

REGULAR COUNCIL MEETING November 5, 2007

7:00 P.M. meeting called to order in the Council Chambers, Mayor Larry Gum presiding. Present were Vice-Mayor Robert Bryan, Secretary Tim Hodges, Treasurer Michelle Truitt, Councilperson John (Jack) Wilkins, John Thoroughgood, Irene Keenan, Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

PUBLIC HEARING - Mayor Larry Gum continued the public hearing from last month to hear comments on the possible annexation of an area designated as Patriots Landing. This hearing was left opened from last month awaiting the state and county comments. The committee report presented to Council last month stated that they are in favor in allowing this annexation at this time under a medium density residential zoning designation. The property is described as Patriots Landing LLC consists of five parcels of property being 157 acres more or less, located contiguous to the existing corporate limits on the west side of Millsboro Pond and the east side of US Route 113 Tax Map No. 1-33-11.00 parcel 14.00; 1-33-11.00 parcel 15.00 and 1-33-16.00 parcel 5.00, 12.00 and 6.00. As there were no objections from either the state or county Bryan motioned, Thoroughgood second to approve the annexation of the area designated as Patriots Landing as described in the resolution and to include said territory in the Medium Density Residential (MR) District. Motion carried.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the October 1, 2007 council meeting for Council's approval. Wilkins motioned, Bryan second to approve the minutes from the October 1, 2007 council meeting as written. Motion carried.

TREASURER'S REPORT - Treasurer Michelle Truitt presented the bills and bank balances to Council for approval. Bryan motioned, Thoroughgood second to pay the bills from the designated accounts as presented. Motion carried.

Delinquent Accounts: Several accounts which have been delinquent since 2000 were brought up for discussion. It was council's decision to leave these accounts on the books and to try and get payment at the time that the properties are sold.

Transfer Tax: A suggestion has been made to possibly move the town's Transfer Tax accounts from Citizens Bank to a bank with less fees and a better interest rate earning. It was also discussed that the town could save the 2% handling charge that we now pay Citizens if we have another agency handle the stamping of the deeds for transfer, either with Sussex County, who would charge a fee, or in town hall. After some discussion Bryan motioned, Keenan second to have the Transfer Tax accounts moved to a bank with less fees and a better interest rate earning and to have the stamping of the deeds for transfer done in house. Motion carried. The bank which the transfer taxes are to be moved to is to be decided by Financial Director, William Sauer and Town Manager Faye Lingo.

Insured Accounts: Council was informed that Financial Director, William Sauer, has done research and has a plan to make sure our account balances are insured.

MILLSBORO FIRE COMPANY -Ray Burton, President Millsboro Fire Company, presented the monthly report to the Council. September they responded to 131 alarms with 11 of those being in town. The EMS answered 154 calls and transported 112 patients to hospitals. The fire siren is back up and operational. President Burton informed Council that a new fire truck has been ordered. The approximate cost is \$400,000.00 with an estimated delivery date sometime in April 2008. The quarterly check from fees collected on building permits to cover emergency fire services was presented to President Burton in the amount of \$48, 761.54.

CHAMBER OF COMMERCE - Director Fran Bruce reported that the Christmas parade, to be held on December 1st at 10:00 P.M., is filling up and looks to be a good time for all attending. She also asked Council if they would once again lead the parade as in years past. Ms. Bruce requested that the Civic Center overseer fees be increased to \$10.00/hr. Right now an overseer gets paid \$50.00 for the first six hours and \$8.50 an hour for anything over six hours. Mayor Gum appointed a committee to discuss fees structure for the rental hall. Committee members are John Thoroughgood, Robert Bryan and Michelle Truitt.

POLICE REPORT - Sgt. Calloway, Cpl. Lowe and Cpl. Wheatley attended supervisory training offered by Penn State at Ocean View P.D.

The sidewalk repair and repaving on Main Street has been completed. Several areas need to be striped, but the majority of the work has been completed.

The department had a DUI Checkpoint Saturday 27th, from 10:00 P.M. until 2:00 A.M... 644 vehicles passed through the checkpoint. We made one DUI arrest, two arrests for underage consumption and one other traffic arrest. We also had one vehicle assigned to a roving patrol. He made 1 DUI arrest and 4 other traffic arrests. There were no issues associated with Halloween trick or treating.

