

**MAYOR and COUNCIL  
TOWN OF MILLSBORO  
322 Wilson Highway  
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS  
MONDAY — FRIDAY  
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171  
Fax: (302) 934-7682**

TOWN OFFICE  
PARKS/RECREATION  
STREETS  
WATER/SEWER

POLICE DEPT. 934-8174

**MINUTES  
MILLSBORO TOWN COUNCIL  
FEBRUARY 6, 2012**

7:00 pm meeting called to order with Mayor Robert H. Bryan presiding. Present was Secretary Greg Hastings, Treasurer Michelle Truitt, Council persons Irene Hastings, Jim Petruzella, Tim Hodges, Town Solicitor Mary Schrider-Fox, Assistant Town Manager Matt Schifano, and Town Manager Faye Lingo. Absent was Vice-Mayor John Thoroughgood.

Pledge of Allegiance

Public Comment – no comment from the public

Mayor Bryan introduced the new accounts payable clerk Joanne Dorey that began work for the town in January.

**Public Hearing, Zoning code amendment** – It has been advertised to include the use and definition of assisted living in the code for the Town. This is to allow such facilities as a permitted use in the Medium Density Residential Zoning District and/or other zoning districts of The Town of Millsboro. The committee comprised of Greg Hastings, Chair, Jim Petruzella and Bob Bryan, report in the packet, in favor of such an amendment with requirements. Mayor Bryan asked for comments from the public for or against. Having received none, he then called for further discussion from council. With no further discussion, Petruzella motioned, Hastings second to close the public hearing. Motion approved. Mayor Bryan asked all those in favor of approving the amendment signify by voting aye for approval, the ayes have it without any no votes and with Thoroughgood absent.

**SECRETARY'S REPORT-**

Secretary Hastings reported that the minutes have been reviewed and distributed and submitted for approval. Hodges motion, Keenan second to accept the minutes as written, approved unanimously with Thoroughgood absent.

## **TREASURER'S REPORT –**

Treasurer Truitt has reviewed and submitted the bills for payment. Keenan motion, Hodges second to approve the bills to be paid from the designated accounts, approved unanimously with Thoroughgood absent.

## **MILLSBORO FIRE COMPANY -**

Ron O'Neal, president gave report and statistics for the agency. They are working with Peninsula Dental for the "Give a Kid a Smile" program, February 11<sup>th</sup>. They will be taking apparatus to their office site and give kids a ride if they would like. Their new aerial apparatus has begun construction and they anticipate delivery in April.

## **GREATER MILLSBORO CHAMBER OF COMMERCE**

Amy Simmons, Office Coordinator reported that the chamber's next membership meeting will take place February 16<sup>th</sup> at the Millsboro Civic Center and then the Bridal Show will take place February 26<sup>th</sup> also in the Civic Center. This is a Sunday from 11 until 3.

## **MILLSBORO POLICE DEPARTMENT**

Gave report, see packet.

### **Sussex County Block Grant application request:**

The amount totals \$ 2,276.60; Training \$ 550.00 – send Murphy and Legates to training in Ocean City February 7, 8 and 9<sup>th</sup>. The training is called "Inside the Tape" and covers homicide and crime scene management. The training is offered for \$ 275.00 per student; there are not any per diem expenses as the training is within daily driving distance. The second is Radio Maintenance \$ 1,419.69 – on November 5, 2011 the department had numerous repairs made to the 800 MHz radios and these occurred within the grant period. Thirdly is Equipment Installation \$ 302.91 – on January 5, 2012 we had emergency equipment installed in a police vehicle unit 8402. The cost for labor and miscellaneous supplies was \$ 302.91. This expense also occurred within the grant period. Chief Murphy is asking to have these items submitted as part of the Sussex County Block Grant. That this is the one grant that allows supplanting. Hastings questioned if this was allowed for action tonight. Faye explained that the grant is okay for approval the agenda was that the monthly report required no action. Hodges motion, Petruzella second to approve the grant request, approved unanimously with Thoroughgood absent.

## **PARKS AND RECREATION REPORT**

None

## **STREET REPORT**

None

## **WATER AND SEWER REPORT**

**Building Improvement update** – Matt explained that the town received approval for additional funding for the energy grant. The grant was to purchase more energy

efficient lights and ballasts for the building. This is separate from the remodeling project preparing to go to bid.

In planning the remodeling a recommendation from council is needed on how you want to approach this. Davis, Bowen and Freidel contracted with Environmental Testing to identify the areas that have asbestos and the required paperwork has been completed. If all of the total asbestos is removed then we are looking at a high number of about \$51,000.00. This would include the company that would handle the bid process and monitor the air quality and sign off on the work being done properly along with the company that would do the removal. The cost for removal can be anywhere from \$2.00 a square foot to \$4.00 a square foot. This portion has not been bid out yet. If the town does a partial removal and then tries to cover over the other portions the cost should be significantly cheaper. The risk with this is that if there is a problem with removing some carpet or with the tiles that we plan to leave then there would have to be a work stoppage and then further abatement.

Mr. McCrea a contractor in the audience spoke up and seemed to believe that there were other ways this could be done cheaper. There became some confusion about what was required by state law. Mike from Davis, Bowen and Freidel explained the state requirements as he knows them. Hodges motioned, Petruzella second to have the town manager and assistant town manager to investigate further and then to proceed what they find to be the best course of action, approved unanimously with Thoroughgood absent.

