

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

Mayor Murray welcomed everyone and thanked them for taking the time to come out. Councilmen Clarence Tingle, Richard Duncan, Jay Murray and Frank Smith were in attendance.

1. Public Hearing –

Mayor Murray opened the meeting by stating the first item on the agenda is a continuation of the Public Hearing from last month:

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.

Councilman Duncan explained the reason for this project is to alleviate the low-pressure problems on the east side of town due to the irrigation systems running at one time. A temporary solution was to do an interconnect on Route 54 with Artesian to help boost the pressure. The town has a five-year agreement with them, and we have two more years to decide if we want to do a storage tank or look at other avenues. We do have funding available through the Drinking Water SRF money at 2% that we can obtain. This puts a super demand on the distribution system. We know we need 1,000,000 gallons in the air. We currently have 125,000 in town and 175,000 north of town.

Jason Loar, the town's engineer, stated that even though the town is requesting \$6,050,000 he said \$600,000 + is a grant with principal forgiveness for the water treatment plant work. He informed everyone that it would be approximately two years before the construction process starts and a least a year to complete the project. Councilman Duncan stated the town is very fortunate that the Fire Company donated a little more the one-half acre for the existence of the water storage tank.

Being there wasn't any further questions or comments, Councilman Tingle made a motion to close the Public Hearing. The motion was seconded by Councilman Smith and carried by all.

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 February 7, 2022 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 Duncan and carried by all.

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- B. Presentation of the February 28, 2022 bills by Mayor Murray. After review by the Council, Councilman Smith made a motion to pay all bills as presented. Motion seconded by Councilman Tingle and carried by all.

3. Mayor's Report –

Mayor Murray stated the town looks good and is progressing well. He gave congratulations to Councilman Duncan and Carol Cary on their victory for the two Council seats that were up for election for a two-year term.

Mayor Murray presented:

- A. **RESOLUTION AUTHORIZING THE ISSUANCE OF UP TO \$6,050,000 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, AND ORDERING A SPECIAL ELECTION IN CONNECTION THEREWITH.**
- B. Mayor Murray re-appointed the Annexation Committee members consisting of Councilman Duncan, Councilman Jay Murray and Councilman Tingle to investigate the possibility of annexing Sussex County District 5-33, Map 18.00, Parcel 35.00, consisting of 73.57 acres and Sussex County District 5-33, Map 18.00, Parcel 5.00, consisting of 92.946 acres, more or less, owned by West Selbyville Development, LLC.

Stacey informed the Mayor and Council of the possible dates available for the Special Election to be held. Also, a Board of Special Election members needs to be appointed. The date for the Special Election must be advertised for fifteen days in two separate newspapers. The earliest date would be Thursday, March 31st and the latest date would be Monday, May 16th because it must be held no later than sixty days after the Public Hearing. Councilman Smith made a motion to hold the Referendum on May 16, 2022. The motion was seconded by Councilman Duncan and carried by all. The hours for the Referendum would be 10:00 a.m. until 4 p.m. at 1 West Church Street. Mayor Murray appointed Loryn Hanley, Virginia Pepper and Debbie McCabe to the Special Election Board.

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4. Visitors in Attendance:

- A. Rt. 113 Hazard Elimination Plan Presentation – Elisa Mitchell, Project Manager with Whitman, Requardt & Associates, LLP.

