

MAYOR and COUNCIL

TOWN OF MILLSBORO

322 Wilson Highway

Millsboro, Delaware 19966 - 1216

REGULAR COUNCIL MEETING

April 7, 2008

7:00 P.M. meeting called to order in the Council Chambers, Mayor Larry Gum presiding. Present were Vice-Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Councilpersons John (Jack) Wilkins, John Thoroughgood, Irene Keenan, Town Manager Faye Lingo, Administrative Assistant Brenda Morris, Town Solicitor Tempe B. Steen, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the March 3, 2008 council meeting for Council's approval. Bryan motioned, Truitt second to approve the minutes from the March 3, 2008 council meeting as written. Motion carried.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Thoroughgood motioned, Bryan second to pay the bills from the designated accounts as presented. Motion carried.

MILLSBORO FIRE COMPANY - Ray Burton, President, reported the Fire Dept. had responded to a total of 46 alarms in March with 15 in town, 26 rural and 5 assist. The EMC unit responded to 130 calls. The new fire truck is to be on display at the Harrisburg Fire Expo and will be delivered after that. The new ambulance that was ordered is due to be delivered the first week of May. The town presented the Fire Co. a check in the amount of \$38,857.00 which represents the .25% of construction value on building permit applications received by the town and set aside for fire protection and ambulance service.

CHAMBER OF COMMERCE - No report STREET REPORT

Street annexation: There have been cases where the Town has annexed both sides of a road in town but did not annex the road that separates the two properties. It has been suggested that this is the time to

review those areas to see if they can or should be annexed into town. After some discussion it was decided that this might be a good time to appoint a committee to review those areas and give a report to council. Mayor Gum appointed Robert Bryan as Chairman, Michele Truitt and Tim Hodges to serve on this committee. They will make a report to Council after they have met.

Street weight limit: It has been brought to the town's attention that the weight limit on Northern Avenue is limited to 10,000 pounds and there may be truck traffic that would exceed that limit. Verizon, who will be using that road to reach their buildings on the Kersey property, will probably be exceeding that weight limit. It was suggested that Council could request a bond from the group that may exceed the set weight limit or possibly raise the weight limit for that street. It was also suggested that the weight limit be removed for Houston Ave. and Northern Ave. After some additional discussion Thoroughgood motioned, Bryan second to modify the weight restrictions on Houston and Northern Ave. by removing the weight restrictions on these two streets. Motion carried.

POLICE REPORT

On March 3rd, Cpl. Wheatley, Pfc. S. Lowe, Pfc. Forester, Ptm. Lyons, Ptm. Ober and Ptm. Morris attended child booster seat enforcement training presented by the Office of Highway.

Cpl. Legates attended Accident Reconstruction training and Total Station training. Cpt. Legates recertified Bridgeville P.D. on the TASER.

Chief Murphy and Cpl. Legates attended the CALEA Conference.

Cpl. Legates and Cpl. Wheatley recertified all officers on the TASER, OC spray and mobile video use.

Lt. Calloway is progressing very well with the CALEA files, he is well over 50% complete. We have started evaluating issues in the police building that need to be addressed. There are no areas of great concern, basically we need to relocate certain files and make minor changes to our records storage. Surprisingly, we have found that we were already in compliance with many of their requirements, and just need to fine tune a few areas.

The Dodge Durango has been completed and is in service. This vehicle is being used by the Detective as it is not pursuit rated. The vehicle it replaced has been turned over to maintenance. The new patrol car is waiting for an appointment to get the graphics completed and should be completed this week. The graphics were changed which involved more time.

Chief Murphy awarded Cpl. Barry Wheatley the Civilian Accommodation and Life Saving Award. This was for his participation in the rescue of a man on March 16th at Betts Pond. It was noted that his quick action and resourcefulness probably saved the man's life that was rescued.

PARKS AND RECREATION : No report

WATER/SEWER REPORT

Indian River School District has requested a well on their property to be used for spray irrigation. The committee has met and discussed several options with the representative and are waiting for their response. One suggestion was the possibility of using the effluent from the town's waste treatment plant sprayed on the school property instead of a well being drilled on their property.

Layton property request for water and sewer service to their property was discussed. This property is located outside the town limits on Oak Street. The Sussex County map and parcel number is 1-33-16.00 parcel 41.00. Mayor Gum appointed a committee, John Wilkins as Chairman, John Thoroughgood and Irene Keenan, to meet with a representative and study the parcel and report back to council.

