

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING FEBRUARY 7, 2022**

Mayor Murray welcomed everyone and thanked them for coming out on a rainy evening. Councilmen Jay Murray, Richard Duncan and Clarence Tingle were in attendance. Councilman Frank Smith was absent.

1. Mayor Murray opened the Public Hearing at 7 o'clock p.m. The Public Hearing was properly posted.

**AUTHORIZING THE ISSUANCE OF UP TO \$6,050,000.00 MAXIMUM
PRINCIPAL AMOUNT GENERAL OBLIGATION BONDS TO PROVIDE
FINANCING FOR WATER TREATMENT FACILITY BACKWASH
IMPROVEMENTS AND FINANCING FOR THE CONSTRUCTION OF
A NEW ELEVATED WATER STORAGE TANK, SAID AMOUNT TO
INCLUDE THE PAYMENT OF COSTS ASSOCIATED THEREWITH.**

After reading the title, Mayor Murray invited public comment. Town engineer, Jason Loar, stated that the town is seeking approval to borrow said amount to complete the two projects as presented. He stated that \$622,000.00 of that amount is a loan with principal forgiveness, which he stated is essentially a grant. The elevated water storage tank, to be erected on Hudson Road, is to support growth and to maintain pressure for fire protection services. Jason stated that the town currently purchases water from Artesian to maintain pressure on the east side of town. The purpose of erecting the storage water tank is to alleviate that dependence on Artesian. Referencing backwash improvements, Jason stated that the town currently discharges their filter backwash into an adjacent ditch behind the water treatment plant. While it is allowable and it does not present a health hazard, the state has been encouraging the town to discontinue the practice. Jason stated that the proposed improvements would provide for underground storage tanks to collect the backwash and slowly bleed it into the sanitary sewer system. He stated that this is where the \$622,000.00 principal loan forgiveness comes into play because DNREC is pushing the backwash improvements portion of the project. Additionally, referencing the importance of fire protection safety, he stated that the town is trying to stay ahead of current and future growth with their desire to erect an elevated water storage tank. Councilman Duncan acknowledged that it's a costly project but stated it is a relevant project. On average, a single household uses 250 gallons of water per day for domestic and irrigation needs. The town needs an additional elevated water storage tank to meet future needs. Councilman Tingle made a motion to table the vote until they have time to adequately review the new financial data. Motion seconded by Councilman Murray and carried by all.

The Public Hearing will remain open until the March meeting. Mayor Murray added that, in the meantime, they welcome additional public comments on the matter.

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Mayor Murray called the Regular Meeting of the Mayor and Council to order and led in the Pledge of Allegiance.

2. Opening of Meeting –

A. Presentation of the Minutes of the January 17, 2022 meeting by Mayor Murray. Councilman Tingle made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilman Murray and carried by all.

B. Presentation of the January 31, 2022 bills by Mayor Murray. After review by the Council, Councilman Tingle made a motion to pay the bills as presented. Motion seconded by Councilman Duncan and carried by all.

3. Mayor's Report –

A. RESOLUTION DIRECTING THE ANNEXATION COMMITTEE TO INVESTIGATE THE POSSIBILITY OF ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY WEST SELBYVILLE DEVELOPMENT, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-11.00-35.00, CONTAINING 73.57 ACRES, MORE OR LESS, AND SUSSEX COUNTY TAX MAP AND PARCEL 533-18.00-5.00, CONTAINING 92.946 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCULDE SAID TERRITORY IN THE R-4 RESIDENTIAL DISTRICT, WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Mayor Murray read the Resolution by title only and handed it off to Councilman Tingle for review by the Annexation Committee.