**Peninsula Crossing** – had submitted a request in May for phase 1 utility dedication to the town. This was delayed due to the development agreement not being signed. Petruzella questioned if the agreement was signed. Faye advised that it was signed and recorded. Faye explained that there is still one repair that needs to be made, however, we have McCrea's note agreeing to do that repair. Hodges asked if Mary has what she needs and she explained that her work begins after the council takes action. Hastings motion, Hodges second to accept the dedication approved unanimously with Thoroughgood absent.

**Selling of water for commercial uses** – Faye advised that the town occasionally receives request from businesses to purchase water for projects. Sometimes it is power washing and other times it is work for construction site. A while back it was decided that the town not do this but of course times change and would like council's opinion on this. If the town would like to proceed what kind of rate would be charged? Right now there is not a way to meter the usage. The only meter we have is a household meter and that would take to long to fill a tank because it would require a garden hose. It is much easier and quicker to be able to use a fire hose. Hastings, it sounds like a good idea; after all, we are in the business of selling water. Hodges, maybe if we make sure town staff is present to verify gallons and the town can charge for labor. Do we know how much a larger meter would cost and how long it will take to pay for itself? Faye said we do not, however, if council is interested in pursuing along those lines she can do some homework and then bring it back to council. Agreed

## **MAYOR'S REPORT**

**Pioneer Materials** which received preliminary plan approval with a condition that the truck traffic has to use the private street owned by M & T in June 2011. M & T has refused to give them this agreement so Pioneer then went to Deldot, letter in packet. Mayor Bryan questioned who will enforce the directions in the Deldot letter? He believes there should be a committee formed to study the traffic, Tim Hodges, chair, Jim Petruzella and Greg Hastings. Tim motioned, Petruzella second to grant them preliminary plan approval, approved unanimously with Thoroughgood absent.

**Supplemental Taxes** – The charter allows council to tax properties that have been improved since the assessment if they are prorated for the remaining of the year, they are then picked up at the full value the next year. Truitt motioned, Keenan second to accept the supplemental taxes authorizing staff to do the billing. Bill Sauer explained that some of the names have changed due to property transfers; however, the information is accurate. Motion approved by a vote, Keenan aye, Hastings aye, Petruzella abstain due to many of the properties locate in Plantation Lakes which is where he lives, Hodges aye, Truitt aye, Bryan aye.

**Impact Fees – CPI – U**, the charter provides for the rate to follow the CPIU each year and if council does not want to do this then action is required to not change. The building fund will be increased by \$ 68.00; Sewer \$133.00; Water \$24.00 for a total increase of \$225.00. The annexation impact fees increase a total of \$302.00 per acre; Building Fund \$80.00; Sewer \$178.00; Water \$44.00. Tim Hodges commented that he really hates to see it go up but feels we have to let it happen. The rest of council agreed that it is not something they wish to do but feel it has to be done.

**Bob Ricker** – request a quit claim for the property adjoining their business, Bakers Hardware. Sussex County Map No. 1-33-17.17-60.00, street address 28551 DuPont Highway. This has been done with the properties on that side of the road so this is not anything new; however, we do need to appoint a committee for review. Mayor Bryan appointed Truitt chair, Petruzella and Keenan.

**Farmers Market (Fresh Garden Market)** –Faye reported that last year the town held a Fresh Garden Market on Tuesday evenings along the railroad tracks near the Cruise In. This year the Millsboro Downtown Partnership agreed to take on the project and hope to see it grow. They approached the post office and acquired permission to use the lot next to the Dairy Queen. They are changing the day from Tuesday to Thursday and making the hours earlier. To do this they need a conditional use to be able to hold the event. They are asking for the conditional use and to also have the fee waived. At the same time they are asking to place a new sign on the same site that the town used last year and the same size along with small signs throughout town the day of the event and again to have any related fees waived. Mayor Bryan concerned since other entities have had to pay for their conditional uses. Ms. LaRocca pointed out that they are a not for profit group. Truitt mentioned that this is something that the comprehensive plan showed the public much wanted. Matt pointed out that The Fresh Garden Market that the town held was not a part of the state farmer's market group, however, this new market will be.

Keenan motioned, Truitt second that the town approve the conditional use and allow the signs as requested and waive the fees for this first year, approved unanimously with Thoroughgood absent.

**Personnel – vacation leave** – If an employee requests to use more than ten days consecutive leave it has been the practice of the council to give final approval. There are two requests submitted for February 2012. The first is police officer Rogers, for twelve shifts. Chief Murphy has authorized this time and is submitting to council. The second is the town manager Faye Lingo who is requesting 12 days also. Mayor Bryan verified with the Chief and he agreed it was fine on his end. Hodges motioned, Keenan second to approve both requests, approved unanimously with Thoroughgood absent.

8:10 pm Truitt motion, Petruzella second to recess and enter into executive session at 8:25 pm, approved unanimously with Thoroughgood absent.

#### **REGULAR SESSION RECONVENED**

8:50 pm regular session called to order.

There is no action for regular session; Hodges motion, Hastings second to adjourn, approved unanimously with Thoroughgood absent.

Respectfully submitted,



Greg Hastings,  
Secretary