

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

Mayor Murray welcomed everyone and thanked them for taking the time to come out. Councilmembers Clarence Tingle, Richard Duncan and Frank Smith were in attendance. Councilwoman Cary was absent.

1. Public Hearing –

Mayor Murray opened the Public Hearing:

RESOLUTION ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY 32707 LIGHTHOUSE, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-5.01, CONTAINING 20,184.2 SQUARE FEET, MORE OR LESS:

AND

AN ORDINANCE AMENDING THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE R-4 RESIDENTIAL DISTRICT, WITH A RESIDENTIAL PLANNED COMMUNITY (RPC) OVERLAY.

Coleman Bunting, owner of the above-mentioned property, explained this is a small parcel located across from Lighthouse Lakes. Since there is going to be a development behind this parcel, DelDOT is requesting there be two entrances directly across from one another at this location. Since there weren't any further comments, Councilman Tingle made a motion to allow 32707 Lighthouse, LLC to annex this property into town. The motion was seconded by Councilman Smith and carried by all. The Public Hearing was closed.

2. Opening of meeting –

- A. Mayor Murray called the meeting to order.
- B. Mayor Murray led in the Pledge of Allegiance.
- C. Presentation of the Minutes of the August 1, 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 Tingle and carried by all.
- D. Presentation of the August 31, 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 Duncan and carried by all.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

3. Mayor's Report & Comments:

Mayor Murray read the following:

- A. RESOLUTION AUTHORIZING SUBMISSION OF AN OUTDOOR RECREATION, PARKS AND TRAILS (ORPT) 2022 GRANT APPLICATION, IDENTIFYING A PROJECT MANAGER THEREFOR, IDENTIFYING FINANCIAL INVESTMENTS THEREFOR, AND CONFIRMING A COMMITMENT TO MAINTAIN THE TOWN OF SELBYVILLE COMMUNITY PARK THAT IS THE SUBJECT OF THE GRANT APPLICATION.**

Stacey explained that each year when we apply for our Park Grant, the Mayor and Council are required to make a resolution to approve it and to confirm they are on board and to appoint a project manager. Councilman Duncan made a motion to authorize the submission of an Outdoor Park and Recreation resolution and to apply for the 2022 Grant application and identify the Town Manager as the project manager. The motion was seconded by Councilman Tingle and carried by all.

- B. RESOLUTION DIRECTING THE MAYOR TO APPOINT A HAZARD INSPECTION COMMITTEE PURSUANT TO SECTION 68-4 OF THE TOWN CODE.**

Stacey stated the requirements are at least two council members and the third person can be any resident of the town or an employee, such as Code Enforcement. Our building inspector will accompany the committee but cannot be a member of the committee. Some members of the Council suggested a representative from the fire company or even a member of the Planning & Zoning Commission be on the committee. Councilman Duncan made a motion to authorize this resolution by the Mayor to appoint a Hazard Inspection Committee pursuant to Section 68-4 of the town code and the appointments to be named later. The motion was seconded by Councilman Smith and carried by all.

4. Visitors in Attendance:

Coleman Bunting wanted to inform the Mayor and Council about excessive bills he is receiving from Bunting & Murray for Miss Utility locates being performed in his developments. Stacey stated that she just found out about this today and she explained to Mr. Bunting that the town cannot mark water and sewer lines when they don't have the as-builts to know where the lines are located. When the town receives Miss Utility locates for these developments they are forwarded to Bunting & Murray for that reason. Stacey assured Mr. Bunting that she will contact the town engineer and try to find a solution to this problem.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

Jay Griffith from Mountaire reported they have done fifty-four odor checks since the last town meeting and there was only a couple of instances of odor reported. Councilman Smith informed Jay that the town is still having problems with masks & rags in the pump stations. Jay introduced the idea that maybe Mountaire and the town could partner together to discuss chopper pumps.

Dawn Lekites, a resident in town, wanted to thank whoever was responsible for the Railroad repair. It is a pleasure to cross it now. She asked when it was in the plans to repair the railroad on Hosier St. Stacey explained the Railroad Company is doing each intersection. They have done Frankford and the one in town. They are planning on doing each intersection, but it isn't known when the one on Hosier St. or the one on Cemetery Road is scheduled to be done.