Personnel committee report: The position of Public works Assistant was advertised and interviews have been completed. The committee recommends that current employee Richard Buckler fill the position of Public Works Assistant. Hodges motioned, Wilkins second that Richard Buckler will fill the advertised position of Public Works Assistant. Motion carried.

Wastewater change order: Council was informed there is a change order #3 for the wastewater improvements. This is in reference to the primary electric service which will result in an increase of \$25,507.37 in the contract. Thoroughgood motioned, Bryan second to authorize the change order #3 for the wastewater improvements which will result in an increase of \$25,507.37. Motion carried.

MAYOR'S REPORT

The tax assessment list is posted and notices of any assessment changes are ready. The public hearing to hear any appeals will be held at the May regular council meeting, May 5th.

Lester annexation committee report was presented to council. This is for property on West State Street described as Sussex County Map #1-33-16.12 parcel 119.00 and 20.00. The committee has met with Mr. Lester and his representatives and their recommendation is for a regional pump station instead of the grinder pump mentioned on the Lester application letter. The grinder pump would only benefit the Lester property where a regional pump station would also benefit the surrounding properties as well as the Lester property. Mr. Lester feels the cost to install the regional pump station with a force main compared to the grinder pump installation cost is a considerable difference. Estimated cost to install the regional pump station is \$173,800 and the grinder pump installation cost is \$22,000. Mr. Lester is requesting the town to provide a cost sheet to him to see if the annexation is feasible to him. The town is waiting to hear from Mr. Lester.

Wharton's Bluff: Council was informed that a committee needs to be appointed for review of Phase II. This is the area that was restricted from development due to the presence of an eagle nesting in that area. As the eagles have left and not returned DNREC is now allowing work to take place and the developers are ready to present their plan for Phase II of Wharton's Bluff. Mayor Gum appointed John Wilkins- Chairman, John Thoroughgood and Irene Keenan to meet with representatives from Wharton's Bluff to review Phase II and make a report with their recommendations to council.

Monroe Square: The developers received final plan approvals for Monroe Square on October 2, 2006. Their time has lapsed and they are now asking for a renewal from council. The original committee has met to review the plans and is agreeable to the renewal. There have not been any changes and they have received their approvals or renewals from the required state agencies. Bryan motioned, Wilkins second to extend the final plan approvals for one year starting April 7, 2008. Motion carried.

Hispanic Festival: El Centro Cultural Inc. has once again requested use of the W.B. Atkins Park for their Festival Hispano 2008. They are requesting to use the park on August 24, 2008 from 12:00 noon until 7:00 PM. Bryan motioned, Wilkins second to approve the use of the W.B. Atkins Park on August 24, 2008 for the Festival Hispano 2008 as requested by El Centro Cultural Inc. Motion carried.

Board of Election: Due to new regulations passed by legislature the town will need to appoint an independent Board of Election. This board must consist of at least three members and they must reside in the town limits of Millsboro. This board will oversee any municipal elections taking place within the town. The appointment will be for one year. Names submitted for approval are Kathy Miles of 319 E. Church St., Reginald Brittingham of 54 Millstone Lane, Sandra Brigandi of 27 Hunters Pointe Drive and alternates Yvonne Hastings of Brandywine Apts. Unit 808 and Helen Jackson of 105 Peachtree Lane. Thoroughgood motioned, Wilkins second to approve the names as submitted for the Board of Election for a one year appointment. Motion carried.

Plantation Lakes Dedication: Town Solicitor Tempe Steen gave an update of how the paperwork is coming for the land dedication from Plantation Lakes. They are still working on language and details of the documents but there have been no changes from what was presented at the previous council meeting in March

Town Solicitor/Legal Representation: The town has been informed that current Town Solicitor, Tempe Steen, will no longer be an attorney, of counsel with Tunnell & Raysor, P.A, effective April 16, 2008. She is joining James F. Waehler, Esquire, and Mary R. Schrider-Fox, Esquire in the formation of a new law firm to be know as Steen, Waehler & Schrider-Fox, LLC, to be located in Bethany Beach, Delaware. Council was asked to decide if the town wants to continue to work with Ms. Steen as the town's solicitor under the new firm or continue with Tunnell & Raysor. After some discussion Thoroughgood motioned, Truitt second to continue to work with Ms. Tempe Steen, Esquire as the town solicitor under the new firm with the same terms as are now in place. Motion carried.

Personnel Committee: Council was informed the personnel committee is in the process of reviewing job descriptions and employee benefits for a report to council.

Wilkins motioned, Thoroughgood second to recess the Regular Council meeting at 7:30 P.M., and to enter into an Executive Session at 7:40 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary