

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



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

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

TOWN OFFICE  
PARKS/RECREATION  
STREETS  
WATER/SEWER

POLICE DEPT. 934-8174

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

**Minutes  
Millsboro Town Council  
Regular Council Meeting  
Millsboro Council Chamber  
322 Wilson Highway  
Millsboro, Delaware  
June 3, 2013**

7:00 P.M. Meeting called to order by Mayor Robert Bryan in the Council Chambers located at 322 Wilson Highway Millsboro, DE. Present were Vice-Mayor John Thoroughgood, Secretary Greg Hastings, Treasurer Michelle Truitt, Councilpersons Tim Hodges, Jim Petruzella, Irene Keenan, Town Manager Faye Lingo, Assistant Town Manager Matt Schifano, Town Solicitor Mary Schrider-Fox, Development Coordinator Linda Johnson and Town Clerk Tammy Phillips. Guests - see attached list.

Pledge of Allegiance

Public Comments - none

**SECRETARY'S REPORT** - Secretary Hastings reviewed the minutes and submitted for approval the minutes from the May 6, 2013 council meetings. Thoroughgood moved and Keenan seconded to approve the minutes as written. Motion approved unanimously.

**TREASURER'S REPORT** - Treasurer Truitt presented the bills and bank balances to Council for approval. Hodges moved and Petruzella seconded to pay the bills from the designated accounts as presented. Motion approved unanimously.

**MILLSBORO FIRE COMPANY** - President Mr. Ron O'Neal presenting. The week of May 19-25 was celebrate as National EMS week, where we get a chance to honor those who provide the day-to-day lifesaving services throughout the State and especially here in Sussex County. This year at the Sussex County EMS banquet, two of our former members were honored. Teri Willey was presented as Medic District 104 EMT of the Year, and Jacques Grant was selected as Medic District 106 EMT of the Year. Both award recipients are well deserving of the recognition and we are happy to say that both still serve Millsboro as part time EMS employees.

Four representatives from Millsboro attended the Congressional Fire Services Institute dinner in Washington, D.C. on Thursday, May 9. This was the 25<sup>th</sup> anniversary of the organization, which invites firefighters from across the country to participate in three days of seminars, discussions and training and finally the dinner, which closes the activi-

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ties. This year's event drew 260 firefighters from Delaware, one of the largest contingents ever to attend. Pastor Bob Hudson did Millsboro proud as he gave the Invocation and Benediction at the dinner, attended by approximately 1800 firefighters.

On Tuesday, May 28, Millsboro lost 50-year member Norman (Buddy) Betts who passed away at home at the age of 79. Buddy had received many awards throughout his years with the volunteer fire service, was selected as Delaware Fireman of the Year in 2005 and was inducted into the Delaware Firefighter's Hall of Fame in 2006. He will be truly missed. I want to thank Chief Murphy and the Millsboro Police Department for their organizations help and assistance with traffic control for the funeral on Saturday. Also thank you to The Town of Millsboro for working to remove the construction equipment from the hall parking lot in order to have room for funeral parking.

**GREATER MILLSBORO CHAMBER OF COMMERCE** - Amy Simmons, Executive Director presenting. Ms. Simmons was absent.

**MILLSBORO POLICE DEPARTMENT** - Chief Murphy presenting.

Training - Sgt. Wheatley attended TAC Certification at the DSPTA. Pfc. Morris attended Introduction to Undercover Operations at the DSPTA. Ptlm. Bullock attended Auto Theft Investigation at the DSPTA. Ptlm. Baker attended Youth Crimes at the DSPTA. Chief Murphy, Lt. Calloway, Sgt. Legates, Sgt. Wheatley and Pfc. Berrios attended Motor Training at Georgetown Airport. Sgt. Wheatley attended Firearms Instructor Recertification at DSP Range.

Homeland Security - No issues

CALEA - No issues

New Cadet Update - Chief reported that the three new cadets are doing well. Graduation will be August 2.

Road Construction - Nighttime construction will begin later this week. The "in town" portion of the project is projected to go through August.

**STREET REPORT - NO REPORT**

**PARK AND RECREATION REPORT - No REPORT**

**WATER AND SEWER REPORT** - Town Manager Faye Lingo reported that there was one adjustment located at 305 Houston Acres due to leaks, and that she made those adjustments as Town Ordinances allow. No council action is required.

