

**MINUTES OF SPECIAL MEETING
TOWN COUNCIL & DAGSBORO VOLUNTEER FIRE DEPARTMENT, INC.
FEBRUARY 3, 2010 (WEDNESDAY)**

Mayor Patti Adams opened the meeting of February 3, 2010 at 7 p.m. by explaining the reason for the meeting is to have an open discussion with the Council and Dagsboro Volunteer Fire Department, Inc. Those present in addition to Mayor Adams were Vice Mayor Truitt; Councilwoman Flowers; Councilman Hearn will be here later; and members of the fire department as listed on the sign in sheet. She informed those people present that Council would not be able to make any decisions tonight, they can't take any votes....this must happen at a regular Council Meeting. This will be an evening where the persons representing the fire department can share their concerns with Council and they may share concerns, if any. Hopefully, they may make decisions and work together and want to work together for the Town and its residents. Mayor Adams would like to ask that the meeting adjourn at 8:30....If it is over before then, we will stop sooner.

At this time, Mayor Adams asked if anyone from the fire company would like to begin the meeting. Gary Cox said that as the liaison for the fire company...he had asked Chief Shane Furbush to be present; from the operations side...Lin Hudson, President; Diane Carey, Secretary/Treasurer; Al Townsend, the other committee member representing the fire company and we also have people from the fire company as well as in the town, in the audience in attendance. Gary Cox gave a list of items the fire company wanted to bring up ...or that he wanted to make sure were presented. Councilwoman Flowers asked if the fire department wanted to bring each item up line by line to discuss them. Mr. Cox said he basically would like to begin with Town voicing their concerns first and find out how you would like to go about it. Mayor Adams said they would probably defer it back to the fire department as they did not have any major concerns...our primary concern is to get a good rapport between the fire company and the town. That was the fire company's concern when they established the liaison committee as they felt they had no relationship with the Town whatsoever. With all of the construction coming into town, having specific points earlier in the process before it went through fire marshal and everything and came back to the fire company. That is the reason for establishing it... in conjunction with the project we are working on the Railroad and Clayton Street. It was two fold (beneficial to the Community as a whole, as well as the fire company). That was so we could build a relationship, so we did not come in as strangers. It was in that way he had presented the letter to Mayor Baker, but he acted as though he did not want any interest in it. Some of the bad blood, in his opinion, seemed to involve around one individual. The tension seemed to change once the administration changed and established with you guys We hope to step forward from here. Hopefully, we can re-establish some things and grow things better and stronger for others.

Mayor Adams said did they want to start with Water Tower (as listed on their notes) or do you want to go in a different order. Mr. Cox said it did not really matter. Their notes to the Council are not in a specific order....just points to be discussed ...in fact they may come up for one reason or the other, and not in the order he had written them down. He just did not want to miss anything. Mayor Adams just wanted to make a statement....that the Council would answer as best they could, but they are on a learning curve at the moment. We don't want to give you a wrong answer. They will take questions and will certainly get back to you. Mr. Cox said they feel the same way. There may be enough representation in coverage here to be able to get reasonable answers, but specific details they may have to come back. At this time Cathy Flowers asked about the third item from the bottom....not just the town, but indifference to the residents outside of town limits. The majority of fire district is outside of town limits. Would you just explain this a little bit? She did not understand what it would be about. Mr. Cox stated that is around the request to transfer the fire company property to the Town in lieu of fees. The town is not all that supported that fire station over the 60 or 70 years it has been in service. It just a presentation for basically \$167,000 that the fire company would be paying on all fees (worst case scenario) to transfer a property valued at over a million dollars from the fire company to the Town. It is not all the Town's assets....we have had people who have been putting money into the fire company district. Councilwoman Flowers said she understood now what they mean't. It is not a fair exchange. She would love to see that building as Town Hall. The current Town Hall is inconvenient to get into and is really too small. It would be nice if we could work something out. Gary Cox stated that was the original intention back when they were first looking at this property when Mr. Connor was Mayor. It was brought up that at some point the fire company would like to discuss it with the Town. It is the most sensible progression for everybody ... the entire community as a whole. It was an insult that it was thought through as the value of the property vs. the value of the fees.

Mr. Cox mentioned the Water Tower. We feel we went into that Lease kind of blind. It is a tender subject. The fire company maintains all the property around that...where it was located and the way it was located Right up against the ditch. It is impossible to maintain that ditch. It is within 3 feet of the ditch itself. There have been developments that have been held accountable to being 25 or 50 foot from a tax ditch. There are some members who have seen that and questioned it. The fact that there was never anything in the lease about maintenance of the property around it or otherwise or do you (fire department) need any stone or whatever to help stabilize the property back there. It is a minor subject, but it has developed into something as it is in a lot of people's face that it was put there with very little partnership....you guys get free water and that is the extent of it. No follow up on the actual existence of it being there.