Mr. Scott Neidert, Highway Safety Program Project Manager for DelDOT, introduced himself and thanked the Mayor and Council for allowing them to give their presentation regarding the Rt. 113 corridor. The reason for their visit is to discuss highway safety on Rt. 113. He will share DelDOT's recommendations to address safety issues from the study that has been performed on Rt. 113 by project engineers of a consulting firm. There has been a lot of crashes on Rt. 113. It is an annual program, and it analyzes crash rates on all roadways throughout the State. There are two areas of concern on the Rt. 113 corridor in Selbyville just south of Clendaniel Avenue and north of the Maryland and Delaware line. Ms. Melanie Earnest, a traffic engineer working with Scott on the DelDOT safety program turned the presentation over to Elisa Mitchell, project engineer with Whitman, Requardt & Associates, LLP. She gave handouts to the Mayor and Council showing the problem areas on the Rt. 113 corridor from the data that was collected in the last two years on the traffic study. Hosier Street had the highest number of crashes and DelDOT is recommending a traffic light be installed at that intersection along with a pedestrian crossing. Secondly, the next highest crashes were at the Mason-Dixon Shopping Center. This is another location recommended for a traffic signal. In the center of those two is the intersection of Gumboro Road. There's a lot of truck movement at that intersection. DelDOT is proposing channelization which would prevent certain movement from happening at the intersection. It will still accommodate the southbound right and the right turn off Gumboro Road to Rt. 113. The last intersection is at Church Street which will allow a right turn off Church St. onto Rt. 113, but not straight across to make a right turn to go south. Southbound traffic can turn onto Church St. from Rt. 113. In order for this project to go forward DelDOT will need a letter from the town stating they accept the recommendations that DelDOT is proposing. It would then go to the design process. Mr. Neidert stated the funds are not available at this time, but they would work towards funding it. If it is not feasible to complete all at one time, they would probably do pieces at a time. There isn't a timeline at this point when the project could start. The Council agreed this is needed and allow them to proceed with design.

Mr. Greg Fuller attended the meeting to inform everyone that he is going to be a candidate for the Register of Wills position for Sussex County.

Mr. Zach Evans of Mountaire informed the town that Mountaire will be hosting the Easter for Thousands event and it is going to be held on Wednesday, April 13th. They will be packing 3,500 food boxes and they will be distributed to families in need during the Easter holiday. He

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also reported that Mountaire just did their first ever Feed Your Faith program where they distributed 110,000 pounds of fresh boneless chicken to over 150 non-profit food pantries across Delmarva.

Ms. Susan Canfora introduced herself. She is employed by the Coastal Point and she will be covering the news for the Town of Selbyville from this point on. Mayor Murray thanked her for attending the meeting.

Mr. Jay Griffith of Mountaire reported they are considering putting flashing pedestrian lights at the crossing from Railroad Avenue to their parking lot. He also reported they have done twenty days of checks, two per day for odor and they had four incidents out of the forty checks. On Saturday they were notified of an issue at their parking lot. They had some major work done by Delmarva Power and there were some timing issues. In lieu of that, everything went well. The power was shut off for about fourteen hours in the plant.

Ms. Diane Schmidt of the Selbyville Community Club reported the Art Show will be going on and they will be hosting the art project in the library. There will be a ceremony after the judging on May 21st in the big tent opposite the library. They are very grateful for the support from the Mayor and Council. Ms. Schmidt asked if there was anything the town could do about the problems with Mediacom. Her grandson works from home, he cannot do his job without internet, and it has been going in and out for several hours at a time for days. Stacey informed her that Comcast is coming to town, but we have not been given a date for when it will be activated.

5. Reports

A. Police Report – J. Murray

Councilman Murray reported there were 267 calls for service, 107 tickets, 11 arrests and the fine revenue for the month of January was \$1,833.00. Chief Collins reported the new car is in and in service. The one that was ordered last August should be here sometime in June. The recruit is doing well, and graduation is supposed to be the last week in May.

B. Code Enforcement – S. Long

See report for the month of February.

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C. Water Report – R. Duncan

Councilman Duncan reported for the month of February the water plant produced 9.6 million gallons of water. We continue to meet all State and Federal testing requirements. He stated we are proud to report after ten years of being on a notice for TTHM's which is a by-product of a chlorine hitting organic material that the notice has been lifted. The problem has been corrected. He expressed the necessity for the water project discussed earlier and hopes everyone comes out to vote in support on the referendum which will be held on May 16th. Presently we are receiving an average of 150,000 gallons plus from Artesian to assist with the water pressure on the east side of town. He also reported we should be receiving a letter from Artesian in reference to another interconnect to loop our system in north on Rt. 113 at the end of our line.

