

**MINUTES OF THE TOWN OF SELBYVILLE  
TOWN COUNCIL MEETING JULY 1, 2024**

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

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 June 3, 2024, meeting by Mayor Duncan. Councilman Hudson 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 June 30, 2024, bills by Mayor Duncan. Councilman Snader made a motion to pay all bills as presented. Motion seconded by Councilman Steffen and carried by all.
2. Mayor's Report & Comments:

Mayor Duncan appointed Kelly Kline, Director of the Selbyville Public Library, as a member of the Economic Development Committee. Additionally, he stated that the Old Timer's Day event was very well attended and thanked all the participants who made it a success. Mayor Duncan asked the Council to consider recognizing the Scott Family at an upcoming Town Council Meeting for the 100<sup>th</sup> Anniversary of J. Conn Scott Furniture, Inc. He also stated that he had attended a meeting with Artesian and confirmed that the partnership with the Town is still in place.

- A. **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 MARICRYST BIRAO SANCHEZ AND DAN JASON M. VELEZ, LOCATED AT 32634 LIGHTHOUSE ROAD AND IDENTIFIED AS SUSSEX COUNTY TAX MAP AND PARCEL NO. 533-18.00-35.03, CONTAINING 1.15 ACRES, MORE OR LESS; AND TO AMEND THE ZONING MAP AND ZONING ORDINANCE OF THE TOWN OF SELBYVILLE TO INCLUDE SAID TERRITORY IN THE NB NEIGHBORHOOD BUSINESS DISTRICT.**

Mayor Duncan read the Resolution into the Minutes by title only. Mayor Duncan appointed Councilwoman Dr. Cary as Chair, and Councilman Snader and Councilman Steffen as members of the Annexation Committee. Councilwoman Dr. Cary made a motion direct the members of the Annexation Committee to schedule a meeting to investigate the possibility of annexing certain

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territory, contiguous to the present limits of the Town of Selbyville, owned by Maricryst Birao Sanchez and Dan Jason M. Velez, located at 32634 Lighthouse Road and identified as Sussex County Tax Map and Parcel No. 533-18.00-35.03, containing 1.15 acres, more or less; and to amend the zoning map and zoning ordinance of the Town of Selbyville to include said territory in the NB Neighborhood Business District as presented. Motion seconded by Councilman Snader and carried by all.

**B. RESOLUTION TO APPROVE DISTRICT VOTING FOR THE ELECTION OF TOWN COUNCIL MEMBERS AS PART OF THE PROPOSED AMENDMENT OF 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 AMEND THE ANNUAL ELECTION PROCEDURE FOR THE MAYOR AND TOWN COUNCIL MEMBERS FOLLOWING ESTABLISHMENT OF THE NEW ELECTION DISTRICTS.**

See Minutes of the June 10, 2024, Mayor & Council Special Meeting.

Mayor Duncan read the Resolution into the Minutes by title only. Councilwoman Dr. Cary made a motion to accept the draft Council District Map that was discussed at the June 10, 2024, meeting and submit the Resolution to the General Assembly to amend the Charter as presented. Motion seconded by Councilman Steffen and carried by all.

3. Reports

A. Police Report – M. Hudson

Chief Wilson reported there were 273 calls for service, 155 tickets issued, and 16 criminal arrests for the month of June. He reported that an officer is out on medical leave, so they are operating short-staffed. He concluded by stating several officers worked during the Old Timer's Day event and reiterated that it was a success.

B. Building and Code Enforcement – A. Merollini

See report for the month of June. Inspector Merollini reported that they conducted 139 building inspections, contacted 26 contractors working in town limits without their Outside Contractor Business License, investigated 32 code violations, and issued 40 new Outside Contractor Business Licenses. He commended Administrative Assistant Mackenzie Long for her contributions to the Building Department by creating two new forms. Inspector Merollini

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announced that another Building Inspector/Code Enforcement Official, Edward Ackerman, has begun his employment with the Town.

**C. Hazard Inspection Committee – C. Snader**

No report for the month of June. Councilman Snader stated that the two properties previously addressed by the Hazard Inspection Committee are under construction and continue to make progress.

