

MAYOR and COUNCILTOWN OF MILLSBORO

REGULAR COUNCIL MEETING

October 6, 2008

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, Councilpersons John (Jack) Wilkins, John Thoroughgood, Irene Keenan, Town Manager Faye Lingo, Town Solicitor Tempe B. Steen, Administrative Assistant Brenda Morris, Development Coordinator Linda Johnson, Finance Director William Sauer. Guests see attached.

SECRETARY'S REPORT - Secretary Tim Hodges presented the minutes from the September 2, 2008 council meeting for Council's approval. Bryan motioned, Wilkins second to approve the minutes from the September 2, 2008 council meeting as written. Motion approved unanimously.

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

MILLSBORO FIRE COMPANY - President Ray Burton presented to Council a written report showing the total number of Fire/EMS alarms and calls that have been responded to for the 2008 year through August. Fire alarms responded to were 43 and EMS calls were 170 with 124 patients transported. He reported that all the necessary paperwork has been signed for the purchase of the new fire truck. President Burton thanked the council for approving resolution which will allow town employees, who are firemen, to respond to fire alarms while working. Mayor Gum presented President Burton with a check in the amount of \$23,744.70 for Fire Protection and Ambulance Service impact fee.

CHAMBER OF COMMERCE - Chamber of Commerce Director, Fran Bruce, was not present tonight to give a report but it was noted she has been working with the Chief of Police and Councilman Thoroughgood on their upcoming events.

STREET REPORT - No report

PARKS AND RECREATION - Councilman John Thoroughgood requested to use the bandstand in Cupola Park for another Concert in the Park. He would like to host the Funsters band on October 26th from 5-7 PM. The previous two events did go well and he anticipates this would be well attended also. Wilkins

motioned, Bryan second to approve the request to hold another Concert in the Park, hosted by John Thoroughgood, on October 26th from 5-7 PM. Motion approve unanimously.

POLICE REPORT - Chief John Murphy presented the monthly report to Council. D/Cpl Legates attended Pedophile Investigations at DSPTA on September 3rd.

Sgt. Lowe attended Police Management Fundamentals at DSPTA on September 11th. Ptlm. Lyons and Ptlm. Morris attended Officer Survival at DSPTA on September 15-17th

Lt. Calloway is preparing for our mock assessment in November. Our assessors will be from the Dover Police Dept., University of Delaware Police Dept., Division of Fish and Wildlife Enforcement and the Bethany Beach Police Dept.

Lt. Calloway was selected as the Delaware League of Local Governments Municipal Police Officer of the Year. He was presented with the award at a dinner Sunday at the Dover Sheraton.

Chief Murphy reported on the new GEO FENCING using the GPS systems which have been placed in patrol cars. Using this system a zone has been created around Millsboro Village, as an example, that will allow a report to be created showing the date, time and patrol car number that has entered Millsboro Village for patrol or answering a call. This is a great tool to assure that proper coverage is being provided.

Charlie Hudson, Millsboro Middle School, has contacted the police department with a request that the School Resource Officer program start up again. The school district has \$15,000.00 set aside to cover one year. Chief Murphy reported he has not noticed any problems since the school reopened for this school year and would not foresee needing an officer there more than at lunch time occasionally and possibly in the mornings or afternoons as students are loading buses. Officer Berrios would be the obvious choice to fill this position as he has had the School Resource Officer training. There would be a limit on the number of hours he would spend there and would be at his discretion. A suggestion from Council members is to train other officers to help fill this position as needed. After some discussion Mayor Gum appointed a committee to meet with Chief Murphy, Charlie Hudson and Solicitor Tempe Steen to review the draft agreement and bring a report back to Council. Committee members appointed were Bob Bryan Chairman, Michele Truitt and Tim Hodges.

After some discussion Keenan motioned, Truitt second that Trick-or-Treating, in the Town of Millsboro, take place on Oct. 31st from 6-8 PM for children 12 and under in costume. Motion approved unanimously. Chief Murphy informed Council the Police Dept. would like to sponsor a "Millsboro Night

Out" on Halloween night, the 31st, from 6-8 PM. This would be modeled after the National Night Out which is held in August each year. The event's purpose is to increase communication between police and residents and provide safety information to children. The event will take place in the field next to the Dairy Queen. Goodie bags, bike helmets and more have been scheduled to be handed out as well as an opportunity to check out police cars and motorcycle. Thoroughgood motioned, Bryan seconded to approve the Millsboro Night Out on October 31st as discussed to be sponsored by the Millsboro Police Dept. Motion approved unanimously.

Chief Murphy requested new hire confirmation. Bryan motioned, Wilkins second to table this until Executive session. Motion approved unanimously.

Street Report - No report

WATER AND SEWER REPORT - The water treatment plant improvements have been advertised with the bid opening scheduled for October 23, 2008 at 3:00 PM. The town should have an engineer's recommendation for the November 3rd council meeting. The new headworks building at the wastetreatment plant is up and running. There were a few bugs in the beginning with the alarms but this has been adjusted.

A sewer adjustment has been requested by John Thoroughgood, 32 Millers Run, due to a water leak. This will be adjusted as allowed by the town ordinance with the sewer portion being adjusted and all water usage paid for.

