

Minutes

Millsboro Town Council

Regular Council Meeting

November 1, 2010

7:00 P.M. meeting called to order in the Council Chambers at 322 Wilson Highway, Millsboro, Mayor Larry Gum presiding. Present were Vice-Mayor Bob Bryan, Secretary Greg Hastings, Treasurer Michelle Truitt, Council Persons, Irene Keenan, Tim Hodges, Town Manager Faye Lingo, Town Solicitor Mary Schrider-Fox, Development Coordinator Linda Johnson, Finance Director Bill Sauer, and Town Clerk Tammy Phillips. Council Person John Thoroughgood absent. Guest- see attached list.

PUBLIC HEARING - Zoning change - Sussex County Map No, 1-33-17.17 parcel 70.00 for medium density residential zoning to highway commercial zoning. This property belongs to the heirs of Ann Taylor 340 Old Landing Road. The hearing

Will be open to hear comments and council will have discussion on the possibility of the zoning change. However, the comments will not be available from the State Planning Office. The property will be required to go through Plus Review on November 24, 2010.

SECRETARY'S REPORT - Secretary Hastings presented the minutes from the October 4, 2010 council meeting for Council's approval. Hodges moved Keenan seconded to approve the minutes from the October 4, 2010 council meeting as written. Council Person John Thoroughgood absent. Motion approved unanimously.

TREASURER'S REPORT - Treasurer Truitt presented the bills and bank balances to Council for approval. Bryan moved Hastings seconded to pay the bills from the designated accounts as presented. Council Person John Thoroughgood absent. Motion approved unanimously.

Open two Money Market accounts with PNC - due to loan closing two accounts need to be opened to hold the pledge. Bryan moved Hastings seconded to authorize Town Manager Lingo to move the funds from Citizens Bank to and open to restricted accounts in PNC. Council Person John Thoroughgood absent. Motion approved unanimously.

GREATER MILLSBORO CHAMBER OF COMMERCE - Amy Simmons stated that Bay Breeze Shop at 28436 DuPont Blvd held it's Grand Opening on October 16, 2010. On October 30, 2010 Second Annual Family Night Out was held at lot of Dairy Queen Main Street, over 275 kids passed through. Chamber would like to thank Chief Murphy for working his magic on having two officers at the Family Night Out. Chamber monthly membership meeting is being held at Pizza King on November 18. The Christmas parade entries are really growing for December 4th parade or rain date December 11th.

MILLSBORO FIRE DEPARTMENT - Ron O'Neal, President reported November signals the end to a busy month for the fire company, particularly with Fire Prevention activities. For the week of October 3rd thru the 11th, our volunteers put in countless hours of preparation for prevention related activities, concentrating mainly on area schools. Our members take personal time, may taking vacation time for the employment, in order to participate in demonstrations, tours, discussions and the all important fire truck rides for the kids. Members also spend hours pouring over essays and posters that the area school children submit for the Fire Prevention contests in order to award 1st, 2nd and 3rd place ribbons for grades 1 thru 5.

A Big part of Fire Prevention week is the Safety House, which was extremely busy this year, visiting 5 different locations in as many days. This also manned by volunteers who transport the unit to and from each location and also operate the program in selected locations. So far in 2010, approximately 1250 school aged children have passed through the houses and have learned how to recognize the dangers, how to call for help and how to safely exit their house in case of emergency.

Halloween weekend again is busy for our organization as we hosted the 9th annual Pumpkin Run for the Northeast Rally club this past weekend. Approximately 32 participated in this year's activities. Members of our company volunteer to help with the rally, working the check points and assisting wherever necessary. The Ladies Auxiliary catered the meals on Saturday and Sunday and did a great job in feeding all the competitors and event workers. We are already looking forward to this event in 2011.

Training - our fire line officers will be touring the Suburban Propane facility Wednesday evening to review updated safety procedures and to familiarize themselves with the facility. We do this every few years in order to review processes and to expose new line officers to the hazards associated with the local business. Our members will also be training on lift bag use and procedures later in this month. Air light bags are used during emergencies where heavy loads need to be lifted or moved in order to extricate a patient.