**D. Water – G. Steffen**

See report for the month of June. Councilman Steffen reported that the water plant produced 16,095,772 gallons of water which is an increase of over 5.5 million gallons since May 2024. The water plant produced approximately 6.8 million gallons more in June 2024 than it had in June 2023. We continue to purchase water from Artesian to supplement the water pressure on the eastern side of town. We continue to meet all State and Federal testing requirements. Councilman Steffen announced that the pump Artesian upsized at the interconnect on Route 54 is now online. The Water Department continues to read meters, repair meters as necessary, and mark water lines for Miss Utility locate requests.

Councilman Steffen stated the first item on the agenda was discussions on lowering the 18,000 gallon water usage minimum per household per quarter. Councilman Steffen stated he conducted research regarding the water usage minimum throughout different municipalities in the State of Delaware and found that they range from 12,000 to 16,000 gallon minimums. He asked Town Administrator Long to inquire with surrounding towns about their minimum and report back.

Councilman Steffen stated the next item on the agenda is regarding the installation of a test well on Hudson Road. Town Engineer Loar explained that the Town needs an additional ground water production well. A quote was submitted by A.C. Shultes in the amount of \$23,830 for the installation of a test well on Town property on Hudson Road. Councilman Steffen made a motion to accept the \$23,830 quote from A.C. Shultes for the installation of a test well on Hudson Road as presented. Motion seconded by Councilwoman Dr. Cary and carried by all.

Councilman Steffen stated the final item on the agenda was discussions on water conservation methods. Mayor Duncan stated that a CodeRED notice was sent out with the current ordinance regarding water conservation as a proactive measure due to drought conditions and concerns that were expressed regarding low water pressure. Councilman Steffen requested the Mayor and Council discuss future CodeRED notices before they are sent out. Councilwoman Dr. Cary added that some residents have expressed concerns about having enough water in general with the ongoing development. Town Engineer Loar stated that there is a sufficient amount of water for all the developments that have been approved to date based on standard calculations. He stated that there are developments that are on the books that have yet to be reviewed and approved which will require additional resources. Upon looking at usage in the summer months

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versus the winter months, he stated that excessive irrigation has caused an increase in usage. After much discussion, the Mayor and Council agreed that the ordinance needs to be reviewed and adjusted. Mayor Duncan appointed Water Operator Kevin Murray, Councilman Steffen, Inspector Merollini, Town Administrator Long, and all development Homeowner's Association (HOA) Presidents to a Water Resource Committee. He instructed the Water Resource Committee to meet and discuss a course of action and new guidelines regarding irrigation and water conservation, and then report back to the Mayor and Council. The Mayor and Council agreed to lift the ordinance restricting irrigation until further notice.

E. Public Works – G. Steffen

Councilman Steffen reported that the Public Works Department has been cutting grass, spraying weeds, and cleaning catch basins.

F. Recreation – G. Steffen

Councilman Steffen reported that the paving and concrete work at the Town Park is complete. New fencing has been installed as well, and they will be landscaping soon. Councilman Steffen commended the Public Works Department for all they have done.

G. Sewer Report – C. Snader

See report for the month of June. Councilman Snader reported the plant had an average daily flow of 1,048,100 gallons and a peak flow of 1,257,000 gallons. The plant performed within all required permit parameters for the month. Councilman Snader reported that they are awaiting an electric part for the utility water pumps.

H. Planning & Zoning – C. Snader

See Minutes of the June 25, 2024, meeting.

Councilman Snader reported the only item on the agenda was agenda was to continue the review and consideration of a final site plan for a 4-lot subdivision for Lighthouse Oaks North, LLC, TMP #533-17.00-156.04. Mackenzie Peet of Saul Ewing presented the proposed 4-lot subdivision on behalf of her client, Brad Absher. She stated that the property is located at the intersection of Route 54 and Lynch Road. Ms. Peet explained that this was brought before them back in February, where the matter was tabled until further review into water and sewer utilities. After discussions with the Mayor and Council and Town Engineer Loar during a special sewer workshop, it was found that they would prefer private wells and septic for the individual 4 lots in lieu of E-1 grinder pumps. They are now presenting the subdivision with the private utilities until they become available to these lots and residual land within the subdivision. The property is zoned R4 and is within the town's growth area for low density development. The owner is