Daniel Bunting of DCB Properties took the opportunity to speak about the proposed annexation. He stated that Tax Map and Parcel No. 533-11.00-35.00 is located directly across from Lighthouse Lakes on Route 54. He is proposing a 300 mixed unit development with similar product to Lighthouse Lakes. Access to the development would be from Route 54. Tax Map and Parcel No. 533-18.00-5.00 is located further down Route 54, across from Johnson Road. On that property he is proposing a 150 mixed unit development with some commercial up front. Access to the development would be from Johnson Road. Mr. Bunting stated that both properties are within the town's Comprehensive Plan to be zoned R4 Residential with an RPC

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overlay. They would meet the 2.2 to the acre allowable density and be developed as two projects with separate timelines. Councilman Duncan raised concern about the availability of adequate water pressure. Mr. Bunting stated that it would be at least 2 years before the start of the first project.

B. Mayor Murray stated that according to the Charter it was once again time to set the Tax Rate. He stated that it is currently \$1.85 per \$100 of assessed value. Councilman Tingle made a motion to keep the Tax Rate at \$1.85 per \$100 of assessed value. Motion seconded by Councilman Murray and carried by all.

C. Mayor Murray presented a request to participate in the annual Mosquito Control Program offered by the State of Delaware. Councilman Duncan made a motion to participate in the Mosquito Control Program in 2022. Motion seconded by Councilman Tingle and carried by all.

D. Mayor Murray read a Proclamation proclaiming March as Art Month for Selbyville Youth in the Town of Selbyville. The Proclamation will be presented to the Selbyville Community Club.

4. Visitors in Attendance –

Zach Evans, Community Relations Manager for Mountaire Farms, stated that on February 18, 2022, Mountaire will be participating in Feed Your Faith. One hundred thousand pounds of fresh chicken will be donated to food pantries, soup kitchens, homeless shelters and other faith-based organizations. He stated that it is a continuation of their holiday giving and that Mountaire is glad to be able to support the surrounding communities in need.

Jay Griffith, also from Mountaire, reported that they had addressed an earlier odor complaint. He also commended the town on the recent snow removal.

Polly Quinn of the Bethany Fenwick Chamber of Commerce confirmed that Old Timer's Day will be on Saturday, June 11th this year.

5. Reports –

A. Police – J. Murray

Councilman Murray stated that there were 271 calls for service, 67 tickets issued, and 9 arrests of various kinds made during the month of January. Chief Collins reported that Recruit Romero is one month into the academy and doing well. He also commended the street department on a job well done during the recent snowstorm.

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B. Code – S. Long

See report for the month of January.

C. Water – R. Duncan

See report for the month of January. Councilman Duncan reported that the town continues to meet all state and federal testing requirements and that they also continue to flush all outer extremities. He noted that there was an issue with Well #2 on Cemetery Road. A pump was bad and AC Schultes was called in to replace it. They are looking into the warranty of the old pump. Councilman Duncan also announced a Lead Line Replacement Project that is being handed down to each state from the EPA. It will involve the removal of old galvanized / lead pipes throughout town. He is currently working with Stacey and Kevin Murray on the particulars of what the project will entail. He anticipates funding from the state to help defray some of the associated expenses.

D. Public Works – R. Duncan

See report for the month of January. Councilman Duncan also took the opportunity to thank Kevin Murray and the other employees who worked to remove snow during the recent storm. It's a challenging job, and there are bound to be a few minor mishaps, but overall, he thought they did a great job.

E. Recreation – R. Duncan

During the Visitors in Attendance segment, Zack Evans from Mountaire updated the Council on Mountaire's portion of the pickleball project. He stated that Garth Enterprises is ready to start as soon as all materials are available. Unfortunately, they're still waiting on trusses. Councilman Duncan stated that once the weather breaks and materials are in, they'll be moving forward. Zach added that their goal is to have everything under roof within a week and then have Contractors for a Cause subs come in for the mechanical and electrical work. They want the building under roof first. Councilman Duncan believes the courts will be a popular draw for residents.

F. Sewer – C. Tingle

See report for the month of January. In Councilman Smith's absence, Councilman Tingle reported that the plant performed within the required permit levels for the month and that operational maintenance issue were addressed. Town Manager Stacey Long added that they're continuing repairs to the pista grit. She also noted ongoing issues with an abundance of face

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masks in the Church Street pump station and sanitary wipes in the Shady Grove pump station, both of which clog pumps. She stated that CES pumps monthly which is a costly expense.