Lindley Hudson, President of the Dagsboro Volunteer Fire Department, said we got into this about a year ago. The Town was going to get some money and they were going to put a fence around the Water Tower (possibly with Federal money). That

is when we got into it and found out about how close this water tower was to the ditch. You really could not put a proper fence on the ditch bank. Mr. Hudson said the fire company had nothing to do with where the water tower sits...that was the engineering firm. Mr. Al Townsend said probably what happened was they went from a quarter of a million gallon tank to a half a million gallon tank and they did not change the footprint. Councilwoman Flowers asked what can we do now to help and Mr. Townsend said someone would have to maintain the ditch....it is a tax ditch and the clean out is on the fire company's side. The Town will have to take care of getting it cut and working with the tax ditch committee or something. Mayor Adams stated that the Town also does tax ditches. She talked with Gerald Mitchell ...there are some tax ditches they can't put their machinery down and go through there....that is probably going to have to be one of them. It had been taken care of by the tax ditch committee until development prevented it. It was mentioned by the fire company that falls on the town Planning and Zoning, you are not allowed to build 25 feet from a tax ditch. Mr. Townsend said the P & Z and Council have turned developments or houses down because they are too close to a tax ditch, but on the other hand you go ahead and do it. Mr. Hudson stated that in year's past every time the ditch got bad and needed cleaning out, he contacted Mr. Jimmy Layfield. He was on the tax ditch committee and he had someone cut the banks and clean it out for us. There is one section that will be hard to clean it unless they can go on the opposite side. There was a consensus that the prisoners may have to do it by hand. Mr. Cox and Mr. Townsend stated it is definitely getting out of hand now. Mayor Adams told them the Town has to do the same thing for the ditch behind Bodie's Market. She said she would be sure to take care of that. Mr. Cox said he did not want this to sound like an attack on an individual, but it has been brought up with previous management....it was like you guys deal with it. The fire company has been hiring Roland Marvel to come in and cut it. Mayor Adams has written that down and it will be checked out. The fire company described the ditch's location to Mayor Adams. Mr. Cox stated that the easement was the fact that the fire company got pushed into it and it would have potentially screwed up (if we had lost this property)...an easement had to be granted to DP&L on the north side of the building where any expansion would have been done to get the power and the transformer back to that building. It comes back to the engineering firm not reviewing what was on the pole which they thought they could come off of, or whatever. It is a done deal, but these are things which have not been addressed. The Council stated that this information is helpful to them. Mayor Adams said she was aware of some of this information, but some she did not know.

Mr. Cox then proceeded to "Water Usage". Mr. Glenn addressed this when he was at the previous Council meeting. The fire company's members (especially on the operational side) feel like the fire company has been used as a scapegoat for the imbalance in the water usage in the town. We do not use that much of it. We understand your requests for it. It is basically trying to get 3 different people together to get the information to you. The amount of water we use vs. the discrepancies that are being communicated....We feel like we are being pressured and lying to the town. It is just an estimate anyway. It is no where near the amount

