

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

Mayor Murray 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 Councilmembers Clarence Tingle, Frank Smith, Richard Duncan, and Carol Cary.

Mayor Murray welcomed everyone and thanked them for attending.

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 October 3, 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.

C. Presentation of the October 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 Tingle and carried by all.

2. Mayor's Report & Comments:

Mayor Murray reported that the Halloween Parade was missed, however, the 2nd Annual Selbyville Trunk or Treat was successful. He stated that the Town will be having the Annual Christmas Parade in December. Mayor Murray also reported there is a lot of interest in Selbyville and the Town Staff is staying busy.

Mayor Murray read the following:

A. RESOLUTION TO AMEND THE CHARTER OF THE TOWN OF SELBYVILLE, CHAPTER 2, VOLUME 73, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE", SECTION 3, STRUCTURE OF GOVERNMENT, TO CREATE ELECTION DISTRICTS FROM WHICH TOWN COUNCIL MEMBERS SHALL BE ELECTED, AND SECTION 6, ELECTIONS, TO IDENTIFY THE ANNUAL ELECTION PROCEDURE FOR THE TWO ELECTION CYCLES IMMEDIATELY FOLLOWING ESTABLISHMENT OF THE NEW ELECTION DISTRICTS.

Mayor Murray stated that election districts would provide a fair representation of the Town and its residents. Councilman Tingle explained that the Town will be divided into four (4) election districts based on nearly equal population boundaries from the latest federal decennial census information and will continue until the next succeeding federal decennial census is made available

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for use. Each district will be represented by one (1) Councilmember that resides within that district. The Mayor and all voting for the Town Elections will be from the Town at large. Councilman Tingle made a motion to adopt this Resolution as presented. Motion seconded by Councilman Smith and carried by all.

Councilwoman Cary requested to extend voting hours of the Annual Municipal Election. Town Manager Stacey Long stated that the Charter established the first Saturday in March as the date of the election and that the Mayor and Council set the place and time. The Town Solicitor advised that voting hours be established by Resolution. Further discussion will take place at the next council meeting.

B. 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 ISAAH C. MUMFORD FAMILY LIMITED PARTNERSHIP, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-16.00-39.00, CONTAINING 1.73 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE GC GENERAL COMMERCIAL DISTRICT.

Councilman Tingle stated that this property is located North of Mumford Sheet Metal Works on Route 113. Town Manager Stacey Long added that they will need to annex in an easement for an entrance off Route 54, Cemetery Road, since DelDOT will not allow an entrance off Route 113. Mayor Murray passed the Resolution to Councilman Tingle for review by the Annexation Committee. Mayor Murray appointed Councilman Tingle, Councilman Smith, and Councilwoman Cary to the Annexation Committee.

C. RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION TO THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA), RURAL DEVELOPMENT, FOR A SPECIAL EVALUATION ASSISTANCE FOR RURAL COMMUNITIES AND HOUSEHOLDS (SEARCH) GRANT TO PROVIDE FUNDING FOR AN EVALUATION OF THE TOWN OF SELBYVILLE'S WASTEWATER TREATMENT FACILITIES AND AUTHORIZING THE TOWN ADMINISTRATOR TO ASSUME THE ROLE OF REPRESENTATIVE UPDATE DATA AND REPRESENTATIVE SIGNATURE CERTIFY IN THE USDA'S RDAPPLY APPLICATION INTAKE SYSTEM AND/OR OTHER USDA APPLICATION SYSTEMS AND PROCESSES, TO BE THE TOWN'S LEGAL REPRESENTATIVE WITH A LEVEL 1 AND LEVEL 2 EAUTHENTICATION ACCOUNT IN THE USDA'S EAUTHENTICATION SYSTEM, TO SIGN (ELECTRONICALLY OR OTHERWISE) ALL DOCUMENTS RELATED TO THE APPLICATION FOR A USDA SEARCH GRANT, AND TO ACT ON BEHALF OF THE TOWN AND SIGN ALL DOCUMENTS RELATED TO OR CONCERNING THE

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**EVALUATION PROJECT AND THE USDA SEARCH GRANT
APPLICATION THERFOR.**

Stacey stated that this will authorize her to move forward with applying for the SEARCH Grant for the Wastewater Facilities Planning Study which will allow the Town to see what is needed at the Wastewater Treatment Plant as well as set up for eligible funding in the future for necessary upgrades. This study was approved by the Mayor and Council at a previous council meeting. Councilman Duncan made a motion to adopt this Resolution as presented. Motion seconded by Councilwoman Cary and carried by all.

3. Visitors in Attendance:

A resident of Lighthouse Lakes stated that Roxana Fire Department and EMS respond to a portion of the emergency calls in the development while Selbyville Fire Department and EMS respond to the other portion. He inquired about who divided the development and if Selbyville Fire Department and EMS will one day serve all of Lighthouse Lakes. Councilman Ducan stated that the Fire Commission determines the district boundaries.

