

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING SEPTEMBER 11, 2023**

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

The meeting was properly posted.

1. Opening of Meeting –

- A. Mayor Duncan led in the Pledge of Allegiance and followed with a moment of silence to pay tribute to those who lost their lives on 9/11/2001.
- B. Presentation of the Minutes of the August 7, 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 Snader and carried by all.
- C. Presentation of the August 31, 2023 bills by Mayor Duncan. Councilman Steffen made a motion to pay all bills as presented. Motion seconded by Councilwoman Cary and carried by all.

2. Mayor's Report & Comments:

Mayor Duncan honored the passing of previous Mayor Hollada (1980-1983) and extended condolences to Mayor Hollada's family on behalf of the Town. His service will take place at Salem Church on Wednesday, September 13, 2023. Mayor Duncan also honored the passing of David Pogge and extended condolences to his family on behalf of the Town. He was previously the President and CEO of Mountaire Farms.

Mayor Duncan reported that there is an Economic Development Committee meeting on Monday, September 18, 2023. Additionally, the Selbyville Volunteer Fire Company is hosting its 100<sup>th</sup> Anniversary Celebration on Saturday, October 7, 2023, and invited residents to attend. Mayor Duncan concluded his report by stating that the Sussex Conservation District (SCD) has set up additional stormwater management workshops. More information can be found on their website: [www.sussexconservation.org/events](http://www.sussexconservation.org/events).

- A. AMENDMENT OF THE CODE OF THE TOWN OF SELBYVILLE BY ADDING A NEW CHAPTER 100, IMPACT FEES, TO IMPOSE, UPON NEW DEVELOPMENT OR CONSTRUCTION, IMPACT FEES TO CONTRIBUTE TO THE COSTS OF OPERATIONS OF THE VOLUNTEER FIRE COMPANY, PUBLIC LIBRARY AND POLICE DEPARTMENT PROVIDING SERVICES WITHIN THE TOWN.**

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Mayor Duncan read the Amendment into the Minutes by title only. The Town Administrator explained the Mayor and Council held an Impact Fee Workshop on August 22, 2023, to review the amendment and discuss changes to the impact fees. Councilwoman Cary made a motion to adopt this Amendment as presented and have it go into effect as of October 1, 2023. Motion seconded by Councilman Steffen and carried by all.

**B. RESOLUTION TO ESTABLISH THE AMOUNT OF THE FIRE PROTECTION IMPACT FEE, POLICE PROTECTION IMPACT FEE, AND PUBLIC LIBRARY SERVICES IMPACT FEE TO BE ASSESSED AT THE TIME A BUILDING PERMIT IS ISSUED FOR A PROJECT COVERED BY § 100-3.A. OF THE TOWN CODE FOR THE TOWN OF SELBYVILLE.**

Mayor Duncan read the Resolution into the Minutes by title only. The Town Administrator explained that the Mayor and Council discussed the impact fee amounts at the Impact Fee Workshop that was held on August 22, 2023. They agreed to vote on a Fire Protection Impact Fee in the amount of \$500, a Police Protection Impact Fee in the amount of \$2,500, and a Public Library Services Impact Fee in the amount of \$500. Councilman Steffen made a motion to adopt this Resolution as presented with a Fire Protection Impact Fee in the amount of \$500, a Police Protection Impact Fee in the amount of \$2,500, and a Public Library Services Impact Fee in the amount of \$500. Motion seconded by Councilman Hudson and carried by all.

**C. RESOLUTION AUTHORIZING SUBMISSION OF AN OUTDOOR RECREATION PARKS AND TRAILS (ORPT) 2023 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.**

Mayor Duncan read the Resolution into the Minutes by title only. The Town Administrator explained that she had applied for a pre-application for the ORPT Grant for Phase 3 at the Town Park. The pre-application was accepted, and the Town has been invited to submit the full application. They require a Resolution signed by the Town Council acknowledging the request, assigning the Town Administrator as the Project Manager, identifying financial investments, and committing to maintaining the property. The Town Administrator submitted the application with a total project cost of \$150,000. The ORPT Grant is typically a 50/50 matching grant, however, this project is eligible for the equity incentive due to its location within a vulnerable area based on the CDC Social Vulnerability Index and therefore allows the Town to apply for up to a 75% match. With that being said, the Town's portion would be 25% equaling \$37,500. The Town Administrator stated the scope of Phase 3 at the Town Park includes pouring asphalt pavement in front of the existing fencing along Park Street for a parking lot, removal of old concrete at the entranceway, asphalt a new entryway into the park with a new entrance gate, erect a new fence to buffer adjoining properties, erect one sign identifying the park and its location from Main Street, landscaping the entryway, and installation of a water fountain, additional security lighting, and

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sidewalks to connect the improvements. Councilman Steffen made a motion to adopt this Resolution as presented. Motion seconded by Councilwoman Cary and carried by all.

3. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 312 calls for service, 147 tickets issued, and 13 criminal arrests for the month of August. He added that officers will be participating in the 3<sup>rd</sup> 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. 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.

Chief Wilson concluded his report by stating they have received two quotes for police vehicles. The first quote is for a 2023 Chevrolet Tahoe in the amount of \$41,663. The second quote is for a 2023 Dodge Durango in the amount of \$40,138. He stated that \$35,000 of the cost of the vehicle would be covered by a Sussex County Grant. Chief Wilson explained this was included in the budget, and he is requesting the Council approve the purchase of one of the vehicles. Councilman Hudson asked if these quotes included equipping the vehicle to which Chief Wilson responded that the quote is solely for the vehicle, but the cost of equipping the vehicle was included in the budget. Councilman Steffen inquired about possible plans to trade in or sell any of the police vehicles in the parking lot. Chief Wilson responded that once a new vehicle is road-ready they will look into the possibility of retiring a vehicle. He added that some have high mileage, but they like to keep a spare in case of any vehicle issues.

B. Code Enforcement – S. Long

See report for the month of August.

C. Hazard Inspection Committee – C. Snader

See Minutes of the August 9, 2023 meeting.

Councilman Snader stated the only item on the agenda was the investigation of the dilapidated structure located at 3 Lighthouse Road as directed by the Mayor pursuant to Section 68-5 of the Town Code. The Hazard Inspection Committee requests that if the property owners do not contact the Town with a written plan for the structure within 30 days, the Town begins the condemnation process. It is the recommendation of the Hazard Inspection Committee that the Mayor and Council approve this request. Councilman Snader made a motion to approve this request as presented. Motion seconded by Councilman Steffen and carried by all.

D. Water – G. Steffen

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See report for the month of August. Councilman Steffen reported 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. He also reported that the water plant produced 10,505,710 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. The Water Department continues to read meters, work on meters, and mark water lines for utility locates.

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.

The Town Manager stated that she, Councilman Steffen, and the Water Department Supervisor, previously met with HydroCorp. She stated that HydroCorp prepared a draft Cross-Connection Control (CCC) Plan which she will be sending out a copy of. The CCC Plan needs to be in place by February 2024. Councilman Steffen added that they have prepared educational material on the CCC Plan and encouraged residents to review it. It can be found on the Water Department page on the Town's Website, or by going to [watercustomer.com/selbyville/](http://watercustomer.com/selbyville/).

E. Public Works – G. Steffen

Councilman Steffen reported that 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 the Selbyville Rt54 Smashers continue to utilize the softball field for batting practice on Saturdays. Additionally, Olde Tymers Softball League will be utilizing the softball field on Tuesdays and Thursdays during their 2024 season. Mayor Duncan added that the Delmarva Aces have begun utilizing the softball field on Mondays and Fridays for the month of September and will switch to Sundays in October. Mayor Duncan encouraged anyone interested in reserving any of the Town Park facilities to visit the Town Park page on the Town's Website [selbyville.delaware.gov/town-park/](http://selbyville.delaware.gov/town-park/) and contact Loryn Rose.

The Town Administrator stated there is currently an Invitation to Bid for the 2-5 year old playground equipment and area as part of Phase 2 of the Town Park. Bids will be received by the Town of Selbyville until 2:00 P.M. on Monday, September 25, 2023. Any bids received after said time will be returned unopened.

G. Sewer Report – C. Snader

See report for the month of August. Councilman Snader reported the plant had a peak flow of 1,237,000 gallons. The plant performed within all required permit parameters for the month.

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Councilman Snader reported that the disc filter total rebuild and bearing repair has been completed. However, a generator was inspected at the plant and several parts need to be replaced. The parts for the generator are on order. At Site B, all the equipment is operational. A spare pump has been ordered for the Church Street Pump Station. A pump was also replaced at the Hudson Pump Station.

The Town Administrator provided an update on the Hickory Tree Pump Station generator. A technician tested and found the Hickory Tree Pump Station generator running fine for the time being. However, the unit is obsolete and the Town should consider purchasing a new generator as far as future development in that area. The Town Engineer recommended the Council act on it now as there is approximately a year delay or more in receiving the generator once ordered. They have received a quote from Carter in the amount of \$43,500 for a replacement generator. Councilman Snader made a motion to accept the quote of \$43,500 from Carter for a new generator at the Hickory Tree Pump Station. Motion seconded by Councilman Steffen and carried by all.

