

**MINUTES OF THE TOWN OF SELBYVILLE
TOWN COUNCIL MEETING OCTOBER 2, 2023**

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

The meeting was properly posted.

1. Opening of Meeting –

- A. Mayor Duncan led in the Pledge of Allegiance.
- B. Presentation of the Minutes of the September 11, 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 September 30, 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.

2. Mayor's Report & Comments:

- A. **A RESOLUTION PROPOSING THAT A PUBLIC HEARING BE HELD ON NOVEMBER 6, 2023, AT 6:00 P.M., AT THE TOWN HALL, 1 W. CHURCH STREET, SELBYVILLE, SUSSEX COUNTY, DELAWARE, TO CONSIDER THE PROPOSED ALTERATION OF THE FINAL RECORD PLAN FOR THE MAJOR RESIDENTIAL SUBDIVISION KNOWN AS "SCHOONER LANDING", OF RECORD IN PLOT BOOK 318, PAGE 13, ET SEQ., FOR REAL PROPERTY PRESENTLY IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NOS. 533-17.00-107.00, 107.01, 108.00, 109.00 AND 874 THROUGH 1002.00 (INCLUSIVE), LOCATED WITHIN THE CORPORATE LIMITS OF THE TOWN OF SELBYVILLE.**

Mayor Duncan read the Resolution into the Minutes by title only. Mayor Duncan explained that Schooner Landing is requesting to modify the original record plan of the development to remove an easement for the pump station and deed it as a separate parcel to turn over to the town when the project is completed. They are also requesting to add a permanent easement on Lots 82 through 84. Councilwoman Cary made a motion to adopt this Resolution as presented. Motion seconded by Councilman Steffen and carried by all.

Mayor Duncan appointed Bill Kirsch as an additional member of the Planning and Zoning Commission. All of the Council agreed to the appointment.

3. Reports

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A. Police Report – M. Hudson

Chief Wilson reported there were 270 calls for service, 60 tickets issued, and 11 criminal arrests for the month of September. He added that the Selbyville Police Department has been awarded a grant by the State of Delaware to combat violent crime in the amount of \$27,210.87. The grant will be used towards an antenna to provide better reception to the police radios inside the brick police department building, new bulletproof vests for all of the officers, and funds for overtime. Chief Wilson also introduced Captain Brian Parsons who was sworn in on Monday, September 18, 2023. The Mayor and Council welcomed Captain Parsons to the Selbyville Police Department.

Chief Wilson reported that the 100th Anniversary Celebration for the Selbyville Volunteer Fire Co. will take place on Saturday, October 7, 2023, from 12 P.M. until 4 P.M. Additionally, officers will be participating in the 3rd Annual Trunk or Treat to be held at the Selbyville Fire Company on Saturday, October 21, 2023, from 10 A.M. until 2 P.M. He concluded by stating that the Selbyville Police Department will be hosting a collection site on Saturday, October 28, 2023, from 10:00 A.M. to 2:00 P.M. for National Prescription Drug Take Back Day.

B. Code Enforcement – S. Long

See report for the month of September.

C. Hazard Inspection Committee – C. Snader

No report for the month of September.

D. Water – G. Steffen

See report for the month of September. Councilman Steffen reported that the water plant produced 9,162,585 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. He added that hydrant flushing, a twice-annual process that helps to keep the water clean, fresh, and safe, will take place the week of October 9, 2023. The Water Department continues to read meters, work on meters, and mark water lines for utility locates.

Councilman Steffen met with the Water Department Supervisor today, and he advised that the Well CR2 Pump is sending alarm codes and shutting down. Schultes has investigated it and advised that it is an electrical issue. An electrician will be evaluating it later this week.

Mayor Duncan invited the Town Engineer to give an update on the 1 million gallon water tower project on Hudson Road. The Town Engineer stated that they are still working with the SCD to get permits to properly clear a wooded area, so they can complete their geotechnical investigation for the design of the foundation.

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The Town Engineer added that he has met with the Water Department Supervisor regarding optimizing backwashing at the Water Plant for the backwash recovery system. He concluded by stating they are assisting with gathering old files for the Lead Service Line Project.

E. Public Works – G. Steffen

Councilman Steffen reported that an employee from the Public Works Department was injured on the job but has since returned to work. The Public Works Department continues to spray weeds, cut grass, clean out catch basins, and work at the Town Park as needed.

F. Recreation – G. Steffen

Councilman Steffen reported Selbyville Rt54 Smashers continue to utilize the softball field for batting practice on Saturdays, and the Delmarva Aces are utilizing the softball field on Sundays in October.

