

**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
JUNE 2, 2014
MILLSBORO TOWN COUNCIL**

7:00 pm meeting called to order with Mayor Robert Bryan presiding. Present were Secretary Greg Hastings, Treasurer Michelle Truitt, Council persons Irene Keenan and Tim Hodges, Town Solicitor Mary Schrider-Fox, Assistant Town Manager Matt Schifano and Town Manager Faye Lingo. Absent was Vice Mayor John Thoroughgood and Council person Jim Petruzella.

Pledge of allegiance

No public comments.

SECRETARY'S REPORT

Secretary Hastings presented the minutes for approval. Hodges motioned, Keenan seconded to approve the minutes as written, approved unanimously with Thoroughgood and Petruzella absent.

TREASURER'S REPORT

Treasurer Truitt presented the bank balances and the bills for payment. Keenan motioned, Hastings seconded to approve paying the bills from the designated accounts, approved unanimously with Thoroughgood and Petruzella absent.

Town Manager reported that the budget is not ready for approval tonight. There is still some work to be done for next month.

MILLSBORO FIRE COMPANY

President Mike Mitchell presented that May was a slack month for fire and ambulance calls with 28 for the month. The legislation that had been proposed to assist with funding the local departments is a little shaky right now. The Fire Company is ready for the Great Race; everything is coming together from their end.

GREATER MILLSBORO CHAMBER OF COMMERCE

Amy Simmons, Director reported that the adult spelling bee originally scheduled for June 2th has been cancelled. The next membership meeting is set for June 19th at the Country Kitchen and the program will be Sussex County candidates for District 5. June 14th is the Arts in the Park and also a ribbon cutting at RSC. There are still tickets available for the Dirt Road Outlawz Concert for August 16th. The August 19th golf tournament is still on track along with the Country Festival scheduled for September 20th. She is pleased with the rentals for June and July, August is slow but then it picks up again and there are dates reserved for next year.

MILLSBORO POLICE DEPARTMENT

Chief Murphy could not be here this evening, however, his report is in the packet and there is not any action on the grants.

STREET REPORT

None

RECREATION REPORT

None

WATER AND SEWER REPORT

Bob Kerr from CABA Associates, Inc. engineers for the Town presented the information on change Order No. 4, Contract H. This increases the contract amount by \$ 7,880.00 for additional upgrades to the Town's SCADA system. This includes a new computer for the wastewater plant and will have the White Farm and the plant on the same system. The new contract amount is \$ 2,924,929.00. This also increases the final completion time by 106 days with the new final completion date August 29, 2014. This date is based on the anticipated completion of the storage tank being constructed under Contract G with an allowance of an additional 45 days for startup, testing and completion of punch list items. It also provides time to perform the upgrade to the SCADA system discussed above. Hastings motioned, Truitt second to approve the change order no. 4 increasing contract h by \$ 7,880.00 and 106 days, approved unanimously with Thoroughgood and Petruzella absent.

Contract G, moved to executive session; no action taken.

Sewer adjustments were allowed on 410 Union Street by the town manager as ordinance allows. No council action necessary.

MAYOR'S REPORT

Mayor Bryan called Greg Hastings to the floor. Mr. Hastings' term is up this year and he has decided not to sign up. He has officially resigned his position representing District 2 at the end of this term. Mayor Bryan expressed the council's appreciation and thank you for the residents of the town for volunteering his services as a council person. Mayor Bryan presented a plaque to Mr. Hastings in appreciation for his dedication and 5 years of service with the town.

The Fire Company has requested a refund of \$560.00 for building permit fees. In April the fire company applied for building permits for a storage room, \$85.00 and a storage building, \$475.00. Mayor Bryan asked if we have done this in the past. Town Manager advised that they have, for the fire company and scout hut. Hastings motioned, Truitt second to approve the reimbursement of \$560.00 for building permit fees already paid for by the Millsboro Fire Company, approved unanimously with Thoroughgood and Petruzella absent.

