

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING JUNE 5, 2023**

Mayor Duncan welcomed everyone and called the meeting to order at 6 o'clock p.m. Also in attendance were Councilmembers Carol Cary, Monroe Hudson, Chris Snader, and Gary Steffen.

The meeting was properly posted.

1. Public Hearing –

Mayor Duncan opened the Public Hearing:

**ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT  
LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY BALSAMO REAL  
ESTATE, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL  
NO. 533-17.00-154.00, CONTAINING 2.32 ACRES MORE OR LESS (“SUBJECT  
PROPERTY”)**

**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.**

Mayor Duncan invited Eric Wahl of Pennoni Associates to speak. Mr. Wahl stated he was representing Balsamo Real Estate, LLC for the request for annexation into Selbyville. He explained that the property is currently zoned AR-1 with Sussex County, and the applicant is requesting the property be annexed into Selbyville with the R-4 zoning as consistent with the surrounding parcels in town. The property is surrounded on three sides by town limits and is identified as Areas of Potential Annexation within the Town's Comprehensive Land Use Plan. The applicant intends to subdivide the parcel into five separate lots which will be served by town water and sewer. Once annexation is granted, the applicant plans to move forward with the preliminary site plan for this subdivision.

At this time, Mayor Duncan invited public comment. Kenneth Daly, a resident of Lighthouse Crossing, inquired about the location of the houses on the five intended lots. Mr. Wahl stated they have not done the final engineering for that yet, however, they are anticipating a cul-de-sac road with two lots on one side, three lots on the other side, and the residual space for stormwater management. Mr. Daly expressed concerns regarding the ditch, flooding, and wetlands in the area. Mr. Wahl stated their engineers will be working with Sussex Conservation District to ensure it aligns with their regulations. Additionally, he stated that part of the stormwater calculation is the pre-development and post-development runoff. The post-development runoff cannot exceed the pre-development runoff. Mr. Daly inquired about the location of the entrance for the subdivision. Mr. Wahl explained that is further in the development design phase, but they will need to meet DeIDOT regulations.

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Once the question and answer session ended, Mayor Duncan reiterated that this is solely an annexation request. After annexation, they will need to meet with the Planning and Zoning Commission and go through multiple committee and agency approvals before site work and construction begin. Mayor Duncan encouraged residents to attend future Planning and Zoning Commission meetings. Councilman Steffen made a motion to close the Public Hearing. The motion was seconded by Councilwoman Cary and carried by all.

2. Opening of Meeting –

A. Mayor Duncan led in the Pledge of Allegiance.

B. Presentation of the Minutes of the May 1, 2023 meeting by Mayor Duncan. Councilwoman Cary made a motion to dispense with the reading of the Minutes and to approve them as presented. Motion seconded by Councilman Steffen and carried by all.

C. Presentation of the May 31, 2023 bills by Mayor Duncan. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilman Hudson and carried by all.

3. Mayor's Report & Comments:

Mayor Duncan reported that he has been attending the Selbyville Historical Society meetings. They are offering membership opportunities and working on obtaining funding to acquire the John G. Townsend building to preserve and maintain it. Additionally, Mayor Duncan reported that Old Timer's Day will take place on Saturday, June 17, 2023. He explained that everything will be located further up W. Church Street, near Main Street, this year, and encouraged everyone to attend.

3. Visitors in Attendance:

Pat Mercilliot, a resident on Ronzetti Avenue, expressed concerns regarding speeding on Bethany Road and inquired about the proposed legislation for automated speeding cameras at the May Town Council Meeting. Councilman Hudson stated there is no update at this time regarding the proposed legislation for automated speeding cameras, but they will continue to monitor it. Ms. Mercilliot acknowledged the placement of the speed trailer on Bethany Road and stated that it has helped reduce the number of vehicles exceeding the posted speed limit in one direction. Chief Wilson stated they can switch the direction of the speed trailer to help reduce speeding in the opposite direction as well.

Leigh Scott, a Selbyville business owner, announced that Synergy Café is closing. She stated that State Farm will be moving to the building that Synergy Café was in, and the Next Step Learning Center will be expanding into the space where State Farm was. Ms. Scott said that she would like

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to put a food truck or two on the grass lot next to where Synergy Café was as well. The Town Administrator stated it is not a permitted use in the zoning district, so she will need to submit a Conditional Use Application for the Planning and Zoning Commission to review before it goes before the Mayor and Council. Additionally, Ms. Scott requested the Council consider allowing Selbyville business owners to vote and/or run for Council. Mayor Duncan stated that would require a Charter change, and that only residents of the Town of Selbyville may vote and run for Mayor and Council at this time. He stated they will take it into consideration.

