

MAYOR and COUNCIL

TOWN OF MILLSBORO

REGULAR COUNCIL MEETING

November 3, 2008 - Amended

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, Town Solicitor Tempe B.Steen, Administrative Assistant Brenda Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the October 6, 2008 council meeting for Council's approval. Bryan motioned, Wilkins second to approve the minutes from the October 6, 2008 council meeting as written. Motion approved unanimously.

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

Dan Atkins - Arborist and owner of Complete Tree Care came before Council to present some suggestions for the care of the trees in The Town of Millsboro. The town has hired him to care for the Bald Cypress tree in Cupola Park and he suggested that a press release be done giving citizens some information on what is going to be done to the tree and for the health of the tree. He suggested that the town hire a possible consulting arborist to work with the town to implement a urban forestry plan. He also feels the town should require some type of permit before allowing tree removal by anyone. Mr. Atkins offered his service as the town's consulting arborist at a no cost to the town. Mayor Gum appointed John Thoroughgood/Chair, Irene Keenan and Solicitor Tempe Steen to meet with Mr. Atkins and discuss plans for an urban forestry plan for the town.

MILLSBORO FIRE COMPANY - President Ray Burton presented to Council a written report showing the total number of Fire/EMS alarms and calls that have been responded to for the 2008 year through September. Fire alarms responded to were 49 and EMS calls were 158 with 108 patients transported. President Burton reported that in October, Fire Prevention Week was celebrated by giving fire truck rides to area elementary students. There was also a fire muster competition with students at the East Millsboro Elementary school participating. The Fire Prevention essay winners were also presented with prizes during this time. The Millsboro Fire Dept. hosted the Northeast Car Rally last month with

everything going well and a lot fun for everyone participating. The Fire Dept. has hired an additional day time EMS employee.

#### CHAMBER OF COMMERCE -No report STREET REPORT - No report

PARKS AND RECREATION -The application for a grant for bulkhead and boat slip improvements has been submitted. The entertainment at the Cupola Park in October went well

POLICE REPORT - Chief John Murphy presented the monthly report to Council.

Cpl. Wheatley and Cpl. Legates attended Crime Scene II at the DSPTA from Oct. 20th to Oct.. 22nd.

Recruit Evan Rowers started the DSPTA on November 3rd.

The departments CALEA mock assessment is scheduled for November 12th and 13th. When the mock assessment is completed we will send files to CALEA and our official assessment will be scheduled.

The first Millsboro Night Out event was well attended. Fran, from the Chamber, estimated that approximately 300 children passed through in two hours. The Police Dept. wholeheartedly recommends that this event be scheduled again next year. Since the event is only two hours in duration and the Chamber solicits donations the budget would be very modest. On behalf of the Chamber I would like to extend our thanks to the businesses, organizations and individuals that made contributions.

Chief Murphy gave an overall review of grant applications which the Police Dept. would like to file. At this time there is a total of \$12,866.95 remaining in the SALLE and EIDE grants from previous years. The Sussex County Block Grant is closed. The Bullet Proof Vest grant is not open at this time, but when it does become available 50% of the cost of vests bought could be applied for. Chief Murphy presented to Council a request to implement and train a SWAT Team from the Millsboro Police Dept. This would require sending six officers to be trained together. The training and equipment that would be required could be funded out of the remaining monies in the SALLE and EIDE grants. Mayor Gum asked if the crime rate in Millsboro was such that we would really need a SWAT Team. Chief Murphy explained that with the increased population and annexations that he feels this type of team will be needed in the future. A question was asked about the coverage of schedule while this training would be taking place. Chief Murphy observed that the schedule would be tight but the training could be broken down to several trips with two or three officers going at a time. The officers would need to train on a monthly basis together after the initial training period with the equipment they would be using being stored at the Police Dept. Councilman Wilkins went on record saying he would not support the approval of a

SWAT Team for the police dept. It was suggested to table any decision on using grant monies for the training and equipping of a SWAT Team for the Millsboro Police Dept. until further review by council. Wilkins motioned, Thoroughgood second to table any decision on grant applications and the possible initiation of a Millsboro Police SWAT Team until next month until further review by Council. Motion carried unanimously.