MAYOR'S REPORT

Conditional Use Renewal-J & Y Parker Family Limited Partnership has requested a conditional use renewal for 332 Main Street, apartment 1, located over the warehouse. This is for a residence in an Urban Business zoning. The office has not received any negative comments in the past year. After some discussion Wilkins motioned, Truitt second to grant a one year conditional use renewal for 332 Main Street, apartment 1, as requested by J & Y Parker Family Limited Partnership. Motion approve unanimously.

Conditional Use Renewal-Home Town Properties has requested a conditional use for the shed behind the business/residence located at 317 Main Street. After some discussion Wilkins motioned, Truitt second to approve a conditional use requested by Home Town Properties for a shed as an accessory use

to an existing commercial building located at 317 Main Street for eight months at which time this conditional use and the conditional use for a residence above the business at this address will be combined into one conditional use application. Motion approve unanimously.

Personnel Policy Amendments - The personnel committee has been working on the existing policies and several recommendations to present for Council approval.

1) The first involves the benefit table which changes the listing of the benefits by adding Delaware State Police Federal Credit Union; changing the name of the Delaware Federal Credit Union to DEL ONE; and noting that the County and Municipal Pension Plan is two separate plans, one for Police employees and one for Civilian employees. Bryan motioned, Thoroughgood second to approve the changes to the listing of the benefits on the Employee Benefit Table, 3-l, as recorded above. Motion approve unanimously.

2) The second amendment addresses how time is logged for voluntary response to fire calls from employees that are qualified to assist. Thoroughgood motioned, Hodges second to approve the resolution to amend the "Town of Millsboro Personnel Policies", relating to subsection 5-2, Special Leave, by clarifying the conditions by which a volunteer fire fighter may respond to a fire call. Motion approved unanimously.

3) The next change would allow employees to use three sick days, 24 hours, as personal days. Bryan motioned, Thoroughgood second to approve the resolution to amend the "Town of Millsboro Personnel Policies", relating to subsection 5-7, Sick Leave, to provide for a maximum of three days of sick leave that may be used for personal reasons. Motion approve unanimously.

4) The personnel committee is also making a recommendation changing how and when employees begin to accumulate their vacation time. Bryan motioned, Truitt second to approve a resolution to amend the "Town of Millsboro Personnel Policies", relating to subsection 5-8, Vacation, to provide that accrual begins upon hiring and may be used as accrued. Motion approve unanimously.

5) A recommendation was made to address employee use of tobacco products on town property and during working hours. Right now the existing policy addresses smoking and the suggestion is to include other tobacco products such as chewing tobacco. Bryan motioned, Wilkins second to approve a resolution to amend the "Town of Millsboro Personnel Policies", relating to subsection 4-13, Smoking in the Workplace, to expand subsection B, Prohibited Practices, to include other tobacco products including but not limited to chewing tobacco. It was also suggested to change the title of subsection 4-13 to read "Use of Tobacco Products". Motion approve unanimously.

6) The personnel committee also discussed changes to the employee medical insurance coverage that would address Medicare as a primary insurance when an employee reaches age 65. Bryan motioned, Wilkins second to approve the resolution to amend the "Town of Millsboro Personnel Policies", relating to subsection 3-5, Group Medical Insurance, to clarify that an employee must enroll in Medicare parts A and B upon becoming eligible.

7) BJ's membership - The town has received information concerning membership to BJ's for employees through the town. After some discussion Wilkins motioned, Thoroughgood second to decline

membership for employees through the town as Council members felt it could become a liability issue. Motion approve unanimously.

Minor Subdivision Application - The Town has received a preliminary plan for a project, Millsboro Commercial Property, prepared by Van Cleef Engineering Associates. The applicant is proposing a Minor Subdivision of 3.79 acres into three parcels. Craig Shannon, engineer for Van Cleef Engineering, was present to present the preliminary plan and answer questions. Mr. Shannon explained that they are proposing parcel one would be the site of a 3,200 sq. ft bank, parcel 2 a 4,800 sq. ft. retail building and parcel 3 a 42,000 sq. ft. hotel. The property is located between Mitchell Street and US 113 next to Arby's described as Sussex County Map No. 2-33-5.00 parcel 10.00. Mr. Shannon informed Council that the project has received preliminary comments from the Fire Marshall's office, reduced the number of parking spaces as suggested to them by URS. It was also noted that the property does have an easement agreement allowing them usage of the M&T Bank road. Tempe Steen, town solicitor, informed those present and Council that this may end up being a major subdivision due to the ownership of the road they will be using and a zoning code issue. Mayor Gum appointed a committee to study this request and to submit a report to Council. Committee members appointed are Jack Wilkins-Chairman, John Thoroughgood and Irene Keenan.

Burton's Crossing/Site Plan Amendment - Burton's Crossing is zoned High Density Residential and they are asking permission to add patios to some of the units that will encroach into the setback area. This is not a site plan amendment that council needs to take action on. It will actually go to the Board of Adjustment where they will seek a variance request.

Wilkins motioned, Thoroughgood second to recess the Regular Council meeting at 8:15 PM and to enter into an Executive Session at 8:20 PM to discuss legal and personnel issues.

Respectfully submitted,

Tim P. Hodges

Secretary