D. Public Works – R. Duncan

The public works department is busy reading meters, changing out meters, looking out for any deficiencies in the distribution system, flushing hydrants and are backup operators in the water plant.

E. Recreation – R. Duncan

With the help of Zach and Mountaire the buildings at the Park across from the firehouse are in the process of being rehabilitated. The pickleball court should be starting in the next few weeks. We are working with Delmarva Paving and another company that will lay out the course. Also under discussion is playground equipment in the same area. Stacey and Scott will be meeting with the school board to discuss extending the property all the way to Cemetery Road. Our vision is to put up a pavilion, additional playground equipment and a dog walking path.

Zach thanked the Mayor and Council, Stacey, Kevin and the rest of the town staff for assisting in getting this project off the ground. He talked about all the renovations going on at the park and invited everyone to stop by to see the improvements on the property. Kudos go out to the Contractors for a Cause for donating their time and are doing an excellent job.

F. Sewer Report – F. Smith

See report for the month of February. Councilman Smith reported that the plant performed within the required permit levels for the month of February. Jason reported they had a pre-construction meeting for the sewer improvement project and is trying to get the delivery schedule for pipe and all other equipment, which is backed up quite a bit. Last month the application was turned in for the town's wastewater treatment plant discharge permit. At the end of this month the State will be offering a notice of intent for planning grants to do a study on the wastewater plant identifying putting the costs together against everything that needs to be improved. It's a

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50/50 matching planning grant and it could be matched with the USDA planning grant, in which nothing would come out of the town's funds in order to complete this study. Councilman Duncan thanked Jason for the presentation he gave a few weeks ago at the Rural Water Conference on disposal wipes and how to correct the problems incurred by them. Councilman Duncan made a motion to allow Davis, Bowen & Friedel, Inc. to submit a notice of intent to do a matching grant study for the wastewater issues and report back the findings to forward on to a contractor for the project. The motion was seconded by Councilman Tingle and carried by all.

Planning & Zoning – J. Murray

There was a meeting held on February 16, 2022 in reference to a Conditional Use request from Jim Ehrler of JELE. LLC for a new and used car dealership for property located at 38030 DuPont Blvd., District 5-33, Map 16.00, Parcels 36.00 and part of 38.00, owned by Billy Banning. Mr. Bob Palmer of Beacon Engineering representing the owner, Billy Banning and the applicant, Mr. Ehrler explained to the Mayor and Council the purpose of the Conditional Use which is to construct a new and used car dealership consisting of an 18,000 square foot building with fourteen service bays. He presented drawings of the proposed building and the outlay of the property, including the parking lot and a shared stormwater facility. He stated that the property is in a State Investment Level 2 service area which means the state is best prepared for growth and able to make cost effective use of infrastructure investment. They have met with DeIDOT previously in related uses of this property but not with the current proposal of it. In general, they are in favor of the single entrance to serve the car dealership and the dance studio. After his presentation a motion was made by Councilman Duncan to accept the recommendations of the Planning & Zoning Commission to grant the Conditional Use request for a new and used car dealership on the property located at 38030 DuPont Boulevard. The motion was seconded by Councilman Tingle and approved by all.

H. Industrial Park Report – C. Tingle

The property located at 137 Dixon Street is for sale and the town has the first right of refusal on any property located in the Industrial Park. The town doesn't have a purpose for this property. Therefore, Councilman Tingle made a motion to approve the sale of the property located at 137 Dixon St. The motion was seconded by Councilman Smith and carried by all.

I. Annexation Report – C. Tingle

No report for the month of February.

J. Administration Report – C. Tingle

Councilman Tingle referred the Administration report to Stacey.