we have been accused of not telling the town. Mayor Adams commented on her side of this...she is sorry you came away with that, because that is not her feeling. She does not think anyone is lying, but it is strange that it is always “zero”. Mr. Cox told the Council as Mr. Glenn explained....last night when we had the chicken house fire is probably the first time they have drawn water from the fire hydrant system in four months. Mr. Glenn had explained that in many cases when you go to a fire, you do not spray any water...is that correct? Mr. Cox said yes, that is correct. If the district is outside of the town, they fill up on their hydrants...Millsboro, Selbyville or Frankford. Mr. Townsend explained that the grant was written for fire protection...emergency use. Mayor Adams has a concern there...she is just being truthful because I received a phone call stating you were filling up at Frankford and they did not want you filling up there. Is that correct or incorrect? The fire company’s answer was that they do not fill up at Frankford unless it was responding to a Frankford fire (and it is the closest available water supply). The only time, Mayor Adams questioned, was when you are using other hydrants is when you are at a fire and need more water and filled up. They can only put their trucks back in service when they leave the scene from the location of the fire or fairly close to....in case they are dispatched to another call. Al Townsend questioned was the meter running correctly....between Millsboro and Dagsboro was. Mayor Adams said that meter is being checked and re-checked constantly. We have to deal with people who serve us the water. Mr. Townsend told them previously that with the meter style they were installing, it was not going to work. Mayor Adams said that now it will cost lots of dollars to fix the problem. Hopefully, we are going to rectify that. A question was asked if the Town of Millsboro is billing the Town of Dagsboro for this inconsistency. Councilwoman Flowers said yes, we are paying for all of this water that we cannot account for. Chief Furbush has a copy of the State Fire Commission. The law states that a municipality cannot charge for water use in a situation....Mayor Adams said no they do not charge for Millsboro’s water. Mr. Townsend stated that if Millsboro charges for all water coming to our hydrants in Dagsboro they are charging for emergency service. Councilwoman Flowers asked if their report states “zero”, then we could not say that so much water was used for emergency service...is that correct? If it says “zero” then we can’t claim that water is being used for emergency. If the fire company was using 100,000 gallons, the Town of Millsboro cannot and is not supposed to bill the Town of Dagsboro for....it was for emergency situation drawn off the hydrant system. Vice Mayor Truitt asked if the fire company knew how much they draw from the hydrants. They are not metered, so it is just what the fire company estimates. The fire company is supposed to give the Town of Dagsboro a report of water used by them on a monthly basis. Vice Mayor Truitt asked if the town could have a report of an estimate of the water used for an emergency. He was informed that is what is reported. Nothing is happening so it is “zero”. The Town should notify the Town of Millsboro that it is for emergency and should not be billed for that water usage. The fire company did not know what the wording in the contract was with the Town of Millsboro. If we knew how much is used during the month, we could notify Millsboro we are taking that amount off their bill, Vice Mayor Truitt stated. The largest water consumption we had on it was from

Marconi's Apartment complex. Councilwoman Flowers asked if they had water going through the hose for an hour, is that amount the amount which will be going through it all of the time. The fire company answered that it all depends on the pressure of the hose, amount and type of hoses in service --- you could have one fire lasting 10 minutes and use 1,500 gallons of water and you could have one fire that lasts 4 hours and use 1,500 gallons of water. It all relies on the officers reporting the incident and what the incident actually involved. Vice Mayor Truitt said as long as we can get some reports from you...that is ammunition for us to take to Millsboro. Mr. Cox noted that there was a time when we did get behind on the reports and were not as timely as they should have been. The people doing the reports now realize the importance now of getting this report in. They have been consistent for the last 4 or 5 months. Vice Mayor Truitt asked, what about the general water use at the station, Mayor Adams reported that was metered. Part of the agreement with the town is that this cost is covered by the Town. Vice Mayor Truitt was informed that the water used to wash fire trucks and the sinks and bathrooms was all metered. If it comes through the building plumbing to the fire company it is all metered.

Mr. Hudson said something people might not be aware of is that if Millsboro, Millville or even Gumboro get a fire on the edge of their district, Delaware law does allow them to go to the nearest water source to draw water. This may be a fire that Dagsboro is not even called to, but under State Law they are allowed to come and draw water. They are not saying this is happening, but it could happen and be perfectly under the State Law. Vice Mayor Truitt said if Dagsboro fire company is at the scene, if anyone was observed drawing water, if Dagsboro could account for that in your report, it would be great. At this time Councilman Hearn joined the group and apologized for being late. Vice Mayor Truitt mentioned to the fire company that the fire company is mostly the minor part of the problem...it is mostly Millsboro that is the problem. We are just trying to get ammunition to take to Millsboro.

Mr. Gary Cox stated while we were on the subject of the water, one of the agreements that we made when we provided the water report was that we would pay for any non-emergency use. Because the state is putting such emphasis on the recruitment retention and the volunteerism is dropping...some people see that as a slap in the face. It is only \$24.00 for a tractor load of water, but the fact that they have to write a check for \$24.00. I have heard people grumble about the amount....they feel it should be a benefit. Councilwoman Flower asked him to repeat the statement as she did not understand it. He was just bringing this matter up...it is not a point, but he just brought it up. Some of the boys have been using the water to fill their swimming pools in the summer...it costs about \$24 to fill that. Mr. Al Townsend disagreed with not paying for the water....as a resident of the Town; he has to pay for the water, if fire company members do not pay for it. Most of the pools are outside of the town. If you can afford the pool...you can afford the water. At \$24, it is a bargain. Mr. Cox was just bringing it up. He was trying to clear the air. These are some of the points he had heard people grumbling about. He

agreed with Al that it should not be coming out of residents' pockets in some point in time.

