

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING NOVEMBER 2, 2020**

Due to the absence of Mayor Murray, Councilman Tingle called the Regular Meeting of the Mayor and Council for the Town of Selbyville to order at 7 o'clock p.m. Also in attendance were Councilmen Richard Duncan, Jay Murray, and Frank Smith.

1. Opening of the Regular meeting –

- A. Councilman Tingle opened the meeting by welcoming everyone.
- B. Councilman Tingle led the audience in the Pledge of Allegiance.
- C. Presentation of the Minutes of the October 5, 2020 meeting by Councilman Tingle. Councilman Smith made a motion to dispense with the reading of the minutes and to approve them as presented. Motion seconded by Councilman Duncan and carried by all.
- D. Presentation of the October 31, 2020 bills by Councilman Tingle. After review by the Council, Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Duncan and carried by all.

2. Mayor's Report & Comments:

No report.

3. Visitors in Attendance:

Mr. Curtis Andrews, representing Main St. Holdings just wanted to tell the Council they are doing a great job.

Mr. Zach Evans of Mountaire wanted to give the Council an update on the Thanksgiving for Thousands. This year is a little different with the COVID-19 pandemic. They will be having a two day event instead of one and will have two hour shifts to break it up. The dates will be November 19<sup>th</sup> & 20<sup>th</sup>.

Ms. Sharon Hoffman, a resident of Sandy Branch and a member of the Homeowner's Association stated they are concerned about the conditions of the roads in their development. They are collapsing around the drains. She stated several phone calls and emails have been made to no avail. Stacey Long, the Town Administrator, stated she has not been contacted by anyone in that development and was not aware of any problems there. Councilman Duncan & Councilman Tingle both stated they have not received any phone calls either. Ms. Hoffman reported they have had several people out there looking at it and have been told there is a crack in the pipe at the entrance. They have a bid of \$69,000 for repairs. Envirotech has been and they have done some patchwork on it but it is only a matter of time when it is going to completely collapse. Stacey stated when any of our storm drains are being viewed by camera the town

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should be notified so we can obtain the pictures since they are the responsibility of the town. Stacey asked Ms. Hoffman to forward whatever information they have to her.

Mr. Jay Griffith of Mountaire reported they had an incident at the plant approximately two weeks ago when they lost power. Stacey reported the power was out here also and it's weird how the districts are broken up, next door had electric. Mr. Griffith stated the plant had to shut down for about three hours.

Councilman Tingle stated a representative from Comcast is supposed to attend but they are running late and will be here intermittently.

4. Reports

A. Police Report – J. Murray

Councilman Murray stated there was 288 calls for service, 248 tickets and 9 different arrests during the month of October and we received \$3,753.44 in fine money for the month of September. Chief Collins reported Trick or Treat went really well and was uneventful. He stated we are still waiting on the delivery of the cameras which could be 6-7 weeks and it could be another 5-6 weeks for the vehicle equipment. It could be approximately five months for our ammo supplies to come in.

B. Code Enforcement – C. Herbert

See report for the month of October.

C. Water Report – R. Duncan

See report for the month of October. Councilman Duncan stated we are still under a water advisory for our trihalomethanes from the last meeting. Since then we have flushed all of the hydrants have stepped up the flushing on the South Main Street side to keep the water flowing and getting the old water out of the lines. He reported that the State will be retesting the water next month at that site and hopefully the levels will be down to get us off the notice. The dead ends are continually being flushed with no problems. Councilman Tingle asked how many positive notices do we need to receive before we get off the notice list. Councilman Duncan stated he believes it is two out of three.

D. Public Works – R. Duncan

See report for the month of October. Councilman Duncan reported George, Doug, Trey & Ron have been cleaning storm drains, cutting grass, repairing water meters and assisting in the water plant. The employees have been busy painting the floors and walls in the water plant. They finished the hydrant flushing project with no problems. Stacey reported they are also getting the

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Christmas lights ready. There was an incident on Rt. 17 where a tractor-trailer took down the wiring for our Christmas lighting. An electrician has been contacted which is going to start the work next Monday and have it ready by Thanksgiving so we can turn the lights on the evening of Thanksgiving. Councilman Duncan asked the ladies from Sandy Branch to contact the town if any of those settlement issues becomes a problem so we can place safety cones for any traffic hazards.

E. Recreation – R. Duncan

Nothing to report for the month of October.

F. Sewer Report – F. Smith

See report for the month of October. Councilman Smith reported that the plant performed within the required permit parameters for the month. He reported the Ocean Outfall agreement had been sent to our attorney for review. All questions about the contract has been answered. Therefore Councilman Smith made a motion to accept this agreement with Sussex County for an update to our Ocean Outfall. Councilman Duncan seconded the motion and it was carried by all.