Chief Murphy introduced Officer David Moyer. He has been on FTO since graduation from the DSPTA in September. He is doing well and will be released from FTO on December 2nd, the first week of December.

Chief Murphy introduced Lt. Brian Calloway who was selected as this years Delaware League of Local Governments Officer of the Year. Lt. Calloway has been with the town for ten years and has come up through the ranks. Chief Murphy praised Lt. Calloway for the outstanding job he has done and is doing for the department. Among his many duties he performs for the department he is also overseeing the CALEA certification process.

Chief Murphy asked for permission to take a 92' Honda and 95' Dodge pickup to auction Thoroughgood motioned,, Wilkins second to approve Chief Murphy taking the two vehicles requested to auction. Motion carried unanimously.

Street Report - No report

WATER AND SEWER REPORT - The town received three sewer adjustment requests due to water leaks at 27138 Crest Drive, 17 Kyle Circle and 432 Wilson Highway. All three have had the sewer adjusted per town ordinance and will pay for the water used as ordinance allows.

Water Plant Bids - Seven bids were received by the town for the Water Plant Improvements. The bids were opened on October 23rd. Mark Downes, from CABE Associates, informed Council bids were received from seven companies. Bids received were George & Lynch, Inc- \$3,778,734; Johnston Construction Co.-\$3,778,588; Howard Robson-\$3,560,000; Southern Builders Inc-\$3,318,000; Commonwealth Construction Co-\$3,213,000; JJID Inc-\$5,046,000 and Bearing Construction Co- \$3,086,000. After reviewing the bids Mr. Downes advised Council that CABE Associates is recommending that the town accept the bid from Bearing Construction Co. in the amount of \$3,086,000 for the water plant improvements. Tempe Steen, Town Solicitor, recommended that the town examine the bids more carefully to be sure they are being applied for and filled out correctly according to town regulations. She advised Council that some of these bids did not list the addresses of subcontractors that would be used. Mr. Downes informed Council his firm was aware that this information had been omitted on some of the bids but that in Bearing Construction's case CABE Associates' is familiar with the subcontractors Bearing

would be using as they use the same ones that they have used in previous work for the town. Bryan motioned, Wilkins second to accept the low bid of \$3,086,000. From Bearing Construction Co. for the Millsboro Water Plant improvements. Motion carried unanimously.

Engineering Amendment/Increase Fees - Mark Downes of CABE Assoc. explained to Council the engineering amendment for increased engineering fees for the Wastewater Treatment Facility Phase 1 Upgrade. Contract C for the new plant headworks was initiated in November 2006 and originally scheduled for completion by January 2008. The contractor has fallen behind schedule and final completion is now not expected until January 2009. The design capacity for the plant started at 1.9 million and is up to 4.246 million. CABE has had to revise the engineering fees due to the length of time increase from six months to one year. The fee amounts currently budgeted for construction administration and resident project representative services will not be sufficient for the estimated increase in construction contract time. They are proposing an increase in Construction Administration of \$ 180,000.00; and an increase in inspection fees of \$ 60,000.00.

Mr. Downes also informed council that CABE Assoc. is asking for an amendment to the engineering agreement for the Water Plant Supply and Treatment Improvements. He explained to Council that due to the increased scope and complexity of the water plant project it will require construction phase engineering services beyond the scope of their current agreement. The fee amounts originally budgeted for construction administration and resident project representative services will not be sufficient for the estimated 400 day construction contract time. The total increase for Pre-Design, Design and Construction Phase services is \$140,500.00 and total increase being asked for Time and material Fees is \$145,000.00 in this amendment. A second application for state revolving Fund (SRF) will be necessary to cover the additional cost. Instead of a six month construction job it is not twelve months. There is an additional 2.6 million necessary to finish the project. CABE will prepare the application on behalf of the Town. A letter of intent has been submitted and the State should be announcing the projects that have made it to the priority list next week. After some discussion Thoroughgood motioned, Bryan second to table a decision on both fee amendment changes being asked for the Wastewater Treatment Plant and Water Plant upgrades by CABE Assoc. until next month and see if the State Revolving Fund has met and decided what projects they will be funding. Motion carried unanimously.