Mr. Cox stated that the next item on the list was partially covered in some of the initial items concerning where the fire company requested in kind donations. Basically the rest of it, other than the third line item gets into the relationship with the Town and the new building. The previous administration kind of seemed to have an ax to bear with the fire company and wanting things done and not so much as what was being asked ... but the presentation of how it was being asked. That was in relation to attitude and council members toward the department. There seemed to be no..."can we work together".... It was you guys need to do this....you guys will do this. Without any question as to whose responsibility it was. There is still some bad taste about that. This was the root of it...with the hydrant maintenance, hydrant paintings and the way it was presented by previous council. Lin Hudson said he guessed he may have been the one who got involved with this with the former Mayor. The hydrant systems had not been in very long, in fact they were still new and the Mayor called Mr. Hudson into Town Hall about the upkeep and maintaining of these fire hydrants. Mr. Hudson said ... "what do you need?". He wanted us to go around and officially do the flow testing on all the hydrants. At this time Mr. Hudson told Mayor Baker that he did not feel they were qualified to do that. He felt someone from the water company should do the flow testing on each hydrant. Then Mayor Baker got into the maintenance part of it, and he felt it was the fire company's obligation to keep the hydrants fixed up, keep the weeds cut around them, keep weeds cut and la-de-da-de-da. Mr. Hudson felt that it is not their property and told Mayor Baker it was the Town's property. They do not own the fire hydrants. Mayor Bakers answer was...Well, I know you don't own them, but it would be a big help to us and we don't have much money. Mr. Hudson expressed once again that the hydrants were Town property; however, the fire company would be glad to help them to get stuff worked on. Mr. Hudson felt that the Mayor put up a wall on this issue. Finally, after a couple of weeks that is when we exchanged our words. He expressed his opinion and Mr. Hudson said he expressed his opinion. That is the way they left it. Mr. Hudson has the code on this. It is the Town water department's property on maintaining the upkeep, weeds and wash outs, etc. The fire department does not own them. The Council was informed that the fire department received a copy of Delaware State Fire Prevention Code (with the code information listed) which is the law. The highlighted sections refer to dry hydrants and also the maintaining, flow testing and upkeep around the hydrants. They have spoken to Jim Kane, Fire Marshal in the State for over 20 years, and he now works for the Delaware Fire School. Mr. Kane said everything the Town would need to know is covered in the highlighted sections. The dry hydrant at the bottom of the hill is the responsibility of the town (maintenance annually – minor things where the Scotch light is on the hydrant is supposed to be beneath the barrel...if you notice, we just got a deep snow and lot of the hydrants...you cannot see the Scotch light marking because it was put so low to the ground). They have to be flow tested every year. All the maintenance and everything is the responsibility of the Town. Mayor Adams acknowledged that we

have a maintenance contract with Artesian. Ultimately, it is the Town's responsibility. It states things like...if a hydrant goes out of service..if the Chief deems it a detrimental hydrant, you have 24 hours to repair it; otherwise it is 5 days or the fire marshal has to be notified....everything the Council needs to know is in the highlighted section. General stuff like who should maintain around the hydrant (there should be a 4 ft. radius around each hydrant). Vice Mayor Truitt asked the fire department to report any problems they observe around town such as the hydrant needs painting, something is broken, etc. and let them know. The fire department is not certified to do some of this and they should not be doing that. Mayor Adams said she had checked and Artesian is responsible for checking the flow and so forth. They do that semi annually. The fire company reported that to their knowledge, they have never received a flow chart. The fire company stated they are also supposed to have a set of plans so that if they are on a fire and a hydrant breaks, we know the closest valve so we can shut it down. Mr. Cox said that Stacey sent an e mail asking what Mr. Glenn was requesting....Tom was out of Town, but Mr. Cox felt that what Mr. Glenn was asking for was in the works. The request for clarification was forwarded to Mr. Glenn and Mr. Cox did not have his response.