The Sussex County fire Chief's Association handed out its Heroic Firefighter of the Year award at the Sussex County Volunteer Firefighters Association's October meeting in Rehoboth Beach on Tuesday,

October 26th. Our own Deputy Chief Matt Warrington was one of this year's recipients, as he was on duty with the Delaware State Police and assisted with getting a Seaford firefighter to Beebe Medical Center after suffering cardiac arrest during standby for the July 4th fireworks program in Rehoboth Beach.

MILLSBORO POLICE DEPARTMENT - Chief Murphy stated training for the month of October 11th Detective Barry Wheatley attended firearms training at DSP range. October 11th - 15th Sergeant Legates attend the NRA Pistol training in Springhill, MD. October 11th - 15th Detective Barry Wheatley attended CAC Child First training in Lewes, DE. October 18th - 22nd Sergeant Legates attended NRA Rifle training in Springhill, MD. October 25th - 29th Lietuent Calloway and Detective Wheatley attended CVSA training in Cincinnati, OH. October 26th - 28th Sergeant Legates and Patrolman Rogers attended Commercial Vehicle Criminal Interdiction at the Dover Police Department. The threat level remains at yellow. Despite the recent events the Delaware and the U.S. threat levels are at yellow. The threat level in the travel sector is orange or high. Calea no update to report. The weather conditions for Trick or Treating were practically ideal; the turnout seemed to be better than past years. Even though traffic was relatively heavy for a few hours there are no issues to report.

Grants, ratification- Chief Murphy there have been some changes to the grants amounts SALLE - \$ 5003.53 for ICOP Camera System, EIDE - \$ 4007.07 for overtime for drug investigation, Sussex County Block \$ 9446.39 for CVSA training for two officers, firearms training for one officer, range fees for 2011 and upgrade holsters. Hodges moved Bryan seconded to ratified with the changes noted to the grants. Hodges moved Bryan seconded to approve firearms training \$1700, upgrade holster \$1200, and CVSA training to \$ 4077.03. Hodges moved Bryan seconded to approve SALLE \$ 5003.53 for ICOP Camera System. Bryan moved Hodges seconded to approve EIDE - \$ 4007.07 for overtime for drug investigation. Council Person John Thoroughgood absent. Motion approved unanimously.

Firearm ordinance - The committee reported to add bow & crossbow to the ordinance and increase the fine to not less than \$50 and no more than \$ 250 and for subsequent violations the amount would be determined by a judge. Exception: Archery activities - any supervised group could request permission from the Chief of Police (register and receive approval by the Chief of Police). Bryan moved Hastings seconded to amendment to the Charter which will include bows and crossbows. Council Person John Thoroughgood absent. Motion approved unanimously.

Chief Murphy stated Patrolman Moyer has been with Town of Millsboro since April 2008 and is up for promotions from Patrolman to Patrol man First Class. Bryan moved Hodges seconded to promote Patrolman Moyer to Patrol Man First Class. Council Person John Thoroughgood absent. Motion approved unanimously.

STREET REPORT - Resurfacing underway following the construction of the beneficial reuse line that was installed, info only, no council action necessary.

The Town has received a request to limit truck traffic from turning east onto Main Street from State Street traveling from a northerly direction. There are two complaints one from Carey's Frame Shoppe, 103 West State Street and the other from 303 Main Street. Town Manager Lingo has been authorized to send letter to DELDOT to come down and review the truck flow on West State Street and Main Street for NO TRUCK ROUTE.