The Town Engineer added that the southeast sewer improvement project that had been on hold due to electrical resumed last week. They were able to make the final connection at the Wastewater Treatment Plant, clean a line that had possible clog issues, and they are starting work at the Hudson Pump Station later this week.

H. Planning & Zoning – C. Snader

See Minutes of the August 23, 2023 meeting.

Councilman Snader stated that the first item on the agenda was the discussion of new commercial structure and the addition to an existing structure in the Industrial Park located at 127 Dixon Street. Keith Iott of IOTT Engineering and Cole Taustin, owner of the property and Embers Restaurant Group, were in attendance. Mr. Iott stated that their proposal is to expand the existing structure and to construct another structure that could occupy two tenants. Mr. Iott stated that he is familiar with the requirements for Fire Marshall and Sussex Conservation District approvals. It is the recommendation of the Planning and Zoning Commission that the Mayor and Council approve this request. Councilman Snader made a motion to approve the proposed construction of two new commercial structures and the expansion of the existing building at 127 Dixon Street in the Industrial Park. Motion seconded by Councilwoman Cary and carried by all

Councilman Snader stated that the second item on the agenda was consideration of Final Site Plan and Record Plan approval for Advanced Auto Parts located at District 5-33, Map 16.00, Parcel 39.00 on South Dupont Boulevard. Alan Decktor of Pennoni Associates was in attendance representing the owner of the property, Zig MCM Selbyville LLC. He stated that the layout is identical to what was presented at the Preliminary Site Plan. In the meantime, they've received DeLDOT, Fire Marshal, Sussex Conservation District approvals. Mr. Decktor reviewed that it's a one story, 6,000 square foot retail store. It is the recommendation of the Planning and Zoning

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Commission that the Mayor and Council approve this request. Councilman Snader made a motion to accept Final Site Plan and Record Plan approval for Advanced Auto Parts on South Dupont Boulevard as presented. Motion seconded by Councilman Hudson and carried by all.

Councilman Snader stated the final item was the consideration of Final Site Plan approval for the Selbyville Public Library located on W. McCabe Street, District 5-33, Map 16.16, Parcels 52.00 and 53.00. Chad Carter of Becker Morgan Group was in attendance representing the Selbyville Public Library. Mr. Carter stated they have received all agency approvals. He stated they had only changed a few things since the Preliminary Plan was approved, one of which was the replacement of the storm sewer at the intersection of Ellis Alley and Rogers Avenue per the Town's request. 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 Final Site Plan and Record Plan approval for the Selbyville Public Library as presented. Motion seconded by Councilwoman Cary and carried by all.

I. Industrial Park Report – S. Long

The Town Administrator stated she spoke with the Chair of the Industrial Park Committee regarding what was previously reported under Planning and Zoning for 127 Dixon Street. They had no objection.

J. Annexation Report – C. Cary

See Minutes of the August 29, 2023 meeting.

Councilwoman Cary stated the first item on the agenda was to review committee report and recommendation for property owned by Selbyville Partners, LLC, identified as Sussex County Tax Map and Parcel 533-18.00-18.00, containing 47.734 more acres, more or less.

Councilwoman Cary stated the second item on the agenda was to review committee report and recommendation for property owned by Bunting Holdings, LLC, identified as Sussex County Tax Map and Parcel 533-18.00-11.00, containing 36.592 acres, more or less.

The Town Administrator explained that the two agenda items are for the same project. They are contiguous to the town boundary through a previous annexation and requesting annexation into the Town of Selbyville. The current zoning of Tax Map and Parcel 533-18.00-11.00 does not match the Town's Comprehensive Land Use Plan, so it cannot be annexed into town limits yet. If the Town is interested in pursuing the annexation of this property, the Comprehensive Land Use Plan will need to be amended first. Per the Town's Charter, once the Annexation Committee is appointed, they have 90 days to submit a report of its findings and conclusions to the Mayor and Council. Due to the lengthy amount of time it takes to amend the Comprehensive Land Use Plan, both annexation applications and the Annexation Committee's work will need to be suspended until the amendment is complete to freeze the 90 day time period at 35 days. Once the

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amendment is complete, the Mayor and Council may make a motion to resume both annexation applications and the Annexation Committee's work.

Coleman Bunting and John Hoffman, members of the development team for the parcels, were invited to present their request to the Mayor and Council. These parcels are located directly across from Bunting Construction on east side of Route 54. Mr. Bunting displayed a map and explained that they would like to annex in the parcel to the north as residential and the parcel to the south as residential/commercial. He then provided a site plan of the proposed residential area and a rendering of the proposed commercial area for the Mayor and Council to review. Mr. Hoffman stated that they have been communicating with local brewer Jeff Hammer from Big Oyster Brewery regarding the commercial area. The proposed rendering includes an approximately 8,000 square foot facility with abundant parking and outdoor playground space. Mr. Bunting stated the properties would tie in to receive sewer service from the Town, and water service would come from Artesian.