The department will have another checkpoint scheduled for Saturday, November 24th from 10:00 P.M. until 2:00 A.M... Our final checkpoint will be on New Years Eve also from 10:00 P.M. until 2:00 A.M.

The personnel committee has conducted interviews for Police Clerk and is recommending hiring Dawn Otwell. Bryan motioned, Wilkins second to hire Dawn Otwell as Police Clerk. Motion carried.

Chief Murphy is requesting two officer promotions be approved by Council. He has met with the personnel committee regarding these promotions. He is recommending that Sgt. Brian Calloway be promoted to the rank of Lieutenant and that Cpl/1 Roy Lowe be promoted to the rank of sergeant. Each of these officers is eligible for promotion by departmental policy. Bryan motioned, Wilkins second that Officers Calloway and R. Lowe should be promoted to the ranks recommended by Chief Murphy. Motion carried.

Chief Murphy informed Council that the department currently has two open positions that should be filled. The Delaware State Police Academy will be running a recruit class in March 2008. He would like to advertise for two recruits plus an alternate for the March class. Thoroughgood motioned, Wilkins second to give Chief Murphy permission to proceed with the preparation of two recruits and an alternate for the March 2008 Delaware State Police Academy and the advertisement needed for recruitment. Motion carried.

STREET REPORT - Council person Truitt brought up for discussion the traffic pattern at the intersection of Route 113 and Route 24. The Chief of Police and Town Manager are to do letters requesting DELDOT examine the traffic pattern there.

A request has been made to have bicycle racks placed at different points in town. This was brought to the Council's attention by Councilman Thoroughgood. It was suggested that prices of bicycle racks be brought back before Council before a decision is made.

A committee report was presented to Council on the quitclaim of an alley along US 113 in front of property described as Sussex County Map number 1-33-17.17 parcel 61.00, Bakers Hardware. The

committee unanimously agreed to grant the request for a quit claim and give the town a 15 ft. utility easement with all cost paid by the requester, Bakers Hardware. Thoroughgood motioned, Wilkins second to accept the committee report and to set a public hearing for this request for December 3, 2007, 7:00 P.M. Motion carried.

PARKS AND RECREATION - The proposed stage area in Cupola Park was discussed. Delmarva Power owns 75 ft. with a right-of-way in the area where it had been previously planned to build a permanent stage area. They do not want anything permanent built over that parcel. A question was asked as to whether the town should now build a portable stage or possibly move the proposed stage area. Council's decision, after some discussion, was to go forward with a permanent stage area, moving it to a new location south of the entrance to Cupola Park.

WATER/SEWER REPORT - The Wastewater Treatment Plant Contract D bids were opened on November 1, 2007. Bids received were from Bearing Construction from Sudlersville, MD for \$4,645,000.00; Howard Robeson, Inc. from Landisville, PA, \$5,243,000.00 and JJID Inc, from Bear, DE for \$5,780,000.00. Mark Downes, from CABA Associates, was present to advise Council that CABA Assoc. recommends the town accept the low bid of Bearing Construction for the project in the amount of \$4,645,000.00 and award the project to them upon approval of regulatory agencies and completion of the aforementioned milestones. Bryan motioned, Thoroughgood second to award the WWTP Contract D to Bearing Construction for \$4,645,000.00 upon approval of regulatory agencies and completion of the aforementioned milestones as recommended by CABA Associates, Inc. Motion carried

The town has received three proposals for interim financing for the \$10 million bank loan. The three proposals received were from PNC Bank, M&T Bank and Delaware National Bank. After reviewing the proposals and receiving council from Town Solicitor Tempe Steen Bryan motioned, Wilkins second to enter into interim financing with PNC Bank and authorize the Mayor and Town Manager to negotiate final details for closing; and to authorize the Mayor, Vice-Mayor, Secretary and Treasurer to sign the final agreement. Motion carried.

MAYOR'S REPORT - No report

Thoroughgood motioned, Wilkins second to recess the Regular Council meeting at 7:50 P.M. and to enter into an Executive Session at 8:00 P.M. to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges Secretary