

## Minutes

Millsboro Town Council

Regular Council Meeting

March 1, 2010

7:00 P.M. meeting called to order in the Council Chambers, Vice-Mayor Robert Bryan presiding. Present were Secretary Tim Hodges, Treasurer Michelle Truitt, Council Persons John Thoroughgood, Irene Keenan, Greg Hastings, Town Manager Faye Lingo, Town Solicitor Tempe B Steen, Development Coordinator Linda Johnson, Finance Director William Sauer, Town Clerk Tammy Phillips. Absent-- Mayor Larry Gum. Guests-- see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the February 1, 2010 council meeting for Council's approval. John Thoroughgood moved, Michelle Truitt seconded to approve the minutes from the February 1, 2010 council meeting as written. Motion approved unanimously with Mayor Larry Gum absent.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Tim Hodges moved, Irene Keenan seconded to pay the bills from the designated accounts as presented. Motion approved unanimously with Mayor Larry Gum absent.

PARKS AND RECREATION - Millsboro Little League were asking for permission to have a parade on Opening Day, April 17, beginning 11 am at Millsboro Civic Center then march the players to the ball fields located on West State Street. They have contacted the Millsboro Police Department and needs approval from the Council if agreeable. John Thoroughgood moved, Greg Hastings seconded to approve the Millsboro Little League permission to have parade on April 17. Motion approved unanimously with Mayor Larry Gum absent.

GREATER MILLSBORO CHAMBER OF COMMERCE - Chamber Director, Fran Bruce, reported that Chamber of Commerce held a Bridal Show on February 21. Chamber of Commerce is inviting all members to attend luncheon on March 18 at noon at Slower Lower Delaware Restaurant with guest speaker Kenny Niblett, the Town of Millsboro Public Works Supervisor. Chamber of Commerce is on board with supporting the Main Street improvement. Chamber of Commerce encourages all their members to

support the main street improvement. The Chamber is working on partnering with the Millsboro Fire Company for the annual golf tournament.

MILLSBORO FIRE COMPANY - President Ron O'Neal reported that members of the Fire Company provided manpower 24/7 Fire and EMS emergency response during the recent crippling snowstorms. They had between 10 to 20 volunteers at the station beginning Friday, February 5 through Thursday, February 11, with stand-by crews rotating through the firehouse to provide maximum coverage. During this time, they responded to approximately 50 emergency calls, most requiring the response of not only an ambulance but at least two support pieces to carry personnel for assist with patient loading and care, and to help shoveling out when the apparatus got stuck. Many businesses in the area aided the fire department during this time, whether opening their stores in order for them to get supplies, helping with snow removal or aiding our snowbound members and apparatus. Ron reported that he was proud of the community for their assistance during this time, and extremely proud of our volunteers who put in countless hours away from their own families in order to provide emergency response during those harsh conditions.

County, State and Delaware Emergency Management Association representatives are working together to compile the costs incurred by local Fire and EMS organizations with the recent storms. This information will be tallied and the presented under State and Federal government "state of emergency" guidelines with the hope of being able to recoup a portion of these expenses.

Representatives of the DVFA met with the State Joint Finance Committee this past week to present a review of New Castle fire company budgets. The slide presentation focuses on the 2009 budget of Five Points Fire Company as an example of the budgetary issues experienced by all up-state Fire and EMS organizations. Information included State grants and appropriations, costs of equipment, yearly operating expenses, combined income, and comparisons of 2008 versus 2009 figures. The information was well received by members of the Finance Committee, who were very surprised at the costs involved with the operation of the Fire and EMS services. The DVFA is in the process of creating a similar slide presentation which will focus on the issues on the face by Kent and Sussex County organizations. Once completed, the Fire department will forward that information to the Town for their review.

The Fire Company hosted their annual Fellowship Night on Friday, February 19, with approximately 110 people in attendance who dined on shrimp, oyster stew, fritters and chicken wings. The annual event is intended as a friendly gathering for surrounding fire companies as well as Town and Police employees.

The Fire Company was invited to participate in the "Give a Kid a Smile" event hosted by Peninsula Dental at the Peninsula Crossing Shopping Center on Saturday, February 20. MFC Junior Limited members were on hand with Fire Prevention information handouts and apparatus for display to the delight of many of the children participating.

MILLSBORO POLICE DEPT - Chief Murphy reported Pfc. Lyons attended Fraudulent Document Training on February 26 at DSPTA.