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proposing to place a deed restriction on these lots to require connection to public utility when it becomes available. Town Engineer Loar reviewed the subdivision and recommended approval with the condition of an agreement in place that these lots will connect to town utilities when they become available and also subject to receipt of the Letter of No Objection to Recordation (LONOR) from DeIDOT. Ms. Peet stated the LONOR was received from DeIDOT and the Town Solicitor has drafted an agreement regarding connection to town utilities once they become available. It was the recommendation of the Planning & Zoning Commission for the Mayor and Council to approve this request. After a brief discussion, Councilman Snader made a motion to approve the final site plan for the 4-lot subdivision as presented, with the condition of a signed and recorded agreement from the property owner confirming that these 4 lots will be required to connect to town utilities when available. Motion seconded by Councilman Steffen and carried by all.

**I. Industrial Park Report – S. Long**

George Merritt of NAI Coastal presented the purchase agreement for 107 Dixon Street in the Industrial Park to the Mayor and Council. As the Mayor and Council are the developers of the Industrial Park, they have the right of first refusal. Councilman Snader made a motion to decline to make an offer on the sale of 107 Dixon Street and allow the sale to proceed as presented. Motion seconded by Councilman Steffen and carried by all.

**J. Annexation Report – C. Cary**

No report for the month of June.

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

See Minutes of the June 17, 2024, meeting.

Councilwoman Dr. Cary reported the committee discussed possible changes to vehicle arrival for Old Timer's Day, the Hometown Heroes Banner Program, and the 100<sup>th</sup> Anniversary of J. Conn Scott Furniture, Inc. Additionally, they began reviewing the Town Sign Code and the progress the committee has made thus far. The Economic Development Committee is scheduled to meet again on July 8, 2024.

**L. Administrative Report – S. Long**

Craig Williams of Becker Morgan Group, Inc. presented an off-street parking waiver request on behalf of the new Selbyville Public Library. He explained they are requesting to reduce the number of parking spaces by 2, so they would have 30 spots instead of 32, and use the 2 spots for a drive-up book drop instead. Councilwoman Dr. Cary made a motion to accept the off-street parking waiver request from the Selbyville Public Library as presented. Motion seconded by Councilman Snader and carried by all.

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Town Administrator Long reported the next item on the agenda was to review utility charges for non-profit entities. She provided the Mayor and Council with a report containing the non-profit entities and explained that their meters continue to be read, but the fees related to water consumption are waived, and they are charged for the sewer based on their water consumption. She added that she discovered the Selbyville Public Library's trash and recycle fees are waived as well. After much discussion, the Mayor and Council agreed to investigate the possibility of establishing a policy related to water consumption fee waivers and reevaluate the utility charges for non-profit entities for the next budget year.

Town Administrator Long stated the third item on the agenda was consideration of a quote submitted by Ruppert Fence in the amount of \$11,769 to replace the existing chain link fence in the side parking lot of Town Hall. Councilman Steffen made a motion to accept the \$11,769 quote from Ruppert Fence to replace the existing chain link fence in the side parking lot of Town Hall as presented. Motion seconded by Councilman Hudson and carried by all.

Town Administrator Long announced there is a new business in town: Lisa's Boutique and Accessories. It is located at 6 Ellis Alley. She concluded her report by stating Lower Shore Immediate Care of Selbyville will be hosting an open house and ribbon cutting ceremony on Tuesday, July 16, 2024. The open house will be held between 12:00PM and 4:00PM with the ribbon to be cut at 2:00PM.

4. Visitors in Attendance:

Constance and Bill Schaffer, residents of Lighthouse Crossing, asked for clarification about the irrigation restriction. Town Administrator Long clarified that the restriction had been lifted at this time.

Sharon Icenroad, a resident of Lighthouse Lakes, expressed concerns related to a power washing company receiving a stop-work notice when the ordinance restrictions were in place. Town Administrator Long stated that the contractor was reached out to the same day and was allowed to continue working after clarification was received from the Town Solicitor regarding the ordinance. Additionally, Ms. Icenroad expressed concerns regarding communication and stated she would have preferred an in-person conversation or for the notice to be left in her mailbox. After much discussion, Inspector Merollini informed Ms. Icenroad that he cannot go into mailboxes and that he had reached out and left his contact information.

Jim Icenroad, a resident of Lighthouse Lakes, stated he conducted research and found that the best time of day to irrigate is between 4:00AM and 10:00AM.

