

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

Mayor Murray welcomed everyone and 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 Jay Murray, Richard Duncan, Frank Smith and Clarence Tingle.

The meeting was properly posted.

1. Opening of Meeting –

A. Mayor Murray led in the Pledge of Allegiance.

B. Presentation of the Minutes of the September 13, 2021 meeting by Mayor Murray. Councilman Smith made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilman Tingle and carried by all.

C. Presentation of the September 30, 2021 bills by Mayor Murray. Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Tingle and carried by all.

2. Mayor's Report –

Mayor Murray stated that he missed September's meeting because of health reasons. He added that the town has been moving forward with various activities, particularly building in several of the newer developments.

3. Visitors in Attendance –

No one took the opportunity to comment at this time.

4. Reports –

A. Police – J. Murray

Councilman Murray stated that there were 209 calls for service, 140 tickets issued, and 10 arrests of various kinds during the month of September. Fine money for the month of August has not yet been received from the state. Chief Collins reported that one officer is still out with a work related injury. He reported that he has had several applicants, both certified and uncertified, for the open positions within the department and that he is moving forward with testing. He stated

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

that he feels they'll have a good selection for the next Academy. Chief Collins announced that the police department is partnering with the fire company to sponsor Trunk-or-Treat. The event will be held at the Selbyville Fire Station, 33 N Main Street, on Saturday, October 30, 2021 from noon until 3 p.m. The town's annual Halloween Parade has been canceled due to lack of participation.

B. Code – S. Long

See report for the month of September.

C. Water – R. Duncan

See report for the month of September. Councilman Duncan stated that the town continues to meet all state and federal testing requirements. Councilman Duncan announced that Trey Johnson is now in his second year of the Water Systems Operators Apprenticeship Program with the town. Councilman Duncan also announced that Hydrant Flushing will be the week of October 11, 2021. He reported that the town continues to flush dead-ends and to monitor the presence of TTHM's and that the town is now on the EPA's electronic tracking system. Councilman Duncan referenced a letter from Davis, Bowen and Friedel regarding the proposal for engineering of the elevated storage tank to be located off Hudson Road. Jason stated that the proposal includes Financial Administration Services, Preliminary Engineering and Design and Permitting. He's currently confirming with the state that a Referendum is the next step to securing the SRF funding. In the meantime, in order to keep things moving along and to get the project bid ready, he wants to get started with the design of the tower, which includes clearing the land and permitting. He stated that it's his understanding from the state that these are fundable expenses, which means the town could ask for reimbursement once the funds are available. He stated that it's easily a two-to-three-year project and he's looking for the town's approval to get started. Councilman Duncan confirmed that it will take about a year just to get the tank built. With that, Councilman Duncan made a motion to allow Davis, Bowen and Friedel to move forward with the design of the elevated storage tank. Motion seconded by Councilman Tingle and carried by all. Jason added that the current intent is to fund the elevated storage tank using State Revolving Funds. He is, however, in the process of completing a Water Facilities Plan for the town, which is 100% funded by USDA, and he's hopeful they will chip in additional funds for the Elevated Storage Tank project. He confirmed that the town is still grant eligible.

D. Public Works – R. Duncan

See report for the month of September.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

E. Recreation – R. Duncan

Councilman Duncan reported that he, Stacey and Kevin Murray met with Zack Evans from Mountaire concerning the restoration of the buildings at the field. Zack stated that he's working with Contractors for a Cause, which is a group of local contractors who volunteer their time and services, and that everyone involved is excited to bring the facilities back to life. Councilman Duncan stated that he will continue to apply for other grants to support the growth of the park.

F. Sewer – F. Smith

See report for the month of September. Councilman Smith reported that the plant performed within all required permit levels for the month. He also reported that Bettina met with DNREC in September for the annual Compliance Inspection. The inspector toured the plant and inspected all the records. He seemed pleased and a final report will be forthcoming. Councilman Smith also reported that there have been additional issues with the Shady Grove Pump Station. High levels were reported due to excessive wipes clogging the pumps. He stated that the station was just pumped in July and now again in October. This is a reoccurring problem which the town previously addressed in a letter to Shady Grove management. Councilman Smith recommended that a second, more forceful, letter be sent again to management. The Council discussed with Jason the advantages and disadvantages of putting a trash basket on the influent line. Jason also mentioned changing pumps, to cutter pumps, but acknowledged that they are an expensive option. He will explore both options. In Industrial Monitoring, Councilman Smith reported that in August, Mountaire had four (4) violations for TKN pounds per day. It was Councilman Smith's recommendation that Mountaire be assessed administrative penalties of \$1,000 for each of the four violations for a total of \$4,000. Councilman Smith then made the motion as presented. Motion seconded by Councilman Tingle and carried by all.

G. Planning and Zoning – J. Murray

Town Manager Stacey Long reported that they were not able to approve the Final Site Plan for Creekhaven Development at the September 13, 2021 meeting because there was not a quorum present. She stated that the recommendation has been made to approve the Final Site Plan and that the town engineer has signed off on it and recommended approval as well. Developer Daniel Bunting updated the Mayor and Council on the project. He reported that the last two administrative items have been addressed. They have obtained their wastewater permit through the state and their court order change concerning the tax ditch has been signed, returned to DNREC and is in the process of being signed by the Tax Ditch Division Manager. Stacey confirmed that all waivers have been addressed. Councilman Duncan made a motion to approve the Final Site Plan for Creekhaven. Motion seconded by Councilman Tingle and approved by all. **It is noted in the Minutes that Councilman Murray abstained from this vote.**

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

H. Industrial Park – C. Tingle

No report for the month of September.