Doug Smith of Mountaire Farms announced that they will be the Presenting Sponsor for the 100<sup>th</sup> Anniversary of the Selbyville Volunteer Fire Company. He also reported that the grinder pump discussed at previous town meetings has been installed. Mr. Smith concluded by stating they had done eighty-seven odor checks since the last town meeting and detected eleven instances of odor.

Stephanie Venables and Ron Keller, residents on Lighthouse Road, requested the Council consider reducing the speed limit from 50 mph to 35 mph on Lighthouse Road up to the intersection at Hudson Road. Ms. Venables expressed concerns regarding increased traffic and speeding on Lighthouse Road. Mr. Keller expressed concerns regarding accidents on Lighthouse Road. The Town Administrator stated that with the Mayor and Council's support, she will begin the process to reduce the speed limit on Lighthouse Road with DelDOT. Chief Wilson stated that he is in support of the speed reduction. The Mayor and Council agreed to allow the Town Administrator to create a resolution to reduce the speed limit from 50 mph to 35 mph on Lighthouse Road up to the intersection at Hudson Road for their review at the next town council meeting.

Additionally, Ms. Venables expressed concerns regarding the water pressure on Lighthouse Road and an odor coming from the pump station near her residence. Mayor Duncan stated that the Town currently purchases water from Artesian to help increase the water pressure on the eastern side of town, but they can investigate the possibility of increasing it. The Town Administrator stated she will have it all taken care of. The Town Engineer added that the pump station will be upgraded soon.

Kenneth Daly, a resident of Lighthouse Crossing, expressed concerns regarding drainage pipes, retention ponds, and wetland issues in the development. The Town Engineer stated that when developments are designed the Sussex Conservation District has jurisdiction over the stormwater management, not the Town, and explained the steps associated with the stormwater management process. After a lengthy discussion, it was concluded that this issue is between the Homeowners Association (HOA) and the Sussex Conservation District at this time.

Jeff Edwards, a resident of Buntings Mill, expressed concerns that he believes are resulting from the neighboring development, Schooner Landing. He explained that prior to the development starting, his basement was dry, and his sump pump did not run continuously. He stated that since Schooner Landing put in a pond near his residence, his sump pump runs continuously. Mr.

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Edwards added that several of his neighbors are experiencing the same issue. Ronnie Townsend and Gary Sheridan, residents of Buntings Mill, explained that they have each spent several thousand dollars on repairs as a result of issues they believe were caused by the neighboring development, Schooner Landing, and their sump pumps run continuously as well. The Town Engineer previously recommended Mr. Edwards contact a hydrogeologist. Mr. Edwards stated that he has contacted the hydrogeologist and explained their findings. The Town Engineer explained this will need to go through Sussex Conservation District at this time. Councilwoman Cary inquired about what the Town can do at this time. After a lengthy discussion, Mayor Duncan requested that the Town Engineer speak with the developer and Sussex Conservation District about these concerns.

Emily Gaither, Bethany-Fenwick Area Chamber of Commerce Member Relations Manager, reported the 66<sup>th</sup> Annual Old Timer's Day event is on Saturday, June 17, 2023, from 8:00 A.M. to 3:00 P.M. She stated there will be an artisan section with local vendors and a children's area in addition to classic cars and food trucks. There will also be a community yard sale to benefit the Selbyville Public Library. Ms. Gaither added that Salem United Methodist Church is hosting its first summer block party on Friday, June 16, 2023, from 6:00 P.M. to 8:30 P.M. She stated there will be inflatables and games outdoors and a movie starting at 7:00 P.M. indoors.

Kim Taylor, a resident of Mill Pond, inquired about options for a restoration and revitalization committee in Selbyville. Mayor Duncan suggested she reach out to the Selbyville Community Club and the Selbyville Public Library. Additionally, Ms. Taylor sympathized with residents expressing their concerns and encouraged them to build relationships with the Sussex Conservation District, Department of Natural Resources, and other agencies so they have contacts when issues arise. She suggested they look into possible grants that may be available for these issues as well. Ms. Taylor also commended the Town Administrator for all her help with previous issues in Mill Pond.

Paul Kerstanski, a resident and member of the Homeowners Association (HOA) at Saltwater Landing, expressed appreciation in regard to the meeting he had with the Town about previous concerns with building permits. Mr. Kerstanski also expressed concerns regarding drainage in the Saltwater Landing development. The Town Engineer stated that this is also a Sussex Conservation District issue.