Mr. Hudson said while we are discussing hydrants the second confrontation or opinion that he got into with the Mayor was the Stewart fittings on the hydrants. It was explained by the former Council when they agreed to allow the water tower put on the property that the Town would be putting Stewart fittings on the connections. Mayor Baker stated he did not have the money to do it and he wanted the fire company to pay for them. Mr. Hudson informed Mayor Baker that it was in the agreement when they sat down with the Town the Quick Connects be put on the hydrants as part of the agreement The fire company was given the promise by the previous Council that they would be on there. Mr. Hudson and Mayor Baker went back and forth and he felt they came to a Council Meeting with this issue. The Town then came up with the money and Quick Connects are on the hydrants now. It was something which could have been avoided instead of going to the push and shove part. Mayor Adams asked if they used those. Is there a different way to do it rather than being on the hydrant? They are on hoses also. Councilman Hearn mentioned that Georgetown Fire Company carried Quick Connects on their fire trucks. You are talking about a matter of 10 seconds compared to a minute. Mayor Adams said the women do not understand this stuff and that is why they are asking questions. At 3 a.m. it is hard to try to get something threaded on the hoses. Other Towns have the Quick Connect capabilities and the State is moving into that direction also. Mayor Adams wondered if this was the best way to go. Mr. Townsend said when the hydrants were ordered the Quick Connects should have been ordered on them and you would not have to have the extra retro fittings. It would have saved the Town money if it had been ordered with the hydrants. Mr. Cox stated that is why they are asking the developers to have them on the hydrants. The fire marshal tells the developer now that they should be on. The blue markers in the road have been brought up before. Mr. Townsend felt that we will have to wait until they do asphalt againthat is a State maintained road and it is not

something the Town has nothing to do with it. Mr. Cox stated that there was a semi formal commitment that when the roads were redone and when the hydrants were put in that the blue markers would be recessed into the road. It gives the engineer driving the fire truck a visual, without looking off the road....Laurel, Selbyville, Ocean City, Bethany Beach. If you drive down the street you will see a blue reflector and if you look to the right or left you will see the fire hydrant. The blue reflector can be found very quickly. Mr. Cox said that DelDot should be aware of placing these recessed blue markers in when they resurface the streets. Basically, the rest of the matters all works toward the partnership between the Town and the fire companies new project. It was mentioned that at the corner of Waples and Hudson (where Jimmy's Garage is) there is a huge pot hole. When the fire department comes in off turning in onto Waples off of Hudson, there is a large pot hole, which needs work done to it....at least crush and run. If it gets worse, it will require asphalt later on. The State has done a little, but it is the Town's street to maintain.

Mr. Cox asked if there is a form or if Council could look at putting together a form so that when something concerning the fire company is e mailed that a copy would be sent directly to the fire department. Addressing the concerns of fire hydrant repair or road concern In this way if the fire company has a form, it could be sent to Stacey and the Mayor could sign off on it and it will be flagged. Something that if Stacey sees it, she will know that it needs to be signed off by her and signed off by the Mayor. It was felt that there might be a blank form on the State fire department's web site which would be able to be used or revised. Mr. Cox said if he was given a copy of the form, he would get it to Stacey.

Mr. Townsend brought up the matter of 911 addressing. The Town adopted for the County to come in and do 911 addressing. The County mandated it, Councilman Hearn stated. Prince George's Acres has the old addressing. Mr. Cox stated that the annexation agreement was to leave the addressing alone (which the fire company did not agree with at the time as it is inconsistent with the rest of the county and town). There are still towns which use 3 digits. Vice Mayor Truitt asked if the county is still supervising the 911 addresses...Mr. Cox stated that was correct. If the Town of Dagsboro has someone build a house or building the County assigns their 911 address. The fire company supported that because they did not feel it was the Town's responsibility to misjudge what could be built between two properties. The county had a better grading system that they could propose for the possibility of 4 houses being built when the town may have only expected one. Vice Mayor Truitt questioned if the County could enforce their system over the annexation agreement. It was determined that is something the Town should look into. The County sent letters to everyone stating you must conform to the 911 addressing system. Prince Georges opted out to not go with changing the numbers. Mr. Cox mentioned that during the annexation the development was represented by the developer and a number of the homeowners. The County pushed the 911 addresses to get the sewer and stuff out there to Prince George's. There a whole lot of fingers in that pie. Mayor Adams was informed that last year Tom Glenn had a fireman

working on mapping for the fire district and he had had a discussion (he has a number of the lady with whom he spoke) concerning that matter. The 911 system is on a grid pattern and P.G. Acres is a 3 digit pattern. It is very hard with the 3 digit pattern. Mayor Adams said concerning 911 addressing...friends of theirs have a place in Hub Court in Millsboro. The lady took a terrible fall, her husband was playing golf and her daughter was here visiting....she broke her ankle and had surgery...the point is she told her daughter (who is 30 years of age). Her daughter asked her for their address....the daughter relayed the information....They waited and no ambulance came. She knew her mother was not in good shape. She called back and asked if there were sending an ambulance. They said they could not find them. She again asked her mother the address.....she gave her old address at Hub Court and they found it. Mayor Adams faulted 911 for that. The Town of Millsboro decided to keep their old addresses. Mr. Cox relayed that Baker's Hardware on the Highway in Millsboro has just recently gone to the 911 numbers. There may be a transition in the mapping and it may be related to that. The GPS does not always recognize the town's mapping system. The GPS Company purchases the County mapping system, but they would have to purchase the Town's maps separately. Councilwoman Flowers said the GPS does not recognize her 911 address number. Mr. Cox explained that the agreement between the addresses on the mapping is an agreement between the mapping agent and available maps (such as Garmin or other GPS makers). To purchase the Town maps would be a secondary purchase and they usually do not want to go to the expense of purchasing them.