Pfc. Lyons attended Fraudulent Document Training on February 26 at DSPTA.

Sgt. Legates, Cpl. Wheatley, Pfc. Berrios, Pfc. Doughty, Pfc. Morris, Ptlm. Moyer, Ptlm, Rogers attended D.A.R.T. training on February 25 at MPD.

Homeland Security - the threat level remains at yellow. No issues to report. Calea Update - No issues to report.

The snow storms we experienced last month did present a few issues, none that Chief Murphy would consider major issues. Considering the severity of back to back storms and the wind associated with the second storm the roads and streets were remarkably clear.

The Citizens Police Academy will be completed on March 2

STREET REPORT - No report

WATER AND SEWER REPORT - Sewer adjustment due to water leak, 399 Northern Avenue: Faye Lingo, Town Manager has made the adjustment as ordinance allows.

Wastewater- Change order No. 5, Cabe Associates, engineering services for Contract E, Transmission system improvements. Since the scope of the work had not been finalized these fees were not included into the contract. It is \$81,000.00 for construction administration and \$84,000.00 for inspection. Vice Mayor Robert Bryan appointed Councilman Tim Hodges/Chairman, John Thoroughgood as the committee to study change order no.5 and bring back their recommendations to the council.

Wastewater - Change order No. 6, Cabe Associates, engineering services to encompass everything from now to the end of the project. Vice Mayor Robert Bryan appointed Councilman Tim Hodges/Chairman, John Thoroughgood as the committee to 1 study change order no.6 and bring back their recommendations to the council.

Water - Change order No. 3, decrease in contract price due to deletion and adjustment of items in original contract, amount \$8,910.00. Michelle Truitt moved, John Thoroughgood seconded, to accept the change order to decrease in contract price due to deletion and adjustment of items in original contract. Motion approved unanimously with Mayor Larry Gum absent.

Water - consideration and status Faye Lingo, Town Manager, reported that the Town met with representatives from DNREC, EPA, the industries, and their engineering consultants, "Arcadis," involved in the remediation of the TCE contamination of the Town's public water supply. Arcadis has been retained to test and analyze data on the existing wells and new well for the Town before the plans for clean up are completed. The concern is whether using the Town's new deep well would negatively affect the aquifer and whether the layer between the two aquifers (the shallow Columbia aquifer where the Town's 3 wells are and the deeper Manokin aquifer where the Town's new well is located). The proposal by Arcadis is to test new Well #5 which isn't in production yet. As they would like to deal with pumping of the water from Well #5 to see how it affects the levels, and if it does affect them then identify this as a potential problem. In order to conduct a part of this study, Arcadis needs town permission to use Well # 5. Tim Hodges asked if we know how much water is involved and what we are going to do with the water. Faye Lingo, Town Manager, stated the engineers have not determined that and are looking in to that, where the water is getting pumped out from. They can not pump it into our wastewater system. They have to find a way to reuse it or do something with it, but not in production yet. Tim Hodges stated that if this permission is for DNREC, EPA and agencies, who is going to be responsible for funding it. The industries have hired Arcadis to do the study. Tim Hodges asked did they indicate how long it would take , should be done by June which works with our construction we weren't in need it to all fixes. Arcadis has met with Cabe Associates as well as Kenny Niblett, Public Works Supervisor, Vice-Mayor Robert Bryan, EPA and DNREC to discuss approaches to identifying and solving the problem. Vice-Mayor Robert Bryan stated the concern is that the TCE plume of contamination could begin moving again, toward Millsboro Pond, if the Town wells suddenly start drawing water down. Tim Hodges stated both DNREC and EPA are involved in this situation. DNREC's Office of Drinking Water, site investigation branch, EPA's investigation branch are going to responsible for clean up. Greg Hastings questioned whether the water that coming out of the well for the Town's use is treated, which it is. The water is not going through the Town's treatment system yet. DNREC and EPA will have to approve any plan that provides for the water from the proposed test wells to be pumped to the pond or where it is to be pumped. . The Town of Millsboro will not have any expenses. Tempe Steen, Town Solicitor, stated that Arcadis is requesting the right to go on Town of Millsboro property and use Town property for this testing, Greg Hasting moved, Tim Hodges seconded to approve permission to go on The Town of Millsboro property. Motion approved unanimously with Mayor Larry Gum absent.