Contract G - Bob Kerr from Cabe Associates, Daisy Construction 3.4M, 65% work is completed and will not be finished by deadline of Sept 7, but all pipes are installed and they have started doing testing, fiber optic cable, the water main is all in except for testing the system. Storage tank received 3 sets of shop drawing.

Contract H Kerr from Cabe Associates, Bramble @ White Farm contractor are making excellent progress. Contract H change order 1 includes the following modifications to the Contract: (1) deletion of 5,820 linear feet of silt fence which results in a decrease in the contract price of \$ 7,275.00. (2) installation of additional SCADA equipment including single mode fiber switches, power supplies, fiber termination boxes and

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appurtenances which results in an increase in the contract price of \$3,880.00; total decrease of the contract price of \$ 3,395.00 resulting in a new contract price of \$ 2.9M. Change order 2 for Contract H is to replace the air actuated RIB influent valves at the White Farm with electric actuated valves. The proposed deletions are as follows: (1) delete installation of air actuators (2) delete installation of HDPE air line (3) delete installation of air compressor system; total potential credit from deletions is \$ 110,235.00. The proposed additions are as follows: (1) add installation of electric actuators (replaces air actuators), including (3) spare actuator estimated cost \$ 3,000 each (2) add installation of conduit and wire (3) modify controls as required for electric actuators; totally potential cost from additions is \$ 85,195.00. Potential savings is approximately \$25,040. Hodges moved Petruzella seconded to approve to proceed and order 2 additional spare actuator, air compressor system and portable generator with approximately savings of \$ 11,000. Motion approved unanimously. Kerr stated that if the council would like to take a field trip all together and see the site let him know. Kerr discussed with Faye about budget additional equipment out on the farm for testing at least (1) 4-wheeler-whether this be budgeted through our normal process or try to use the left over money from USDA loan grant program. Kerr has spoken to Lisa Fitzgerald, she stated there are ways of doing it, she needs more information before she can sign off, but there are ways to use through existing contract have the contractor provide it or direct purchase by the town.

### **MAYOR'S REPORT -**

Conditional Use Application - Thoroughgood (chairperson) stated the committee approved for one year of conditional use on Railroad Avenue for farm stand; next year it will go out for bids.

Conditional Use Application - Lencraft, LLC are requesting for a temporary directional sign for promotion of the development Plantation Lakes, 1-33-20.00-037.00 zoned HR-RPC. Truitt moved and Keenan seconded to approve the temporary directional sign on Plantation Lakes property 1-33-20.00-037.00; Mr. Petruzella announced that he needed to abstain. Mayor Bryan called for a roll call. John-yes, Greg-yes, Keenan-yes, Tim-yes, Michelle-yes, and Mayor-yes, so the motion approved with councilperson Petruzella abstaining.

Pioneer Materials/Industrial Street approvals, Roger Gross, Merestone Consultants seeking final site plan for Industrial Street engineering extend utilities to improve Industrial Street back to Pioneer Materials site. All approvals have been submitted to the town engineers for sewer/water; storm water management from Sussex Conservation District and DELDOT approval as well as State Fire Marshal and Public Drinking Water. Project is to provide utilities and improvement to Industrial Street for only Pioneer Materials only. Plans stated Phase 1 of the expansion Millwood project without approval from DELDOT and Town for Phase 2 entrance plan as well as utilities storm water internal part of expansion plans, no development proposed for those areas. This is strictly for the Pioneer Material site for design and approvals of conditions that were issued by council for that site plan approval. Mayor stated "I keep going back to traffic." Faye and Mayor had conference calls with M & T Bank after meeting with DELDOT and they said, absolutely "NOT." They are not coming out on Mitchell Street coming thru town. The roads cannot handle it. Go south on Mitchell Street and that intersection is being reconfigured by DELDOT. Don't know how it's going to handle. If traffic goes left on Mitchell Street part of the