The Town Administrator and Town Engineer concluded that they will set up a meeting with the Sussex Conservation District to discuss the various development concerns and report back to the HOAs.

4. Reports

A. Police Report – M. Hudson

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Chief Wilson reported there were 312 calls for service, 100 tickets issued, 1 DUI, and 9 criminal arrests for the month of May. He stated they have received some overtime grant funding from the Office of Highway Safety to target areas of speeding, seatbelt violations, and DUIs, so there will be extra officers out on patrol for these issues. He added that he has requested they focus on Bethany Road as well due to recent concerns expressed at the Town Council Meetings.

Chief Wilson took a moment to recognize Corporal John Bunting for receiving the Carl Freeman Award for his part in planning and organizing the Annual Selbyville Trunk-or-Treat. Chief Wilson added that it was a very successful event last year, and they are looking forward to having it again this year.

**B. Code Enforcement – S. Long**

See report for the month of May. The Town Administrator reported that the Code Enforcement Official has requested the Mayor direct the Hazard Committee to move forward with setting up a meeting to investigate a dilapidated home at 11 Dukes Street. Mayor Duncan recommended Councilman Snader and other members of the Hazard Committee set a meeting to discuss 11 Dukes Street and report back to the Mayor and Council at the next Council Meeting.

**C. Water – G. Steffen**

See report for the month of May. Councilman Steffen reported that the water plant produced 9,489,639 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 Steffen also reported that the submersible pump for Well CR1 is failing, however, the new pump will be installed next week.

**D. Public Works – G. Steffen**

Councilman Steffen reported that the Certificate of Occupancy has been issued for the new Public Works building, and they are transitioning into the new building immediately.

**E. Recreation – G. Steffen**

Councilman Steffen informed the Council that he has reached out to the American Youth Football Organization to see if they are interested in utilizing the field at the Town Park, which they are. Additionally, Mayor Duncan expressed that he is glad to see the pickleball courts being utilized at the Town Park. He also stated that he has a softball program that holds batting practice out there on Saturdays from 10:00 A.M. to 12:00 P.M. and invited residents to participate if interested.

Mayor Duncan referred to a previous lease agreement draft between the Indian River School District and the Town about a parcel owned by the school district. The parcel is located by the

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town park. The Town Administrator stated that the draft lease agreement has been reviewed by the Mayor and Council. They are in favor of it. Councilman Steffen made a motion to forward the 25-year lease agreement to Indian River School District for review. Motion seconded by Councilman Hudson and carried by all.

**F. Sewer Report – C. Snader**

See report for the month of May. Councilman Snader reported the plant had an average daily flow of 1,048,600 gallons with a peak flow of 1,152,000 gallons. The plant performed within all permit parameters for the month.

Councilman Snader stated that they are waiting for a structural engineer to finalize a report as well as a quote for roof repair. He also reported that the HVAC system is completely down in the office at the Wastewater Plant. Blades HVAC submitted a quote in the amount of \$9,575 for the HVAC repair. Lewes HVAC submitted a quote in the amount of \$10,000 for the repairs as well. After a brief discussion, Councilman Snader made a motion to accept the quote of \$9,575 from Blades HVAC for the HVAC repairs. Motion seconded by Councilman Hudson and carried by all.

Councilman Snader reported the pista grit repairs have been completed. The Town Engineer added that the parts for the ongoing bypass valve project have been ordered. He stated the next priorities are the blowers, utility lines, and oxidation ditch work.

**G. Planning & Zoning – C. Snader**

See Minutes of the May 23, 2023 meeting.

Councilman Snader stated the first item on the agenda was the consideration of the revised Preliminary Plan Approval for the Selbyville Public Library located on W. McCabe Street, District 5-33 Map 16.16 Parcels 52.00 and 53.00. Craig Williams, an architect at the Becker Morgan Group, presented a rendering of the proposed design of the Selbyville Public Library to the Mayor and Council. Mr. Williams stated that since the original Preliminary Plan Approval, they have purchased an additional property. They plan to demolish the existing building on the recently purchased property and are proposing the new library building be moved slightly west. Mr. Williams stated they will not have to do any demolition to the existing library or existing parking lot. As a result, this will allow for approximately 1,600 square feet to be added to the new library building, additional parking spots, and more open space for outdoor activities. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Snader made a motion to accept the revised Preliminary Site Plan with requested waivers as presented. Motion seconded by Councilwoman Cary and carried by all.