5. Reports

A. Police Report – Chief Wilson

Chief Wilson reported they have one officer out on Medical leave due to responding to a domestic assault in progress. For the month of August there were 280 calls for service, 197 tickets issued, and nine criminal arrests. Officers assisted with the Laura Madara Back to School Health Fair on August 27th and handed out school supplies to the kids. We have a quote from Magnum Electronics to equip the 2022 Chevy Tahoe with emergency equipment in the amount of \$12,608.69. Councilman Tingle made a motion to accept the quote from Magnum Electronics to equip the 2022 Chevy Tahoe with emergency equipment in the amount of \$12,608.69. The motion was seconded by Councilman Smith and carried by all.

B. Code Enforcement – S. Long

See report for the month of August.

B. Water Report – R. Duncan

Councilman Duncan reported for the month of August the water plant produced 13.3 million gallons of water. We also purchased over 5 million gallons of water for the month from Artesian to help keep the water pressure on the eastern side of town. We continue to meet all State and Federal testing requirements

There's a manmade chemical that is affecting water supplies. The State of Delaware has implemented a plan to try to remove this from the water. We started out at 17 parts per trillion and now we are down to 0.4 parts per trillion. Our wells have been tested and we were above the limit and will continue to work on that. On February 1, 2021, the State of Delaware Health and

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

Social Services implemented a program where all community water systems need to have a Cross Connection Control plan. Hopefully by the next town meeting we will have a sample ordinance for the Mayor and Council to approve to implement our plan. The plan helps to protect our drinking water supply both on the commercial and residential side.

Councilman Duncan also reported on August 22nd EPA adopted a new regulation on getting the lead out of the water system. This involves the town's water lines along with the service water lines going to a residence. The first step in this plan is identifying our inventory in the streets. One Twenty Water is going to help us get our plan up and running. We have until 2024 to get our plan implemented and submitted to the EPA for approval. There is grant money attached to this project which comes from the infrastructure money that was passed last year.

In conclusion to his report, Councilman Duncan reported that on September 21st our water tower project goes in front of the WIAC which is the water logic council for funding. The subcommittee met last week to review both projects and approved them and forwarded them on to full WIAC council for approval. The tower will be a concrete pedestal. Councilman Tingle made motion to move forward with the project. The motion was seconded by Councilman Smith and carried by all.

D. Public Works – R. Duncan

Councilman Duncan reported the public works department has been busy reading meters, changing out meters, spraying weeds, cutting grass and are backup operators in the water plant. They have been doing a lot of drainage repair and have more to do. There have been numerous concrete drainage pipes falling apart.

Recreation – R. Duncan

Delmarva Paving called and they extend their regrets because they are backed up and the painting for the courts has been pushed back a little bit. The electric has been turned on and the security cameras are in.

F. Sewer Report – F. Smith

See report for the month of August. Councilman Smith reported that the plant performed within the required permit levels for the month of August. He presented pictures to the Mayor and Council of the Church Street pump station showing the problem with the sludge. It is so thick it is hard to pump through the system. He would like to meet with Jason, our town engineer to discuss grinder pumps.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

Stacey reported that she was informed from Jason about the Southeast sewer project and that he is waiting to hear back from the contractors regarding scheduling and they are waiting for confirmation on delivery for the control panels and the generators.

G. Planning & Zoning – R. Duncan

Councilman Duncan reported there was a meeting held on September 7, 2022. The first item on the agenda was consideration of preliminary site plan approval for Royal Farms for construction of a 10,726 square foot retail center with a drive-through section located south of the Royal Farms on Dupont Boulevard, District 5-33, Map 16.00, Parcel 42.00. It is zoned General Commercial and they are looking at national retailers to be an anchor in the larger proposed space and at fast food restaurants for the drive-through space. They meet all setback requirements and have additional six parking spaces beyond what is required by code. The town's engineering firm has sent a letter to the town recommending approval for this project, pending three minor items that need to be addressed on the Final Site Plan and it is the recommendation of the Planning & Zoning Commission that the Mayor and Council approve this request as well. A motion was made by Councilman Tingle to accept the recommendations of the Planning & Zoning Commission to approve the preliminary site plan as presented. The motion was seconded by Councilman Smith and carried by all.