Mr. Cox states the rest of the items on their list channel around the fire company's building. He stated that he and Al could address the item of impact fees. The original intent of the impact fees was not maintained in the way they were originally presented to the Town. The cap on the fees of \$5000 was added into it by previous council. Mr. Al Townsend stated that the caps were partially in there for commercial structures and when the fire company originally wrote this and it was some of the questions we asked like the town house units....you are charging for each individual unit...you are giving an occupancy permit for each unit. We were to get funding from each individual unit. Wording has been changed and we only get it for the one building. You are penalizing anyone who builds a house in this town, it is costing me more to build that for the impact fees than for someone building a multi-unit, and they are getting the same coverage. Vice Mayor Truitt said in other words if you have 4 unit buildings, it would have the same impact fees as a house. It could be Mr. Townsend replied....it is the square footage now and that is another portion of the change. The cost of \$85 per square now. When the fire company and Tempe went over all of this (he did not have his original paper) it was percentage of the total cost of the construction. It was somehow changed. There was also supposed to be an increase for inflation over the years and since it has been implemented, we have never got a cost change or anything. If you look back on the whole impact ordinance, impact fees have never been addressed for inflation.....to do anything or not do anything. It should be done annually and reviewed accordingly. Mayor Adams wanted to get it straight.... Mr. Townsend stated that

the Town breaks it down as occupancy permit for each individual unit. The fire company impact fee is for the entire building. We are maxed out and we are not getting the benefit out of the 2 – 3 or 4 units. Mr. Gary Cox stated that the fire company also does not get paid until the Certificate of Occupancy is issued, even though it is calculated on the square footage and the fire company has to provide services from the time ground breaking begins. Mayor Adams said what happened at the Council Meeting where it was changed. Mr. DeHaven mentioned to Mrs. Adams that they had had previous discussions on this matter. It really runs at the heart of the structure of the code. Building Permit fee methodology to calculate the building permit fee is the same as the one used to calculate the fire and ambulance fee. It is based on the square footage of the property at \$85 x a certain percentage and in the case of the building permit it is 1 ¼%. In the case of the fire and ambulance, it is only ¼ of 1%. There is an 80% variance there. The fire department only receives 20% per square footage based on the 100% that the town receives based on the square footage. The inequity that is built into the code for the fire and ambulance is that there is a ceiling on the fire and ambulance fees that the department can receive from the developer. It does not come from the coffers of the Town it just passes thru from the developer. In the case of a residential building, there is an artificial ceiling at \$2,500 (no matter what the square footage of the building is or the actual cost of construction). For a commercial building the ceiling is \$5,000 (no matter how large the building is). When you calculate that number the ceiling for residential equals 1.25 million dollars. Anything over 1.25 million dollars the fire company does not receive a cent. This is because they exceed the ceiling. In the case of commercial, it is twice that or 2.5 million dollars. A large commercial building can easily exceed that amount. Conversely, the fire department's expenses for support of these buildings go on and on and on, but they can't recoup the money from that impact that the Town can recoup because of those artificial ceilings. That is one structural inequity...the other structural inequity is what Al was getting around to. If you take a 6 unit town house at Chapel Square and we are going through this report. The code says there is one permit to be issued for that building. On a six unit structure the dollar value thru the methodology that we just talked about exceeds the ceiling for that building. Therefore, the fire department cannot receive the dollars. If the ceilings were removed, and a permit was issued on the front end to correspond to the occupancy permit on the back end, you would have two ways to eliminate that...the first idea would be to eliminate the ceilings. Over time as inflation and construction costs increased, those things we are talking about would naturally take care of themselves. That is really the crux of the matter. It is a structural wording in the code. Vice Mayor Truitt asked if the ceiling applied to the Town also or just to the fire department. Fire department officials at the table stated just the fire department. Mr. DeHaven stated everything in the code under the Town for the building permit is exactly the same methodology for the fire and ambulance except the ceiling is added to the fire and ambulance fees. There is that structural inequity built in there. Over time it compounds itself. Mayor Adams recalled what it was she had been trying to remember....she said the fire department does get their money before completion. That was a vote Council took. Mr. Townsend stated he recalled that somewhere along the line that it was changed,

and that was one of the questions he originally addressed. Mayor Adams felt that the fire company was concerned that in the midst of construction....it caught on fire and you would have to fight the fire, so why should you have to wait until the end and the Council voted to give it to you up front....so it was resolved. Mr. Cox said with the abundance of construction (jokingly said) it has been so hard to follow. Mr. Townsend felt it did need to be addressed.