G. Planning and Zoning – J. Murray

See Minutes of the January 18, 2022 meeting. Councilman Murray stated that the only item on the Agenda was consideration of Site Plan Approval for Penco Corporation located at 38488 DuPont Blvd, tax map 5-33-16.00 Parcel 21.00, to construct a 9,000 square foot commercial building with onsite parking and loading areas. He stated that the proposed building is located south of Arby's. Penco Corporation is a wholesale distributor for residential plumbing and heating supplies. Councilman Murray stated that the 9,000 square foot building would include 1,600 square feet of retail space with the remaining space used for storage. There are 13 proposed parking spaces and 3 loading bays. Mr. Peterson, from Penco Corporation, stated that they are still waiting on a Letter of No Contention from DelDOT. Councilman Murray stated that town engineer, Jason Loar, had not had a problem offering conditional approval until DelDOT gives their approval. He stated that the property is currently zoned GC - General Commercial and that it will be nice to welcome a new business to town. He added that it is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request. Councilman Duncan made a motion to approve the final site plan for Penco Corporation located at 38488 DuPont Blvd, tax map 5-33-16.00 Parcel 21.00, to construct a 9,000 square foot commercial building with onsite parking and loading areas. Motion seconded by Councilman Tingle and carried by all.

H. Industrial Park – C. Tingle

No activity for the month of January.

I. Annexation – C. Tingle

Councilman Tingle stated that the Annexation Committee will meet to discuss the recent annexation request on Route 54 and report at the March meeting.

J. Administration – S. Long

Stacey reviewed important dates to remember. The annual municipal election for the Town of Selbyville will be held on March 5, 2022 from 11 a.m. until 4 p.m. Anyone wishing to file as a candidate for the election must file a written Notice of Candidacy in the Town Hall no later than 4:30 p.m. on Thursday, February 10, 2022. Qualified voters may also register at the Town Hall no later than 4:30 p.m. on Thursday, February 10, 2022. Stacey stated that all the candidacy requirements are available on the town's website at selbyville.delaware.gov.

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Additionally, Stacey reported that there will be a Pre-Construction Meeting at the Selbyville Town Hall at 9 a.m. on Friday, February 11, 2022, concerning the Southeast Sewer Improvements. Town Engineer Jason Loar will be meeting Zack's Excavating to discuss timelines and projects for the southeast sewer study.

Stacey reported that the town donated \$2,781.23 in 2021 Christmas Parade proceeds to the Selbyville Public Library for their Building Fund. Zach Evans from Mountaire commended Stacey on a job well done.

In conclusion, Stacey presented an updated draft of the FY 2023 Budget which includes year-to-date figures for the end of Fiscal Year 1/31/2022. She noted that there have been significant increases in chemical costs, in both water and wastewater, and in the advanced purchase of water meter supplies due to limited availability. She highlighted several items in the proposed budget. She reported that there is a 4% increase from our trash/recycle company. To cover expenses, trash rates would increase \$0.72 monthly (\$8.64 annually) and recycle rates would increase \$0.20 monthly (\$2.40 annually). Stacey also recommended a 3% increase in both water and sewer rates. The current monthly water rate is \$27.76 with a proposed monthly increase of \$0.83 (\$9.99 annually). The current monthly sewer rate is \$18.07 with a proposed monthly increase of \$1.02 (\$12.18 annually). Stacey also proposed a \$15 increase in both Business and Rental Licensing, from \$50 to \$75 for the annual license. She stated that there has also been an inquiry into a Public Safety Impact Fee to help offset public safety expenses, something the Mayor and Council may want to discuss. In conclusion, Stacey is proposing a \$150 Conditional Use Fee. She stated that the town is getting more frequent requests and that the fee would help offset legal expenses associated with preparing the documents. The Mayor stated that no action will be taken tonight as the Council needs more time to review the updated draft.

6. Executive Session –

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

Respectfully submitted,

Sandra H. Givans
Assistant Secretary/Treasurer