MAYOR'S REPORT - Zach Crouch from Davis, Bowen and Freidel requested an extension of the effective dates for the JG Townsend and Chesapeake Tract land for annexation. Chesapeake has requested an extension to the effective date to June 22, 2011 and J G Townsend, to August 1, 2010. Tempe Steen, Town Solicitor, stated that the Town of Millsboro Council could go beyond August 1 for J G Townsend. Zach Crouch recommends that they are both linked together J G Townsend and Chesapeake both have

the same date. Tempe Steen, Town Solicitor, noted that any further extension would have to be considered by the Town Council at its July meeting if the August 1 date were chosen as it is a Sunday, and prior to the regularly scheduled August meeting of the Town Council. Tempe Steen, Town Solicitor stated the negotiation is between the two entities, under the contract of purchase between them and also with the Town.

J.G. Townsend Tract, 1-33-11.00 parcel 4.00, Zach Crouch from Davis, Bowen and Freidel is requesting for extension on time for effective date of annexation and MR/HC zoning approvals. Tempe Steen, Town Solicitor, suggested in the Resolution that the failure to reach agreement and execute an annexation agreement will result in the failure of the conditions and the actions by Town of Millsboro Council annexing the property designating the property by the town zoning map rescinded and void. Tim Hodges made a motion to accept the Resolution as prepared by Tempe Steen, Town Solicitor, for J G Townsend property to extend the date to August 2, 2010. Michelle Truitt seconded. Motion approved unanimously with Mayor Larry Gum absent.

Chesapeake LLC, 1-33-11.00 parcels 5.00; 6.00 and 7.00, Zach Crouch from Davis, Bowen and Freidel is requesting extension on time for effective date of annexation and PCD zoning approvals as discussed above. Tim Hodges made a motion to accept the Resolution as presented for Chesapeake, LLC to extend the time for annexation and PCD zoning approvals, and as presented the set date to August 2, 2010. Michelle Truitt seconded. Motion approved unanimously with Mayor Larry Gum absent.

Chesapeake LLC, 1-33-11.00 parcels 5.00; 6.00 and 7.00, request for subdivision provisional approval of entire project and phasing and I Preliminary Site Plan approval for Phase 1 as well as approval of the conditional use application. Plans are provided. Tempe Steen, Town Solicitor, stated they are two (2) Resolutions but it is acceptable to combine them for purposes of discussion and one public hearing for both applications; however, for publishing and for record keeping, separate resolutions setting public hearings, for April 5, 2010, are for (1) zoning and (2) subdivision. Tim Hodges made a motion to accept the report and recommendation of Town of Millsboro Committee for provisional approval for entire project and the conditional uses. Michelle Truitt seconded. Motion approved unanimously with Mayor Larry Gum absent. Tim Hodges moved, seconded by Michelle Truitt, to adopt the resolutions setting public hearings on April 5, 2010, for the conditional use of horseracing track with accessory uses of VLT's and casino, as defined in the Delaware Code, and for the provisional review of the project, Del Pointe, and preliminary site plan approval for Phase 1. Motion approved unanimously with Mayor Larry Gum absent.

Faye Lingo, Town Manager, suggested 1 that Council should consider doing a resolution says that they in concept support the project Del Pointe as there has been no formal such statement although the council has discussed it frequently in a positive manner. Tim Hodges moved that the Town of Millsboro Council continues supporting the Del Pointe project in its entirety as presented with all the different uses and

designs as presented to this date. Tim Hodges moved, Michelle Truitt seconded that the Town Council supports the Del Pointe project. Motion approved unanimously with Mayor Larry Gum absent.

Mosquito control in town limits by DNREC, John Thoroughgood questioned about the bee keepers being notify before DNREC sprays within the town limits. John Thoroughgood made a motion to adopt the Resolution and grant the requested waiver permitting spray application by low-flying aircraft and notifying the bee keepers. Tim Hodges seconded. Motion approved unanimously with Mayor Larry Gum absent

John Thoroughgood moved Irene Keenan seconded to recess the Regular Council meeting at 7:40 pm and enter into Executive Session at 7:50 pm to discuss legal and personnel.

8:15 pm meeting called to order Hodges motion, Thoroughgood second to authorize the town manager to provide appropriate incentive as discussed in executive session for the public works department, approved unanimously with Mayor Gum absent.

8:18 pm Hodges motion, Truitt second to adjourn, approved unanimously with Mayor Gum absent.

Respectfully submitted,

Tim Hodges,  
Secretary