Mr. Cox said that basically when the fire department approached the Town about 275-7 (the question about the zoning and whether the fire company was exempt from the guidelines of the zoning and what have you, as it is actually written). That was never actually researched. Gary Cox personally had to go in and personally research 1996's zoning and it does not have anything to do with anything other than structures being moved into the fire district. It does not have anything to do with zoning of areas or the zoning ordinance as an entire structure. Mr. Cox said he had submitted a letter asking for assistance and direction early enough, but it never got any review until that night. Attorney Witsil said we are looking on the cheap. He felt they did not even get the respect of anyone trying to look into it, trying to find out what it actually applied too (This is on 275-7). There was no formal review of it for clarification on either side. Mr. Cox said the fire company had to take it to the engineer for clarification and now he is not sure if the fire company needs to go back through zoning to get the fire department as a permitted use for commercial structure. If you go back and read the entire lingo details of the November 1996 minutes and public hearing, it has nothing to do with the fire company other than moving existing structures into the town.

Mr. Cox stated that presently they are at a point with this fire station property concerning fees and their next meeting is the first of next week and an expected special meeting the following week. We hope to present a site plan and review to the Planning and Zoning. The engineering firm hopes to submit it on Thursday (tomorrow). They have held off to find out if we need to submit a check for all of the fees or if we can build a partnership that we can pay the fees as they are incurred vs. putting out a \$5,500 up front fee to cover expenses. Councilwoman Flowers stated that they were not able to make any decisions this evening. It was stated that right now it would have to be whatever the normal code and procedure is. Mr. Cox then mentioned that if they hold up, it will probably be June before they get before P & Z and Council, due to their current agendas. The fire company has never been charged any property taxes. Mr. Townsend stated that the Town Code which states that fire companies, post offices, and all that is exempt. Mr. Cox said if you read minutes of the meetings prior to, it speaks of relocation. If anyone recalls Frankford had an issue where they were moving the Country Kitchen into the Town. That is the only thing he can figure....it refers to structures in Frankford and that dialogue in the minutes of that period referred to structures in Frankford being moved. Those were existing structures...not building a new structure. In here it refers to Section 522 and 107, somewhere along the line the code numbers have been changed. The Public Hearing and Minutes from November 11 and thru September 1996. Vice Mayor Truitt stated that when a preliminary plan is

presented they are supposed to have the fee – the money available for the fee at that time. It is part of the application package. Vice Mayor Truitt stated that if the current Town Code overrides previous Town Code then things have to be done by the current. The new town code does not say anything about the exemptions of fire stations, public buildings. Mr. Cox said 275-7 added 11-11-1996 provisions of this chapter shall not apply to the installation or structure or erection of governmental buildings serving the public, included but not limited to public educational institutes, fire stations, post office or other public or semi-public offices or buildings, municipal water towers, governmental offices, water storage tanks, water reservoirs, water pumping stations, water treatment plants, sewage treatment plants, sewage lift stations and sewage pumping stations. He stated there was either a misprint in that date and they did not get changed when it was actually applied, or it does not apply to what was presented in 1996. Mr. Cox said that as Mayor Adams has well learned over the past 5 years there is a lot of stuff that has to be reviewed and distributed. Mayor and Council stated they would have to check with Attorney Witsil. Vice Mayor Truitt informed them that the Town has costs that they are going to incur and they have to be able to cover those costs. Mr. Townsend stated the fire company understood that and that is one thing they agreed on....like Kyle's costs and Attorney Witsil's costs. We realized we needed to pay these costs....the same as we did on the property transfer; we had to pay the lawyer's costs. He could not see paying any additional fees. It is spelled in the code where the fire company is exempt from it, the impact fees and stuff like that. Mr. Cox mentioned that they were exempt from the tie in fees for the county sewer and from County planning fees. The Town is requiring an inspection, but the County does not require an inspection. Mr. Cox has a statement from the County through their Engineers that if the Town waives the inspection...the County will do them free of charge. That was a sticking point with previous Council that he wanted URS to do them regardless of what the County wanted to do. If the County is willing to do them for free then everybody can benefit. Mayor Adams did not feel County was checking on much of anything. Mr. Cox said he thought the County was our commercial inspector anyway. Mayor Adams jokingly took the fifth amendment. Mr. Cox said it was their understanding anyway that the County was the Town's commercial inspector. We do not want the building not to be inspected because we want some outside party to look at it. We did not expect that Council gives us feedback that the Town would want URS to do the inspections...he did not want to imply that Council. We know that the inspection fees are going to be substantial. Mr. Cox stated that they do not want to create the situation for the Town that the fire company completely ignored the zoning and we don't want to put this on hold until September because we didn't go thru P & Z. We tried to address what is up front. Mr. Townsend stated that they did not want to go thru a petition. Mr. Cox said the root of the whole fee question is your Charter Section 28 Item BB says that the Town will provide emergency services and/or provide fees to a volunteer organization that provides those services to sum it up. In the 15 years that I have been there and in 38 years there has never been any real interaction between (until the impact fees....) there was no money that we know of....apparently at one time the Town paid part of the electric bill. Mr. Hudson stated that the Town at one time