Councilman Snader stated the second item on the agenda was a discussion on the creation of a

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new Mixed-Use Zoning District. He stated that this discussion came about because of a Concept Plan for a multi-level project with businesses on the first floor and apartments on the upper floor(s) on Route 17. Mayor Duncan stated this would provide both commercial and residential opportunities for future growth. The Town Administrator added that they aren't specifically talking about any particular project at this point, just about the idea of creating a Mixed-Use Zoning District. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council support moving forward with a Planning Consultant that, with guidance from the Planning and Zoning Committee, could create a Mixed-Use Zoning District. Councilwoman Cary made a motion to move forward with a Planning Consultant to start creating a Mixed-Use Zoning District. Motion seconded by Councilman Steffen and carried by all.

H. Industrial Park Report – S. Long

No report for the month of May.

I. Annexation Report – C. Cary

**A RESOLUTION ANNEXING CERTAIN TERRITORY, CONTIGUOUS TO THE PRESENT LIMITS OF THE TOWN OF SELBYVILLE, OWNED BY BALSAMO REAL ESTATE, LLC, IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-17.00-154.00, CONTAINING 2.32 ACRES, MORE OR LESS;**

**AND**

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

Councilwoman Cary read the Resolution and Ordinance into the Minutes by title only. Councilwoman Cary made a motion to annex Tax Map and Parcel No. 533-17.00-154.00 into town and to adopt this Ordinance as presented. Motion seconded by Councilman Steffen and carried by all.

J. Administration Report – S. Long

The Town Administrator reported that as of June 1, 2023, the Town issued final acceptance to the Lighthouse Lakes development after all inspections passed and all warranty items were corrected. Additionally, she stated that the Charter change regarding additional impact fees will be heard at the Elections & Government Affairs Committee on Wednesday, June 7, 2023, at 3:00 P.M. which she will attend virtually.

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Regarding Parks and Recreation, the Town Administrator stated that she, Councilman Steffen, the Public Works Supervisor, and the Administrative Assistant met to discuss moving forward with Phase 2 of the town park improvements. The pavilion has been approved and is moving forward with getting scheduled for installation. She stated they will be meeting to look into playground equipment and surfacing improvements as well. Additionally, she reported that she has submitted a pre-application for a grant through the State of Delaware Outdoor Recreation Parks & Trails Program. This grant will be for Phase 3 of park development and consists of parking lot improvements, new fencing, an entrance gate, an entrance pathway, and signage on Main Street. The total projected cost is \$150,000 with the Town matching 50%. The State of Delaware Grant Review Committee will meet in early fall to determine if this project meets eligibility requirements, and if so, they will invite the Town to submit the full application.

The Town Administrator has also submitted an application for a grant through the 2023 Community Reinvestment Fund to erect a secure fencing area and building in the rear parking area of the Police Department. This will secure police vehicles and equipment in a secure area. Included in the request is an additional fenced-in area, similar to a sally port to allow limited access at the rear entrance of the police department for officer and detainee safety. She stated that awardees will be notified in July.

The Town Administrator stated that she and Councilman Snader met to discuss full-time Building Inspector/Code Enforcement Official position regarding the job description and minimum requirements. She stated it has been reviewed by the Mayor and Council and requested to move forward with advertising and beginning the hiring process. Councilman Snader made a motion to advertise and begin the hiring process for a full-time Building Inspector/Code Enforcement Official position. Motion seconded by Councilwoman Cary and carried by all.

The Town Administrator concluded her report by inquiring about the Mayor and Councils thoughts on having the Halloween Parade. She stated that last year the Council decided to forgo the Halloween Parade for several reasons and place the limited resources towards the Trunk-or-Treat. The Town Administrator reiterated that it was a very successful event. Chief Wilson expressed that there are various safety concerns with the evening Halloween Parade. He also stated that the Police Department has limited resources in October between several events and would prefer to grow the daytime Trunk-or-Treat event into a fall festival in the future. The Town Administrator added that the Halloween Parade participation has decreased over the past few years. She recommended the Mayor and Council consider focusing resources on the successful, daytime Trunk-or-Treat. The Mayor and Council approved moving forward with the Trunk-or-Treat this year, and they will revisit the idea next year as well.

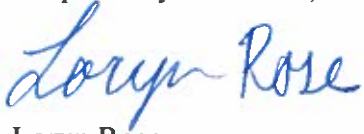
There being no further business to discuss Councilman Steffen made a motion to adjourn the meeting. Motion seconded by Councilman Snader and carried by all.

Mayor Duncan adjourned the meeting and thanked everyone for attending.



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Respectfully submitted,



Loryn Rose  
Administrative Assistant