Duffield. Hodges motioned, Brady second to approve the contract as presented, approved unanimously.

The second contract has to do with the refinancing that was suggested by the State Finance Assistance Branch. If you remember the state agreed to refinance the town USDA loan at a savings for the town with the understanding that we reinvest the money saved into a sewer project. That would mean taking a loan with the State for certain projects. After meeting with staff it was determined that the number one priority is pump station 2 which is the pump station at Cupola Park. And then to include in the same project the generators to two other pump stations rather than have separate contracts. It did not seem cost effective to write a feasibility plan for generators which is required for the loans. O'Neal asked what has happened that makes this pump station a problem. Carrie and the town manager advised that the age of the pump station is the issue and it has been nursed along for years. The Town has been lucky in the past and is fortunate the funding opportunity is here that will allow the work to be done. Brady motion, O'Neal second to approve the contract as presented contingent on the funding being approved by the state, approved unanimously.

### **Vacant public works positions**

Town Manager advised that public works had one employee resign August and another is retiring in October. She is asking permission to post and advertise for one public works position to be a general maintenance position. This is a new position but should free the water and wastewater operators up to do their jobs. Right now the general duties throughout town, pot holes, signs being erected or straightened, mowing and etc. have to wait until the operators are free and if there are issues then that means weeks at a time. Hodges asked if there is enough work and Faye explained she believed there was but if we found that they needed to acquire a level I or level II to be able to get pump readings or general duties then that could be discussed as an option. The second position would be for a wastewater operator. Right now the town has two level IV operators and one level III. One more would help with the White Farm and we will be covered whenever leave time is an issue. Hodges motioned, Truitt second to advertise for the two positions has suggested, approved unanimously.

### **Farmland use, Route 24**

Mayor Thoroughgood explained that the ten acres the town owns on Route 24 west of Dupont Boulevard was intended to be used as a park and right now is used by a farmer as farmland. He would like to give the farmer notice that he would not be planting it next year

and he would like to appoint a committee to study how the best use of the park could be planned. He, himself, would like to see a big league baseball field but others may feel differently. Mr. Kells mentioned a recreation area for developmentally disabled. Kells motioned, O'Neal so moved to authorize the town manager to give notice to the farmer, approved unanimously. Mayor Thoroughgood appointed Hodges chair, Kells and Brady on the committee to study options.

### **Christmas Caroling**

Mayor Thoroughgood brought up that while working on the budget it was mentioned to plan some sort of Christmas Caroling event to be held in Millsboro this year and was wondering if council was interested in planning such an event. The Town Manager explained that at the time the idea was a grand plan but it would have to be on a smaller scale this year and could possibly grow. Thoroughgood said he has mentioned it to a couple of choirs and they were interested and suggested Sunday, November 29<sup>th</sup>. Town Manager mentioned that Santa would not be here because he does not come to town until December 9<sup>th</sup>. Thoroughgood did not think Santa would be necessary at this event but it would definitely be the kick off for the holiday season. Hodges motioned, Cordrey second to plan a caroling event on November 29<sup>th</sup> in the evening, approved unanimously.

### **Vehicle Inventory**

Town Manager advised that the Humvee has been given to the Fish and Wildlife. Council may remember that this was acquired free from another agency and if Millsboro chose to get rid of it then it had to go to another agency that qualified. Fish and Wildlife was interested so it has been delivered and titled over to them. Also, the F250 truck that was driven by Chief Murphy no longer is necessary to the department. It originally was used to pull the trailer that holds equipment used on investigation scenes but with the Tahoe's and Durango's it is not necessary. It was taken to Wilson's Auction and sold. Since the truck was acquired through a drug arrest the funds have to go into a SLEAF account that is an account managed by the State for drug monies. It is tagged for Millsboro and is available to use for qualifying drug investigations by MPD.

### **Supplemental tax Assessments**

The town manager explained that the second quarterly supplemental tax assessment list is presented for approval. This is not the new town wide assessment that the town has contracted to have done. Brady motioned, Truitt second to approve the supplemental tax list as presented, approved unanimously.

8:05 Brady motioned Cordrey second to take a ten minute recess and enter executive session at 8:15 pm, approved unanimously.

### **REGULAR SESSION**

9:26 pm Mayor Thoroughgood called the regular session to order.

**Vacant position for the Chief of Police**

Brady motioned, Kells second to make the offer as discussed in executive session and authorize the personnel committee to negotiate and report to council, approved unanimously.

9:27 pm Brady motion, Kells second to adjourn, approved unanimously.

Respectfully submitted,

  
James Kells,  
Secretary