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K. Administration Report – S. Long

Stacey reported The Old Timer's Day event will be held on June 18th. It will include the beer garden, a Farmer's Market incorporating strawberries being the 65th year of this event.

Atlantic Lakes has a minor revision from their original site plan to clarify their clubhouse which Stacey forwarded to Jason. He stated this is just a formality to finalize the site plan. Councilman Duncan made a motion to accept the recommendation of our engineer to allow the revision from the original site plan to clarify the clubhouse. Councilman Tingle seconded the motion and was carried by all.

Jason explained the contractor for Schooner Landing came back with two requests. One was for approval to pump and haul their sanitary sewer while awaiting the completion of their pump station, and he told them no unless they come back with a better reason. The second request was that they wish to relocate the force main associated with the new pump station to where it is underneath DelDOT's multi-use path. Jason does not know of any rhyme or reason to object to it, but he has to forego his recommendation because of a conflict with his company as being the designer for the development. He does agree with getting DelDOT's approval because it is under their multi-use path and it is in their right-of-way. Councilman Tingle made a motion to approve the force main relocation for construction purposes upon DelDOT's approval. Councilman Duncan seconded the motion and was carried by all.

The next item on Stacey's agenda was the fiscal year 2023 budget. The Mayor and Council and Stacey had a workshop to discuss the budget that was presented to them last month. Due to the costs of items going up, the trash and recycle fees will increase by 4% and the water and sewer will increase by 3%. The Business License and Business Rental fees will go from \$50 to \$75. There will be an increase in the insurance cap which is currently 75% and it is going to 80% to cover the employees health insurance. She is also recommending a \$150 Conditional Use fee to offset the administrative paperwork and additional legal paperwork. The total income and expenses come to \$6,113,439.00. Councilman Tingle made a motion to adopt the budget as presented. The motion was seconded by Councilman Smith and carried by all.

The last item on her agenda for discussion was the possible consideration to vote on the American Rescue Plan Act (ARPA) funds. It was passed by President Biden in March 2021. Monies were allocated to towns and counties throughout the United States. The allocation was based on the population and fiscal year 2021 budgeted expense total. The town has already received the first half and the second half will be issued in May and June of this year. The ARPA ruling states premium pay for any regular person interacting with the public or any co-workers of the individual performing the work shall be eligible. Town business continued daily through the pandemic, the drive-through window was open which was a tremendous asset to the town and we still utilize it to this day. Premium pay is not considered a bonus and will not increase the employees salary. It's just a one-time lump sum. It will be taxed, but it will come

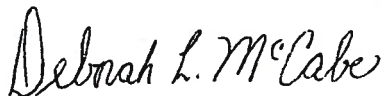
out of the funds received by ARPA. After confirmation from the attorney's handling this Act, we are eligible to utilize these funds for premium pay during the pandemic. Stacey is requesting the Council consider a \$5.00 per hour hazard pay for all full-time and part-time employees that physically worked during the pandemic. This will cover the dates of March 23, 2020 through July 13, 2021. Councilman Duncan made a motion to support the American Rescue Plan Act to pay our employees hazardous pay that worked through the pandemic at \$5.00 per hour. The motion was seconded by Councilman Tingle and carried by all.

Councilman Duncan stated he would like to take this time to thank Councilman Jay Murray for his time spent, support on the Council and the many years he has graciously dedicated to the town. He has done one hell of a job as Police Commissioner and all of the departments he has served on throughout his tenure. Hopefully he will stay with us to assist with the future of the town. The audience applauded to recognize his dedication. Councilman Murray stated it has been his pleasure and he believes there are good times ahead for the town. Mayor Murray stated he certainly has been a pleasure to work with.

There being no further business to discuss Councilman Tingle made a motion to adjourn the meeting. Motion seconded by Councilman Smith and carried by all.

Mayor Murray adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Deborah L. McCabe
Secretary/Treasurer