I. Annexation – C Tingle

Town Manager Stacey Long reported that a Public Hearing was held on the following Resolution on September 13, 2021. There was no one in favor or in opposition of the annexation. The Public Hearing was closed. Again, there was not a quorum present so the vote was postponed until October's meeting.

**RESOLUTION ANNEXING CERTAIN TERRITORY CONTIGUOUS TO THE
PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY JAMES C.
DOWNEY, GAIL E. DOWNEY AND PEGGY L. BAKER, IDENTIFIED AS
SUSSEX COUNTY TAX MAP AND PARCEL NO. 5-33 10.00 89.00,
CONTAINING 30.75 ACRES, MORE OR LESS;**

AND

**AN ORDINANCE AMENDING THE ZONING MAP AND ZONING
ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID SUBJECT
TERRITORY IN THE R-4 RESIDENTIAL DISTRICT.**

Councilman Tingle made a motion to annex the property as presented. Motion seconded by Councilman Duncan and carried by all.

J. Administration – S. Long

After restating that the Halloween Parade has been canceled this year due to lack of participation, Stacey addressed Trick-or-Treating. After a brief discussion, the Mayor and Council acknowledged that it really would be hard to stop the annual activity. While the town encourages attendance at the Trunk-or-Treat event at the fire house on October 30, 2021, door to door Trick-or-Treating will be allowed in town on Halloween night from 6 p.m. until 8 p.m. If residents do not want to participate, they are encouraged to turn off their outdoor lights. The discussion then turned to the Christmas Parade, which has become the responsibility of the town this year as the Rotary has stepped away as sponsor. The Mayor and Council instructed Stacey to move forward with plans for the town's annual Christmas Parade.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

Stacey reported that all towns received an email from the Delaware Department of Justice regarding the American Rescue Plan Act funds received due to the COVID pandemic. Stacey shared that the state has chosen a law firm, Barnes & Thornburg LLC, to assist municipalities in Delaware with monthly and annual compliance reports and also with questions and guidance on the legal use of the funding. Stacey presented a thick, double sided packet of rules and regulations written in legal jargon. In exchange for the service, each town is required to put in 0.04 percent of the total funds received. This represents \$5,4885.20 for the Town of Selbyville. The service is for an 18- month period, which is also the length of time all funds must be earmarked for distribution. The Mayor and Council agreed it would be a wise decision to accept the offer. Councilman Duncan made a motion to work with Barnes & Thornburg, LLC. Motion seconded by Councilman Tingle and carried by all.

The discussion moved to the Developer's Agreement. Stacey stated that the document has been under revision for several months by the Council, town engineer and town attorney. She stated that there are still three developments in need of executed Agreements. Engineer Jason Loar stated that it is a standard Developer's Agreement and that the Council's main concern about confirming the responsibilities of the developers for off-site improvements, whether now or later, have been addressed. He stated that the document gets the development moving but that it also keeps the door open for items that were discussed during development reviews so that it shouldn't be a surprise to the developer when they are asked to pay their fair share of any off-site improvements that are required on an EDU basis. He stated that it gets them going but also nails them down for their contribution as required. Councilman Murray stated that he believes the document is reasonable and fair to both the developer and the town and that it identifies the responsibilities of both parties. Jason added that it is the intent that this agreement would be the template and then it would be tweaked for each development. He stated that it's meant to be vague but at the same time protect the town and the developer. Councilman Duncan made a motion to adopt the Developer's Agreement for Schooner Landing and to use the document as a template for future developments. Motion seconded by Councilman Murray and carried by all.

Stacey revisited last month's consideration of adopting revisions to the town's Construction Standards & Specifications. She stated that there have been multiple meetings with the engineer and several councilmembers. She reviewed that last month the Mayor and Council adopted a section in the Code to allow the town to make administrative adjustments when either the Construction Standards or the Code contradict one another until the entire Code is updated. Stacey added that there are still a few minor, grammatical revisions that need to be made as well as DelDOT references. Jason asked the Mayor and Council to adopt the revision with the understanding that it is not a document that is set in stone. His request to get it adopted tonight was in order to get something established and then it could be amended as

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 4, 2021**

required. Councilman Duncan made a motion to adopt the revisions to the town's Construction Standards & Specifications as presented with authorization to make future amendments. Motion seconded by Councilman Tingle and carried by all.

In conclusion, Stacey addressed the revisions and recommendations on the NB Neighbor Business District and consideration of setting a Public Hearing. The Mayor and Council were each presented a copy with Jason's revisions highlighted in blue. Stacey reviewed each of his recommendations in detail. She also stated that the document has also been reviewed by the town's attorney. She stated that there are currently two properties interested in the zoning once it's adopted. Councilman Murray stated that it's basically a lighter use of what's allowed in GC General Commercial. After an interactive discussion, one revision to be noted is under §200 C. which revises the maximum height requirement to 35 feet and 2 stories. The Council directed Stacey to make the necessary revisions. Councilman Tingle made a motion to move forward with the NB Neighborhood Business District, with revisions, and to set a Public Hearing for November 1, 2021. Motion seconded by Councilman Smith and carried by all.

Zach Evans played a short video featuring Amanda Irwin discussing the newly improved employee and trailer parking lots at Mountaire. He also announced that Mountaire will be sponsoring Thanksgiving for Thousands again this year on November 22, 2021. He stated that they will be following strict COVID protocol. Councilman Tingle asked Jay Griffith about the reoccurring pungent odor near his house on North Main Street. It seems to appear late in the afternoons. Jay promised to follow up on the complaint.

5. Executive Session –

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

Respectfully submitted,

Sandra H. Givans
Assistant Secretary/Treasurer