Councilman Steffen reported they received bids for the 2-5 year old playground equipment and area as part of Phase 2 of the Town Park. The Town Administrator explained they had their bid opening after the deadline on Monday, September 25, 2023, at 2:00 P.M. The first bid was from Play N' Learn, Inc. in the amount of \$102,340. The second bid was from Gametime c/o Cunningham Recreation in the amount of 102,511.21. It is the recommendation of Councilman Steffen, the Public Works Supervisor, and the Town Administrator to accept the bid from Gametime c/o Cunningham Recreation which is a local company that has designed and installed equipment at several local parks. The Town Administrator added that they were awarded a grant that will cover \$75,000 of the cost for Phase 2 of the Town Park; the Town is responsible for the remaining balance. Councilwoman Cary made a motion to accept the bid from Gametime c/o Cunningham Recreation in the amount of 102,511.21 as presented. Motion seconded by Councilman Steffen and carried by all.

The Town Administrator referred to the draft of the 25-year lease agreement between the Town and the Indian River School District (IRSD). It pertains to a parcel owned by the school district that is between Cemetery Road and the Town Park. After reviewing the lease agreement, IRSD has requested the addition of a clause stating that they reserve the right to terminate the lease with 6 months' notice through certified mail in the event there is a school need for the property. If the lease is accepted including the IRSD "right to terminate" request, the Town will not be able to use any State of Delaware grant funding for improvements on this parcel as they require a minimum 25-year lease agreement. If the lease is broken, the Town would owe the grant funding back to the State of Delaware. Councilman Steffen stated that he does not recommend the utilization of State of Delaware grant funding for improvements on this parcel due to the "right to terminate" request by IRSD. Councilwoman Cary suggested if the lease agreement is accepted, leaving the parcel as open space and undeveloped. The Town Administrator stated that they will be meeting with the IRSD Board on Monday, October 9, 2023, and will discuss this further at a future council meeting.

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G. Sewer Report – C. Snader

See report for the month of September. The Town Administrator stated that the Site B building is in need of maintenance repairs due to holes in the wall, plywood rotting around the bottom of the building, and a new service door. Oliphant provided a quote in the amount of \$10,000 for the repairs. Additionally, the floor at Site B is currently asphalt. The asphalt floor is in very poor condition. They have received a verbal quote in the amount of approximately \$20,000 to remove the asphalt and install proper concrete floors. The grand total of necessary repairs to the Site B building is \$30,000. Councilman Hudson made a motion to accept the Site B building maintenance repair quotes in the amount of \$30,000 as presented. Motion seconded by Councilman Steffen and carried by all.

The Town Administrator also reported that the Sewer Department needs a vehicle to replace the 2006 Ford F-150. They have received a quote for the purchase of a new 2024 Ford Ranger in the amount of \$37,805. Councilwoman Cary made a motion to approve the purchase of a new 2024 Ford Ranger in the amount of \$37,805 as presented. Motion seconded by Councilman Steffen and carried by all.

The Town Administrator referred to the agenda and invited the Town Engineer to begin the discussion regarding sewer availability on a property located on Lynch Road and Lighthouse Road/Route 54. The Town Engineer explained that he and the Town Administrator met with an engineer from Beacon Engineering who has a couple of clients interested in putting in a subdivision on property on Lynch Road and on Lighthouse Road/Route 54. The Town Engineer stated there is no sewer available in the area at this time as the existing pump stations are at capacity. The Town Engineer stated he does not recommend that the Mayor and Council approve these projects due to no capacity at the pump stations at this time. After a lengthy discussion, the Mayor and Council agreed to let the Town Engineer inform the engineer from Beacon Engineering that there is no sewer capacity for his client's projects at this time. The Town Engineer added that the Town was awarded a 50/50 matching grant to assist with wastewater facilities planning, which intertwines with the discussion on sewer availability. The Town has been awarded \$30,000 and would need to match it.

H. Planning & Zoning – C. Snader

No report for the month of September.

I. Industrial Park Report – S. Long

No report for the month of September.

J. Annexation Report – C. Cary

No report for the month of September.

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K. Economic Development Committee – C. Cary

See Minutes of the September 18, 2023 meeting.

Councilwoman Cary reported that the Economic Development Committee discussed what the town means to them, the Town's history and future, and what kind of businesses they would like to see in Town at their first meeting. The next meeting will take place on Monday, October 16, 2023, at 4:15 P.M.