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intersection improvements at Dagsboro Road show no left turns. If you want to go south you would have to go turn right and then left. Mayor, mentioned there is only enough room for (2) trucks when you turn right. Mayor stated, it really concerns him with safety issues; really have problem with it. We know DELDOT has approved. Mayor, how are you going to force left turns off of Industrial Street to Mitchell Street. We have to request through DELDOT with directional signage, no right turns. Roger stated it would be difficult for trucks to turn right on to Mitchell Street. Mayor mentioned, when you turn left on Mitchell Street you have a business there, Sussex Lumber and Sam's Home Center to get in and out. Thoroughgood stated have you seen any drawings from DELDOT making it bigger or anything. Prata mentioned, just what they have posted a their workshop showing concrete barriers there. Lingo thinks that DELDOT is doing engineering and modifications to their original plans, that's why they haven't gone out for construction. Keenan questioned, have they estimated how many trucks a day? Gross approximately 85 trucks a day in and out. Mayor stated, that DELDOT had asked to put a cap on. Prata mentioned, there is a cap on it now 170 trips. Mayor mentioned, until I see something change with that intersection he just can't support it. Hastings questioned, where does the town limits stop? Just south of Millwood, at the branch. Hastings stated, where the town limits start and stop, we have no control of that street once it is out of town limits, how it's controlled. We may have concerns, questions what DELDOT motives are, but the traffic based on what is in town limits. All we can be concerned about is our jurisdiction. Hastings stated, once they leave town limits we don't have any say in it. Mayor stated, is there any way that they could put a concrete barrier up so trucks cannot turn right onto Mitchell Street. Roger stated, he would check into that this week and will talk to DELDOT about it. Keenan questioned, what are Pioneer Materials working hours? There is not a Pioneer representative here tonight. There will be (3) separate entrances to Millwood. Hastings stated, so legally they have done all that the town has require. Keenan stated, weren't they supposed to come back with approval for M & T Bank. Lingo stated, your original condition was for them to use M & T Bank and to approach M & T Bank. That was going to be a requirement but when council gave them preliminary plan approval it was stated that they only had to have permission from DELDOT. Hastings questioned, Industrial Street is it big enough for other entity on this street? Lingo stated that it goes back to the Railroad tracks. Hodges moved to table until next month - ater discussion decided to remove the motion. Hodges moved Petruzella seconded to approve final site plan for Industrial Street. John - abstained, Keenan - nay, Hastings - yes, Petruzella yes, Hodges - yes, Truitt - yes, and Mayor abstained. Motion approved with 4 ayes-1 nay -2 abstained.

Elections- scheduled for June 8, 1:00 p.m. to 7:00 p.m., 322 Wilson Highway, Millsboro. There is a contest in District 1; Tim Hodges, Joe Brady and Bill Howlett. District 2 no contest. A bona fide resident, eighteen years of age may vote. No absentee voting accepted.

Building Improvements -Assist Town Manager Schifano presenting no change order just the punch list.

July 4<sup>th</sup> Parade Permit - Parade Permit - July 4 at 10:00 am, begin Saint Marks Church on West State Street and proceed to Millsboro Fire House and turn left onto Morris and proceed to Cupola Park. Thoroughgood moved and Hodges seconded to approve parade permit for July 4. Motion approved unanimously.

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Mediacom Franchise Agreement - Assistant Town Manager Schifano presenting that Mediacom Franchise Agreement has come up after 15 years. Thoroughgood moved and Truitt seconded to approve to advertise Public Notice and written comments to be sent to The Town of Millsboro no later than close of business on June 26, 2013. Motion approved unanimously.

Hudson - contract agreement Schrider-Fox stated when the town was laying the pipe out to the White Farm, the town had to give them notice because they still retain some land that was not sold to the town. If they wanted to lay their pipe at that time they could and they would be responsible for cost, but the idea would be less expensive and more efficient. That notice was given to the Hudsons, but they were not ready to make that move and chose not to run their lines. The Hudson attorney has contacted Schrider-Fox asking to confirm the possibility of future connections to the town system. Suggested language is - Seller elects by written notice to Buyer, and if at such time the necessary infrastructure has been completed by Buyer. Seller shall be entitled to tie in, at the point in closest proximity to the Town's Engineer, such approval and acceptance not to be unreasonably withheld or delayed. The Additional property to the untreated sanitary sewer line serving the Plantation Lakes development in order to transport untreated waste water from the additional property to buyer's waste water treatment plant. Seller shall pay to Buyer the Buyer's then-applicable impact fees per EDU in connection therewith. Buyer warrants that the capacity of such infrastructure, when completed, will be sufficient to service. Hodges moved and Petruzella seconded to approve the Second Amendment to Contract Sale. Motion approved unanimously.

At 8:20 pm Keenan moved, Thoroughgood second to adjourn the meeting, approved unanimously.

Respectfully Submitted,



Greg Hastings  
Secretary