Doug Smith of Mountaire Farms reported that they performed 88 odor checks since the last town meeting and detected 4 instances of odor. He stated they have been using charcoal filters at the wastewater facility and will be moving one vector and believe it will help reduce odor.

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Eileen Sweeney, a resident of Sandy Branch, inquired about what problem was supposed to be solved with the ordinance and what is increasing the usage of water. Mayor Duncan stated the increase in homes has led to increased usage. Councilman Snader added that drought conditions have also been a factor. Councilwoman Dr. Cary clarified that the ordinance was established long ago, and reiterated that there is enough water to serve the residents, but they were trying to spread out the usage by, for example, asking residents to irrigate later instead of all at the same time when a majority of people are getting ready for work. She agreed that the notice could have been communicated better, and they will work on it going forward.

An attendee stated that it has been said there is enough water now but questioned about there being enough later. Councilwoman Dr. Cary reiterated that there is enough water to service all that has been approved to date per the Town Engineer. When additional homes, developments, or businesses request to build and connect to utilities in the future, the availability for service will be examined and discussed then. Mayor Duncan added that they are requesting residents be conservative and to not waste water by, for example, irrigating lawns when it is raining.

Betty Washington, a Sandy Branch resident, suggested they discuss staggering irrigation times when meeting with the development HOA Presidents. Mayor Duncan added when there was a drought in the past, they had odd-numbered houses water on odd days and even-numbered houses water on even days but they will look into various options.

Pat Mercilliot, a resident of Victoria Forest, inquired about an update regarding the use of electronic speed enforcement devices. Councilman Hudson stated that as of last month, they were still waiting on DeIDOT to promulgate regulations and select a vendor to manage the project. He added that he has since spoken with DeIDOT, and they have selected a vendor and will be setting up a meeting for further discussion. He stated at the end of the day, it would be a cost to the town, but he hopes to have more information at the next meeting. Ms. Mercilliot requested an increase in police presence on Bethany Road in the meantime. Councilman Hudson stated at times there may be only one officer on duty but asked Chief Wilson to allocate resources when possible.

Daniel Nardone, a resident of Lighthouse Lakes, suggested putting a moratorium on building permits in response to concerns regarding water pressure. Mayor Duncan stated that the developments typically build in stages, and they may need to consider that at some point, but they have recently upsized the connection with Artesian on Route 54 to increase the pressure. He added that the irrigation systems affect the water pressure as well.

Mr. Schaffer informed the Council that he used a pressure gauge to measure the water pressure on the faucet outside of his house. He stated that it displayed 41psi around 3:30PM and 20psi around 6:30PM when residents were irrigating. Mayor Duncan explained that the goal is to increase the water pressure with the new water tower.

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Susan Kirsch, President of the Selbyville Public Library Board of Commissioners, thanked the Council for their continued support of the library.

Michael Serra, a resident of Lighthouse Lakes, asked why the water tower was not built before building permits were issued for the developments.

Zach Evans of the Bethany-Fenwick Area Chamber of Commerce echoed the success of the Old Timer's Day event. He announced over 150 vehicles registered and participated in the event. Mr. Evans, also of Mountaire Farms, stated they recently held their Faith and Family Night which was the largest gathering to date of their employees. He concluded by offering continued support of the Town Park as it continues to progress.

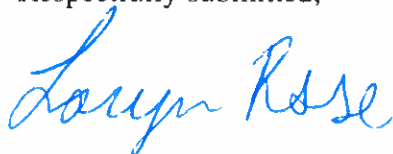
Michael Mercilliot, a resident of Victoria Forest, agreed that he would prefer to have upgraded infrastructure first, but that he understands that development brings revenue which supports the upgrades. He commended Public Works Supervisor Murray and the Mayor and Council for their quick assistance with fixing the elevation issue he had expressed concerns about at the previous meeting.

Mayor Duncan explained that the water tower project began a few years ago and it is an in-depth process that is ongoing. They are currently in the process of figuring out stormwater management for the site.

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 Councilwoman Dr. Cary and carried by all.

Mayor Duncan adjourned the meeting and thanked everyone for attending.

Respectfully submitted,



Loryn Rose  
HR Specialist

**EXECUTIVE SESSION**