L. Administrative Report – S. Long

The Town Administrator asked the Mayor and Council who they would like the beneficiary of the Christmas Parade's 50/50 Raffle to be. After a brief discussion, the Mayor and Council agreed to have the Selbyville Community Club be this year's 50/50 raffle beneficiary.

The Town Administrator stated the first item on the agenda is the consideration of Beneficial Acceptance for Schooner Landing Phase 1. The Town Engineer recommended the Town beneficially accept Schooner Landing Phase 1. Councilman Steffen made a motion to accept the beneficially accept Schooner Landing Phase 1 as presented. Motion seconded by Councilwoman Cary and carried by all.

The Town Administrator stated the next item on the agenda is reviewing the quotes that were collected for a new wall in the Council Chambers to separate it from the lobby inside Town Hall. The first quote is from Ocean Tower Construction, LLC in the amount of \$7,920.75. The second quote is from Brian Lockhart in the amount of \$5,900. The final quotes are from Michael C. Jones for a wall using 2' x 4' in the amount of \$6,500 or a wall using 2' x 6' in the amount of \$7,000. Councilman Steffen made a motion to accept the quote from Brian Lockhart in the amount of \$5,900 as presented. Motion seconded by Councilman Hudson and carried by all.

The Town Administrator stated the next item on the agenda is reviewing the revisions to the Town's Construction Standards and Specifications. The Town Engineer stated he will submit an updated version of the Town's Construction Standards and Specifications to the Mayor and Council for approval at the next council meeting.

The Town Administrator stated the final item on the agenda is a discussion to amend the subdivision chapter of the Town Code to make it clear that building permits will not be issued if there are outstanding requests concerning the prompt marking of and/or reporting concerning utilities or other actions required of the developer, owner or its contractor in order for the Town to comply with the Underground Utility Damage Prevention and Safety Act or any other applicable federal or state law. The Town Administrator provided the Mayor and Council with a draft Ordinance amending the Town Code Chapter 160, Subdivision of Land, by revising Section 160-14 thereof to make cooperation in the Town's efforts to comply with the Underground Utility Damage Prevention and Safety Act, 26 Delaware Code Subsection 802, an

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express condition precedent to the issuance of a building permit and to revise the existing violation provisions by including only civil penalties. The Town Engineer explained that while the developments are ongoing, Miss Utility Tickets are being requested for putting in utilities. The Miss Utility Tickets immediately are sent to the Town of Selbyville due to the development being located within the Town, even though the Town does not have any infrastructure within the development as the Town has not accepted beneficial acceptance of the development. At that point, the Town must request the status from the contractor/developer and report the status within 48 hours to Miss Utility, otherwise, Miss Utility fines the Town. The Town Administrator stated this was for the council to review, and it will be placed on the November Council Meeting Agenda for a vote.

4. Visitors in Attendance:

Chris Mercurio, a resident of Lighthouse Lakes, inquired about when the last impact study was done for the water and sewer facilities. The Town Engineer stated that they are currently working on a grant for the water facilities plan, and the wastewater facilities plan grant was approved last year and is waiting on funding.

Diane Schmidt of the Selbyville Community Club inquired about Town Hall being a donation site for the "Coats & Sweats for Vets" Public Service Project again this year. The Council unanimously approved this request. The Community Club will be collecting coats, sweats, and socks at Town Hall from November 1 through November 30, 2023, during regular business hours. Donations will be distributed in December.

Doug Smith of Mountaire Farms reported they had done 88 odor checks since the last town meeting and detected nine instances of odor. They have since made adjustments to reduce the instances of odor.

Mayor Duncan congratulated Jay Griffith of Mountaire Farms on his recent promotion. Mr. Griffith offered assistance with the labor/installation of the new playground at the Town Park on behalf of Mountaire Farms.

Zach Evans from Mountaire Farms announced that Mountaire is continuing their Thanksgiving for Thousands Program. Volunteers will begin packing the boxes at 8:00 A.M. on Saturday, November 18, 2023, at Mountaire Farms on Hosier Street in Selbyville. They have a goal of packing 14,000 boxes in total. 14,000 boxes will provide 56,000 meals. Online registration for the event is available on their Facebook page and website: <https://mountaire.com/>. Mr. Evans invited the council, staff, and residents to participate.

Emily Gaither, Bethany-Fenwick Area Chamber of Commerce Member Relations Manager, expressed that the Chamber is excited to be part of the Economic Development Committee and offered the Bethany-Fenwick Area Chamber of Commerce's assistance with upcoming Town events.

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

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Rose
Administrative Assistant