#### MAYOR'S REPORT

Hunter's Point Condo Assoc. - President Sandra Brigandi voiced some concern's residents have with the pump station at Cupola Park and a question concerning the town street sweeper. Residents are concerned that the alarm at the Cupola Park pump station has been out of order and wondered if or when it will be fixed. They are concerned there will be a raw sewage back up and it will be too late when the Town becomes aware. She was informed that the pumping station alarm system is part of a phone system that had been disconnected by mistake by the telephone company but that a new line has since been installed and was operable. This should allow the alarm to work as intended warning of a back up

in that area. She also wanted to know if the street sweeper could run up to the Hunter's Pointe gate when being used on Morris Street. Council informed her that this was indeed a possibility as long as the street sweeper had enough room to turn around at the gate.

Peninsula Crossing Annexation - The committee appointed by Mayor Gum to discuss the application for annexation by Peninsula Crossing for the Mitchell and Handy properties, 2-33-5.00 parcels 112.00; 113.00 and 114.00 gave a report to Council. The committee recommends that these properties be annexed into the corporate limits of The Town of Millsboro and that the zoning be set as Highway Commercial. They propose that a public hearing be held either in December 2008 or January 2009 pending State comments received. Thoroughgood motioned, Wilkins second that a public hearing be held December 1, 2008, at the next Town Council meeting, to consider annexing into the Town of Millsboro the lands owned by Roger W. and Judith H. Mitchell/Millsboro Towne Center II, L.L.C., tax map #2-33-5.00 parcel 113.00 and 114.00; also lands owned by Marie Handy/Millsboro Towne Center II L.L.C., tax map #2-33-5.00 parcel 112; and that the zoning be set as Highway Commercial (HC) for all three parcels. Motion carried unanimously.

Conditional Use Renewal/Patel- The town has received an application for conditional use renewal from Chandrakant K. Patel for a residence over a business at 302 Main Street. Councilman Wilkins brought to Council's attention several items he felt needed to be attended to before approving this renewal application request for another year. He informed council that there are weeds behind the building which are 4 ft. high and need to be removed. There is a pile of old lumber that has never been removed. Product signs need to be removed from two sign posts on the property. These signs are illegal as they have never been approved to be there. These sign posts held a previous business signage but that business, Emings, has since moved out. There are also parking bumpers which need to be repaired. Wilkins motioned, Thoroughgood second to approve the conditional use for one year for the property located at 302 Main Street and owned by Chandrakant K. Patel with the conditional use exemptions as stated above. Motion carried unanimously.

Plantation Lakes/Ratification of transfer of land - Council was informed by Town Solicitor Tempe Steen that the Council had accepted the documents through receipt of the executed and recorded documents for the land to be used for the "firehouse" and town park and to define offsite stormwater location and easements and to determine the future access easement location from Plantation Lakes but did not formally take action to accept the final documents. She informed Council that they need to ratify such acceptance. Bryan motioned, Wilkins second that the following documents and the actions represented by them are hereby accepted and the actions of the Town Manager and Town Solicitor are hereby ratified; (1) deed from Lencraft LLC to Town of Millsboro for Parcel One (11.198 ac. +/-); (2) deed from Lencraft, LLC to Town of Millsboro for Parcel Two (.119 ac. +/-); (3) easement from Lencraft, LLC to Town of Millsboro for access for stormwater; (4) bill of sale for Pump Station equipment. Motion carried unanimously.

Wilkins motioned, Thoroughgood second to recess the Regular Council meeting at 8:30 PM and to enter into an Executive Session at 8:40 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges

Secretary