Diane Schmidt from the Selbyville Community Club referenced a letter they sent the Town asking for continued support of the 2023 Youth Art Show which will be held in March at the Selbyville Public Library. Stacey confirmed that their formal request will be on February's Agenda. Ms. Schmidt also thanked the Town for being a donation site for the "Coats & Sweats for Vets" Public Service Project. They are collecting coats, sweats, and socks at Town Hall until the end of November. Donations will be distributed by the Delaware Center for Homeless Veterans in December. Councilwoman Cary thanked the Club for participating in this project.

Zach Evans from Mountaire stated that they are looking forward to being the Presenting Sponsor for the 61st Annual Selbyville Christmas Parade. He also stated that most of the interior work for the buildings at the park has been completed aside from the custom cabinetry from Cabinetry Unlimited. Zach requested to meet with Councilman Duncan and Stacey to discuss the exterior work as well as future plans for the site. Zach concluded by announcing that Mountaire is continuing their Thanksgiving for Thousands Program. The program started 28 years ago with 1,200 Thanksgiving food boxes and has now grown to over 32,000 boxes being distributed by Delaware, Maryland, Virginia, and North Carolina facilities. Volunteers will begin packing the boxes at 8:00 A.M. on Monday, November 21 at Mountaire Farms in Selbyville with a goal of packing 12,000 boxes total. The Thanksgiving food boxes will be distributed Tuesday, November 22.

Jay Griffith from Mountaire reported they have done forty-six odor checks since the last town meeting and identified five instances of odor including one on November 7, 2022, around 3:00 P.M. Jay stated that all five were in the afternoon and appear to be around the time they are loading and moving sludge. He said they will try to make some plans next year about controlling it more.

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4. Reports

A. Police Report – Chief Wilson

Chief Wilson reported there were 277 calls for service, 92 tickets issued, and 18 criminal arrests for the month of October. He also reported that the new Ford Police Vehicle has arrived and is currently having emergency equipment installed. Officers participated in the 2nd Annual Selbyville Trunk or Treat on October 22nd which had great weather and attendance as well as a lot of positive feedback. There were no reported issues during Trick or Treat on October 31st. Chief Wilson requested that the Mayor and Council consider having a workshop for various parking issues around town and possible speed limit reductions on Route 113 due to the high rate of accidents. Stacey agreed to set up a workshop for further discussion.

B. Code Enforcement – S. Long

See report for the month of October.

C. Water – R. Duncan

See report for the month of October. Councilman Duncan reported for the month of October the water plant produced 7.1 million gallons of water. We continue to purchase water from Artesian to help keep the water pressure on the eastern side of town as well as meet all State and Federal testing requirements.

Councilman Duncan announced a binding commitment letter from the Department of Health and Social Services of \$4,800,000 for a twenty (20) year loan with a 2.0% interest rate for the 1,000,000 gallon elevated storage tank. It will be located on a portion of the property the Selbyville Fire Department donated to the Town on Hudson Road. He forwarded it to the Mayor for his signature. Councilman Duncan announced another binding commitment letter of \$1,250,000 for a twenty (20) year loan with a 2.0% interest rate for the Water Treatment Facility Backwash Improvement Project. With the completion of this project, up to \$622,870 of principal forgiveness will be applied. He forwarded it to the Mayor for his signature

Councilman Duncan stated that the next on the agenda was the consideration of authorizing Mountaire Farms to install a new production well. Todd Dickinson of Barton & Loguidice introduced himself and began the presentation on Mountaire's Well #7 work plan and evaluation. Barton & Loguidice was brought in to evaluate the potential effects of Well #7 on the Town's existing primary supply wells. Mr. Dickinson showed the Mayor and Council a map of the five existing Mountaire production wells located within the existing facility on the east side of West Railroad Avenue, and the proposed site for Well #7 which would be behind Mountaire's parking lot on the west side of West Railroad Avenue. He stated that the existing wells require frequent and time-intensive maintenance. This also puts the plant at risk of having to shut down if the wells were to go down at an unplanned time. With the installation of Well #7, Mountaire is seeking greater reliability, redundancy, and operational flexibility. Mr. Dickinson noted

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Mountaire is not seeking an increase in water allocation along with the installation of this new production well. He stated that the first step in the work plan is to install a test well. They have applied for a permit with DNREC but need the Mayor and Council's approval before they can proceed. Once approved, they will begin sampling subsurface materials, pumping tests, and water quality sampling based on the parameters provided by Davis Bowen & Friedel. If the results are favorable, the new production well will be drilled. Barton & Loguidice did a Hydrogeologic Evaluation using the WhAEM analytic model for wellhead protection. This model is also used by other agencies such as DNREC and the USEPA. The results of the model concluded that the operation of Well #7 would not significantly affect the capture zones of the Town wells or increase the MTBE susceptibility. Mr. Dickinson showed a map that demonstrated these results. Councilman Tingle asked how deep the new production well would be. Mr. Dickinson stated it would be around the same depth of the existing wells, approximately 110 feet, to reach the same aquifer. Councilman Duncan stated that there was an MTBE issue previously when a well was drilled, so he wanted to be sure that this would not occur again. He stated he has spoken with DNREC, read the report, and is comfortable with the installation of this new production well. Jason Loar, the town's engineer, has reviewed it as well. Jason recommended approval contingent on regular testing for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sodium (PFOS) and that all test and/or production well data be shared with the Town. Councilman Duncan made a motion to allow Mountaire to install the new production well as presented. Motion seconded by Councilman Tingle and carried by all.