Councilman Smith asked our town engineer, Jason Loar if he had any updates on the sewer. Jason reported the plans are here, permitting plans are here, plans that have been submitted for permits are here for town review. We still have a chance to modify the force main based on town or property owner comments but it has been submitted for permitting to get the ball rolling. Councilman Smith asked if any permits had been received from the State of Delaware yet. Jason stated the permit for the pump station improvements has been received but not for the force main. He also reported that the documents that were requested at the last meeting has been emailed to Stacey to discuss with the property owners for necessary easements. Jason has made legal exhibits for each property owner but he can create an aerial view. Jason will get the aerial view to Stacey.

G. Planning & Zoning – J. Murray

Councilman Murray reported there was a meeting held on October 28th with all members present. The first item on the agenda was a Conditional Use Request submitted by Deborah Rogers for the extension of Haines Fabrication to add fencing and additional storage and parking. The property is located at 34 Clendaniel Avenue. It is adjacent to a Conditional Use application that was previously approved. It is the recommendation of the Planning & Zoning Commission to grant this Conditional Use request. Councilman Duncan made a motion to accept the recommendation of the Planning & Zoning Commission to approve this Conditional Use request for the expansion of Haines Fabrication. The motion was seconded by Councilman Smith and carried by all.

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The second item on the agenda was a Partitioning application submitted by the Selbyville Volunteer Fire Company located on Hudson Road. They are going to donate a half acre toward the rear of the property to the town for the future of a water tower to be installed. The plan has been reviewed by Davis, Bowen and Friedel. It is the recommendation of the Planning & Zoning Commission that the Mayor and Council approve this request. A motion was made by Councilman Duncan to approve this partitioning request. The motion was seconded by Councilman Smith and carried by all.

H. Industrial Park – C. Tingle

No activity for the month of October.

I. Annexation – C. Tingle

No activity for the month of October.

J. Administration Report – C. Tingle

Councilman Tingle had nothing to report for the month of October.

K. Administration Report – S. Long

Stacey reported each year the town applies for the Community Development Block Grant. It is a great program. A Public Hearing needs to be scheduled for the December meeting at which time the County will come in and explain the program. Councilman Smith made a motion to schedule a Public Hearing on December 7, 2020 at 7 p.m. at the Town Hall to continue with the CDBG program. The motion was seconded by Councilman Murray and carried by all.

The second item on Stacey's agenda was an amendment to our Land Use Agreement with Mountaire. Mountaire has signed the agreement and the Mayor will sign it tomorrow. A motion was made by Councilman Smith to accept this Land Use Agreement that has been negotiated with Mountaire to help them with their truck parking with DNREC. The motion was seconded by Councilman Duncan and carried by all.

The next item on Stacey's agenda was an explanation of a problem with our server. It went completely down and we were not able to use our computers for two or three days. We do have a loaner from our IT Company. This is going to be a pretty expensive fix which obviously has not been budgeted for. For a new server it will be \$7,149.93 and if we decide to go towards a cloud based backup that will be an additional \$200.00 per month making the total \$300.00 per

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per month. If our server goes down again we can continue with no interruptions in our service with the cloud based back up. A motion was made by Councilman Duncan and seconded by Councilman Smith to purchase the new server in the amount of \$7,149.93 and to add the cloud service also. The motion was seconded by Councilman Smith and carried by all.

Stacey continued with her report by stating we have received the Certification by the Governor for our Comprehensive Land Use Plan.

In conclusion to her report, Stacey reported a while back the town requested the speed limit on Polly Branch Road be reduced to 25 miles per hour all the way to Route 17. That has not gone through yet but it has been approved past the first curve going towards the wastewater plant.

Councilman Duncan expressed concern of excessive off street parking in subdivisions. We're getting this problem everywhere in all subdivisions even on the town streets and he feels it needs to be addressed. In some subdivisions the streets will not allow a fire truck access to a property in an emergency situation. Stacey stated she will research this issue and report back to the Mayor and Council at the next town meeting.

Mr. Chris Comer, a representative of Comcast, attended the meeting to explain the Franchise agreement that has been submitted to the town. They will be working parallel with Mediacom. Mr. Comer stated their first step is to apply to the pole owners to have access to those poles. That process would take a couple of months to accomplish. The initial area they are looking at right now are the outer parts of town that has just been annexed in. At some point in time they will service the whole town. Councilman Duncan asked if the town would be violating any franchise agreements with Mediacom. Mr. Comer stated the franchise agreements are non-exclusive under federal law. It would take twelve to eighteen months after the needed permits are obtained. This is a ten year contract. Their service centers are located in Lewes and Ocean City. A motion was made by Councilman Duncan to accept this Franchise Agreement with Comcast. Councilman Smith seconded the motion and was carried by all.

5. Executive Session

There being no further business to discuss Councilman Smith made a motion to adjourn the Regular Session and go into Executive Session to discuss legal and personnel matters. Motion seconded by Councilman Duncan and carried by all.

Councilman Tingle adjourned the regular session to go into executive session to discuss legal and personnel matters and thanked everyone for attending.

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Respectfully submitted,

Deborah L. McCabe  
Secretary/Treasurer

## **Executive Session**