The second item on the agenda was consideration of preliminary site plan approval for Selbyville Textile Printing for combination of two parcels and construction of a 7,750 square foot building located at 38177 and 38183 Dupont Boulevard, District 5-33, Map 16.11, Parcels 22.00 and 23.00 and will be used primarily for fabric and textile printing. This property is located north of Manlove and south of Rite Aid. It is currently zoned General Commercial. Mr. Blakeney from Plitco LLC represented the applicant, Manolo, LLC Property. He stated most of the orders will be received online but they are proposing a small customer service area. One of the existing curb cuts will be used for the entrance while the second one will be closed. They are proposing 15 parking spots, a loading dock and screened dumpsters on the side of the building. As far as stormwater management, they anticipate underground storage beneath the southern portion of the parking lot that will outfall to a ditch on the north side of the property which will be planned and reviewed by the Sussex Conservation District. It is the recommendation of the Planning & Zoning Commission that the Mayor and Council approve this request. Councilman Tingle made a motion to accept the recommendations of the Planning & Zoning Commission to approve the preliminary site plan as presented. The motion was seconded by Councilman Smith and carried by all.

H. Industrial Park Report – C. Tingle

No report for the month of August.

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

H. Annexation Report – C. Tingle

That was taken care of earlier this evening.

J. Administration Report – C. Tingle

Mayor Murray congratulated Stacey for twenty years of participation in the International City Managers Association. The Council also congratulated her.

K. Administration Report – S. Long

Stacey reported she had a request from Mountaire Farms for an additional two-year extension of the Amendment to the operating agreement for land use. The agreement allows them to request an extension. The agreement in November of 2020 allowed their live-haul trucks to sit in the cage repair shop. Jay Griffith explained that the reason for the request of the two-year extension is that they are trying to come up with a solution to the traffic situation on Hosier Street. They have been conversing with their engineers to assist with this issue. They haven't come up with anything yet, but they wanted the Mayor and Council to be aware that they are working on it diligently. Councilman Tingle made a motion to extend the agreement for two years. The motion was seconded by Councilman Duncan and carried by all.

Stacey asked Mr. Griffith if he was aware of a new guard shack on the Burpee property. A building permit will be required. Mr. Griffith explained this building is used to control outside drivers that are coming in. They just need something with electric to keep the person at the shack from being outside in the inclement weather. Councilman Tingle made a motion to allow Mountaire to put the guard shack on the north side of the shed on this property. The motion was seconded by Councilman Duncan and carried by all.

Stacey continued stating the next item on her agenda was the Deed of Dedication & Bill of Sale for Lighthouse Lakes Phases 9 & 10. There was a request from Bunting & Murray Construction for final acceptance of Phases 9 & 10 for Lighthouse Lakes. Our engineer, Davis, Bowen & Freidel, Inc. has completed all the inspections. Everything passed inspection and they received a Certificate to operate for the water and sewer. They reviewed the as-built drawings that the contractor submitted which they deemed satisfactory. They completed the items on the final punch list for those two phases. They recommend approval of Phases 9 & 10 for water, sanitary sewer, storm sewer, curb and guttering and paving. The contractor is required to do a one-year warranty bond once it all gets turned over to the town and after that expires our engineer will come out and conduct a one-year inspection to make sure everything is still acceptable. Councilman Tingle made a motion to accept Phases 9 & 10 in Lighthouse Lakes. The motion was seconded by Councilman Duncan and carried by all.

Per discussions between the Mayor and Council, Chief Wilson and Stacey some changes to our personnel handbook were reviewed. A few important ones they feel will retain and attract

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING SEPTEMBER 12, 2022**

employees considering our benefits. Upon research from surrounding towns, we feel some changes need to be made to our handbook. Councilman Tingle made a motion to hold a workshop with the Mayor and Council to review these changes in greater detail an hour before the next town meeting on October 3, 2022. The motion was seconded by Councilman Duncan and carried by all.

The last item on Stacey's agenda was to discuss the town's cost share of the employees health insurance. Currently the town doesn't pay any dependent health insurance and it is causing financial hardship on several employees because they need medical coverage for family and/or spouse or children. The proposal is 100% health insurance coverage for the employee and 50% dependent coverage. According to what we have today it would be an increase of \$54,115.00. Due to the urgency of this proposal from Chief Wilson and after much discussion between the Mayor and Council, Councilman Duncan made a motion to pay 100% of the employees' health insurance and 50% for the dependents. The motion was seconded by Councilman Smith and carried by all.

In conclusion, Stacey reported the Library is having a ground-breaking ceremony on October 4, 2022, at 4:00 p.m. and everyone is invited. We also have a new business coming to town located where the Used Car Lot was on Dupont Boulevard. It is Decks & Docks which is a lumber retail company. They will have outside storage. They will utilize the building for office space.

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

Mayor Murray adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Deborah L. McCabe
Secretary/Treasurer

EXECUTIVE SESSION