Councilwoman Cary made a motion to amend Map #8 of the Town's Comprehensive Land Use Plan entitled Areas of Potential Annexation from Residential to Mixed Residential/Commercial identified as Tax Map and Parcel 533-18.00-11.00. Motion seconded by Councilman Snader and carried by all. Councilman Snader made a motion to suspend both annexation applications and the Annexation Committee's work until after the Comprehensive Land Use Plan amendment is complete. Motion seconded by Councilman Hudson and carried by all.

**K. Economic Development Committee – C. Cary**

Councilwoman Cary reported that the Economic Development Committee is set to meet on Monday, September 18, 2023, at 3:30 P.M. The members of the Economic Development Committee are as follows:

- (1) Rick Duncan, Mayor
- (2) Carol Cary, Chairperson
- (3) Stacey Long, Town Administrator
- (4) Loryn Rose, Administrative Assistant
- (5) Scott Smith – Edward Jones
- (6) Lauren Weaver – Bethany-Fenwick Area Chamber of Commerce
- (7) Emily Gaither – Bethany-Fenwick Area Chamber of Commerce
- (8) Zach Evans – Mountaire Farms
- (9) Leigh Scott – Next Step Learning Center
- (10) Diana Granados – La Sierra

**L. Administrative Report – C. Cary**

Councilwoman Cary reported that the Town of Selbyville is currently accepting resumes for the full-time position of Assistant Secretary/Treasurer. A full job description is available on the

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Town's website. The deadline for consideration is Friday, September 29, 2023. To apply, qualified applicants should email a confidential cover letter and resume to the Town Administrator at [townmanager@townofselbyville.org](mailto:townmanager@townofselbyville.org).

M. Administration Report – S. Long

The Town Administrator asked the Town Engineer to report on revisions to the Town's Construction Standards and Specifications. The Town Engineer stated he submitted a letter to the Town Administrator outlining nine updates/revisions to the Town's Construction Standards and Specifications which are as follows:

1. Update allowable construction hours to include Saturdays, 7 A.M. to 5 P.M., with the caveat that no Town inspections will occur on Saturdays and any work that requires an inspection will be completed the following week and shall include re-exposing any underground or hidden work.
2. Update specific manufacturer/model numbers of specific water and wastewater items and allow for "or-equal" should the Town requested parts not be available within a reasonable timeframe based on construction schedule.
3. Elimination of curb stops and boxes due to avoid another joint for possible leaks.
4. Provide a standard /template wastewater pumping station and controls.
5. Updated sanitary sewer gravity line acceptance to include flushing of line and removal of debris/water prior to connection to the Town's collection system.
6. Update storm sewer gravity line acceptance to include flushing of the line, removal of debris/water, and televising of the line prior to acceptance.
7. Clarification that the Town does not accept longitudinal bending of the PVC pipe per the manufacturer's recommendation.
8. Allow for approved end seals to be used for jack-and-bore installations in lieu of grouting.
9. Update standard details and specification text based on items above including additional clarification of existing standards.

The Town Engineer stated he will submit an updated version of the Town's Construction Standards and Specifications, highlighting all the updates/revisions, to the Mayor and Council so they may review and once agreed upon provide as the official standards. The Mayor and Council unanimously agreed to allow the Town Engineer/Davis Bowen & Friedel, Inc. to make the changes and submit the draft to the Mayor and Council for approval.

Councilman Steffen inquired about the current status of the full-time Building Inspector/Code Enforcement Official position. The Town Administrator stated that an ad for the position will run until the position is filled. She stated she and Councilman Snader are going to begin reviewing cover letters and resumes and conducting interviews soon.

4. Visitors in Attendance:



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Pat Mercilliot, a resident of Victoria Forest, expressed her gratitude to the Selbyville Police Department for monitoring speeds on Bethany Road and inquired about an update regarding the use of electronic speed enforcement devices. Councilman Hudson stated there is no update regarding the use of electronic speed enforcement devices at this time. He stated they will continue to monitor it.

Jay Griffith of Mountaire Farms reported they are continuing to work on the update for the Mayor and Council in November.

Doug Smith of Mountaire Farms reported they had done 115 odor checks since the last town meeting and detected six instances of odor.

Chris Mercurio, a resident of Lighthouse Lakes, inquired about the possibility of ordering parts for the 1 million gallon water tower project on Hudson Road in advance. The Town Engineer stated that they are not allowed to due to the use of State Funding.

There being no further business to discuss Councilman Snader 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

**EXECUTIVE SESSION**