PARKS AND RECREATION REPORT - No report

WATER AND SEWER REPORT - No report

MAYOR'S REPORT - White Farm Annexation, public hearing was held November 2, 2009 with action delayed. Sussex County Map Nos. 1-33-11.00 parcel 03.00, 1-33-15.00 parcel 30.00, 1-33-15.00 parcel 30.01; 1-33-16.00 parcel 75.03, 1-33-16.00 parcel 75.00. This property is located on both sides of Route 20, Hard Scrabble Road approximately 3 miles west of DuPont Boulevard and the annexation will also include that section of Hard Scrabble Road. The public hearings were held in November 2, 2009 and have gone through plus review so council may take final action to annex the property. Purchased was completed on October 29, 2010. Bryan moved Truitt approved to annex the following Sussex County Map Nos. 1-33-11.00-03.00; 1-33-15.00-030.00; 1-33-15.00-030.01; 1-33-16.00-075.03; 1-33-16.00-075.00 in the Town of Millsboro limits. Council Person John Thoroughgood absent. Motion approved unanimously.

Sussex County - Community Development Block Grant, council may ask Sussex County to apply on the town's behalf for housing rehab in the Millsboro Corporate limits. If there are any homes in the Millsboro area they can be included with the application for Sussex County. Bryan moved Truitt seconded to join Sussex County - Community Development Block Grant to upgrade a home on Kendall Street. Council Person John Thoroughgood absent. Motion approved unanimously.

Otter Branch - Sussex County Map No. 1-33-17.00 parcels 66.00 and 67.00 requesting an extension of preliminary plan approvals. Matthew Barrazotto presenting RDM has requested for one year extension on the preliminary plans. Bryan moved Hastings seconded to approve for extension on the preliminary plans of Otter Branch for one year November, 2011. Council Person John Thoroughgood absent. Motion approved unanimously.

Supplemental Taxes- There is supplemental taxes ready to be sent and they need the approval of the council. These are newly developed properties or properties that have had changes to them since the assessment done May 2010. It is required that the list be given to council and you accept the list before notices can be sent out. Truitt moved Bryan seconded to proceed with the supplemental taxes bills and notices to property owners. Council Person John Thoroughgood absent. Motion approved unanimously.

Capitation Taxes - request for write off for those that have moved out of town. There is a list of names that we have found have moved out of town already. We need council approval to write them off of the books. Bryan moved Hodges seconded to authorize Town Manager Lingo to proceed to write off capitation taxes. Council Person John Thoroughgood absent. Motion approved unanimously.

Board of Adjustment resignation - Dorothy Gray has turned in her resignation from the Millsboro Board of Adjustment. Bryan moved Hodges seconded to accept Dorothy Gray resignation and to send a letter from Mayor and Council for her years of serves. Council Person John Thoroughgood absent. Motion approved unanimously.

Mediacom Franchise Agreement - Mayor to appoint a committee to discuss the renewal of the agreement in 2013. Due to new regulations the process has to begin three years ahead of the contract expiring. Mayor appointed Bryan, Truitt, and Hodges to serve as the committee to renewal agreement with Mediacom in 2013.

7:45 pm Bryan moved Hastings second to recess till 7:50 to enter into executive session. Council Person John Thoroughgood absent. Motion approved unanimously.

Regular Session

Reconvene 9:00 p.m.

Bryan moved Truitt second to give Mr. William Fisher, Old Landing/State Rd County Tax # 1-33-17.14-026.00 a tax credit for the length of time his property has been used as a construction site. Council Person John Thoroughgood absent. Motion approved unanimously.

Bryan moved Truitt second to authorize the town solicitor, Mary Schrider-Fox to appeal the applicability of DNREC's discussion concerning PCS, pollution control strategy involving Millsboro wastewater disposal. Council Person John Thoroughgood absent. Motion approved unanimously.

Bryan moved Hastings second to retain Dennis Schrader of Wilson, Halbrook & Bayard for the appeal process with DNREC. Council Person John Thoroughgood absent. Motion approved unanimously.

Hodges moved Hastings second to authorize the town manager Lingo to address the issue of well #6 with EPA. Council Person John Thoroughgood absent. Motion approved unanimously.

9:15 pm Keenan moved Hastings second to adjourn.

Respectfully Submitted,

Greg Hastings