Councilman Duncan reminded residents that hydrant flushing, a twice-annual process that helps to keep the water clean, fresh, and safe, is taking place this week. Residents and businesses are advised to check for discolored water, especially in their washing machines.

D. Public Works – R. Duncan

See report for the month of October. Councilman Duncan stated the public works department are flushing hydrants and keeping storm drains free of debris. They also have started repainting the curbs and getting ready to hang Christmas lights which will be turned on after Thanksgiving. They will be getting the Santa house out soon as well per Zach from Mountaire.

E. Recreation – R. Duncan

Councilman Duncan stated that it is a pleasure to report that the pickleball courts are done. The final coat was applied this week. The next step for the site is installing a fence and painting the inside and outside of the buildings. Councilman Duncan stated that the future plan for the area is to have a small pavilion and playground put in as well.

F. Sewer Report – F. Smith

See report for the month of October. Councilman Smith reported that plant had an average daily flow of 964,000 gallons with a peak flow of 1,175,000 gallons. The plant performed within all permit parameters for the month.

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Councilman Smith stated that the new forcemain is in. Jason Loar reported that are supply chain issues, and we are still waiting on the generator and electrical for the two pump stations for the S/E Sewer Expansion Project, which are estimated to arrive next Spring. He said that they are looking into providing a temporary emergency generator hookup in the meantime.

G. Planning & Zoning – R. Duncan

See Minutes of the October 12, 2022 meeting. Councilman Duncan stated this meeting was for consideration of primary site plan approval for the Kingfisher Development. He reported that they deferred the request to the December Town Council Meeting.

See Minutes of the October 25, 2022 meeting.

Councilman Duncan stated that the first item on the agenda was the review of conceptual plans for a mixed-use building located on the S/W corner of Bethany Road and S. Williams Street, District 5-33 Map 15.16 Parcels 170.00 and 172.00, owned by McClanahan Building Company, LLC. It is a conceptual plan, rather than a preliminary plan, because of the zoning. The property is currently zoned HB – Historic Business. McClanahan Building Company, LLC. would like to explore a mixed-use zone that would bring in a multi-use residential component along with some ground-floor commercial. They wanted to put in 21 apartments over a commercial structure. After further discussion, the Planning and Zoning Committee agreed that there is interest in this concept, but suggested only including 14 apartments, decreasing the size of the structure, and exploring parking options. This was put on the agenda for the Mayor and Council to review. No action was taken at this time.

Councilman Duncan stated the second item on the agenda was consideration of a Conditional Use request for an office and outbuildings for storage for Iachetta Builders located at 32654 Lighthouse Road, District 5-33 Map 18.00 Parcel 35.01, currently being utilized as a single family dwelling in the R-4 zoning district owned by Ronald and Josephine Hamblin. Committee members acknowledged that they are familiar with the property. Mr. Hamblin stated that Mr. Iachetta intends to use the house as an office and the existing outbuilding for storage. The house may require structural modifications to become ADA accessible. He confirmed that Mr. Iachetta does not want to live in the house and that he doesn't intend to build any other structures on the property. There are currently 10 parking spaces on the property, which is adequate for an office. The committee saw no problem with the proposed use but did advise that any changes to this use would have to come back to Planning and Zoning for review. It is the recommendation of the Planning and Zoning Committee that the Mayor and Council approve this request. Councilman Duncan made a motion to accept the Conditional Use request for an office and outbuildings for storage for Iachetta Builders located at 32654 as presented. Motion seconded by Councilman Tingle and carried by all.

H. Industrial Park Report – C. Tingle

No report for the month of October.

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I. Annexation Report – C. Tingle

No report for the month of October.

J. Administration Report – S. Long

Stacey reported that the Christmas Parade will take place on Friday, December 2, 2022 at 7 p.m. She also announced that Town Hall will be closed on Friday, November 11, 2022, in observance of Veteran's Day and again on Thursday, November 24 and Friday, November 25, 2022, in observance of the Thanksgiving holiday. In addition, Stacey reported that all personnel handbook policies that were approved at the October Town Council Meeting have been implemented.

Stacey stated that there has been an update on the US 113 Selbyville Improvement Project Hazard Elimination Plan. The design plans are currently under review. The plan is to wrap up the design this year and start construction next year.

We also have a new business coming to town located at 5 W. Church Street, Unit 204: Anna Catherine's Photography. It is a photography studio. Stacey wished them well.

In conclusion, Stacey reported an update on the new Public Works building. She stated that the current plan is to have the Old Town Hall building torn down after the Christmas Parade. She is hopeful that site work will start in January.

There being no further business to discuss Councilman Duncan 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,



Loryn Hanley
Administrative Assistant