Lana Ward has written a letter of request to the town council to consider an ordinance that would disallow plastic bags to be used by the stores within the town limits of Millsboro. Mayor Bryan called on Ms. Ward and it appears she is not here this evening to discuss her request. Hastings asked is it the intent for the town to tell Food lion and others that they can no longer use plastic bags? Town Manager advised yes that is what Ms. Ward had said she would like to see happen. That they are discarded carelessly and get into the water ways as well as junk up the yards and roadways. Other discussion explained that bags are not the only trash that is picked up. There are cups, cans and paper that are picked up constantly. Council does not feel that stopping the plastic bags is the answer. It is consensus that no one is willing to take action on Ms. Ward request.

Conditional Use renewal – 216 Ellis Street, Schreppler has a request to have a residence on the same property as his business. This is not allowed with the zoning, only through a conditional use. There have not been any complaints or issues made known at the town office. Truitt motioned, Hodges second to approve the conditional use renewal for 216 Ellis Street, approved unanimously with Thoroughgood and Petruzella absent.

White Farm, hunting agreement: Assistant town manager Matt Schifano reported that there was a meeting with council representative Tim Hodges, Mr. Rogers, Public Works Director, Chief of Police and himself to discuss how to best manage deer control on the farm. Item one is that the hunters be named on a list to be named by Mr. Rogers. Tim Rogers has submitted a list that includes his family. Item two is that the hunting can only take place on the south side of Sheep Pen's Ditch. Item three specifies that they must comply with DNREC regulations for permits for deer control. Item four specifies the number of hunters that can be allowed. Item five describes that three days prior to the hunt Mr. Rogers must notify Matt Schifano in writing, via email the date and time that he plans to hunt and who will be hunting. Item 6 specifies that upon notification Schifano will notify Millsboro Police Chief and Director of Public Works and item seven explains the procedures if there is a need by the town to require the hunting to be cancelled. Town solicitor has not had a chance to review the full agreement for legalities. Hodges suggested that it may be a good idea to have someone that works with the town be there to keep an eye on the hunting event. That way there is not just 5 farmers out there. Concerns then become if this town employee is required or allowed. If a town employee is required to be there then we have a liability issue and possibly a town employee carrying a gun. Does that person get compensated? Mayor Bryan does not believe there should be compensation. If someone goes then they take a vacation day and go on their own time. If they do that they are not there on the town's behalf. Is there a liability for the town if there is a shooting accident? How do we determine who that person should be? Hodges suggested

there may be police officers as well as public works that would be comfortable with going there. Mayor Bryan asked Hodges if he was thinking the employees can go out there without the farmer and Mr. Hodges said no. Just making it available to an employee if they would like to go on the days that there is hunting scheduled. Hastings asked if there were clearly defined or geographical boundaries. Yes there are and the state hunting regulations clearly define how close they can come to residential developments, etc. Can they be given a special vest that identifies them as authorized by the town? No the state mandates the color vest they must wear. Mayor said it looks like we have some more information to gather and report back to council. Check with the insurance is the main item about town employees going on site for the purpose of hunting. Schifano reported that nothing can happen until August due to state law so we have time.

Millwood Expansion is asking for an extension of the preliminary plan approvals. Their letter states that due to the economy they have held off doing anything and are actively working on getting it going again. This project began back in 2009. Truitt motioned, Hodges second to grant a one year extension on the preliminary plan approval, approved unanimously with Thoroughgood and Petruzella absent.

Mayor Bryan informed everyone that the municipal election is scheduled for June 14th 1:00 pm to 7:00 pm and will take place in the council chambers. Faye advised that due to a rental in the main hall the polls will be in council chambers. We hope to also have the museum open so it will be a busy afternoon.

7:40 pm Hastings motion, Hodges second to recess and to enter executive at 7:55 pm, approved unanimously with Thoroughgood and Petruzella absent.

REGULAR SESSION

8:55 pm Called to order with Mayor Robert Bryan presiding.

With no council action necessary, Hastings motion, Keenan second to adjourn, approved unanimously with Thoroughgood and Petruzella absent.

Respectfully submitted,



Greg Hastings,
Secretary