paid ½ of the fire company's electric bill, by then the Town went broke and they had to quit doing that. Mr. Hudson stated he had gone to the Town one time to get the two street lights back on that street....there had been no street lights at all. He said he went to them and the fire company had to pay for their street lights and the Town wrote a check for the cost of the street lights. Then they got in poor financial shape and the fire company ended up taking it over again. Mr. Townsend was under the impression the fire company was still paying for those two street lights. Mr. Hudson corrected him and stated that the Town was now paying for those street lights. He said he had made mention that when Otis was Mayor. He made the quote to him that there were enough street lights back there. Mr. Townsend mentioned that they are adding one more. Mr. Hudson mentioned he had communicated with a few Mayors in the past (some good and some bad). Mr. Cox said the Charter actually establishes a maximum percentage, not a minimum percentage of tax based income. It is the fact that the fire company has been in the Town and supporting the Town for 67 years, it is the first time we have come to the Town with an open hand asking for any specific support. That is kind of what we are looking for help on the fees and stuff. Mr. Hudson stated that this building and this fire station do reflect back on the Town. When you say – Dagsboro Fire Company – they just do not think of Fire Company, they also think of the Town. We are all combined together. Now everyone is going to see our building, and we want a nice looking building. Mayor and Council stated they wanted it to be a nice looking building too. Mayor Adams mentioned that you mentioned that at one time part of the electric bill was paid; it kind of hurts your heart a little bit. She remembered a time when there were barrels of flowers in Town. People were in charge of watering those barrels if they were in front of their house. She recalled a small tanker going thru and watering those barrels. It was cooperation between Town and Fire Company. It was not that you did it all of the time; it was kind of like when we helped each other. It was the Town beautification....some people would not water their flowers. The Town Council came and wanted to know if we would take our old truck in the summertime and water those flowers. They really looked pretty. Mayor Adams said is what she is hoping that we can keep working together so that we have that same....so that we would not feel awkward asking can we do this and can we do that (she said we are not talking money here, we are just talking). She had another question....we put up Christmas lights on the poles. I don't know if it would be allowed (if you are covered or not covered with insurance). We hire a guy to do that. The fire company members stated they did not have liability. Mr. Hudson said the individual who puts the lights and flags up should have a flagman or someone with lights. Mayor Adams said there use to be a policeman. He volunteered the fire company members to help going behind him and keeping traffic away from him while he is putting lights up. Mayor Adams said that would be appreciated. Mr. Cox stated that was the original intent of a liaison committee. They saw the Town was dividing and the fire company was separating. They did not like this. Mr. Cox went to Mr. Hudson as it began as wanting a member of the fire on the P & Z Committee (this was shot down because of the way the Charter is written). We just want to be in liaison with P & Z and the Council.

This idea all fell apart (without calling names). Mayor Adams and Vice Mayor Truitt felt they had covered most of the information.

Mr. Shane Furbush stated that he has 20 years with the fire company and his dad has 38 years and talking to some of these younger members and they have been going to our meetings and hearing this stuff. These younger members were getting the impression that the Town doesn't want to work with them and they are the ones in a few years from now are going to be running things. It is better to have it corrected now than the path we are on and them getting a bad taste in their mouth for the Town because of what they are hearing.

Mr. Cox announced that the Fire Company meets the second Monday of every month. You can call him or Mr. Hudson and make sure they know you are coming. If any Council member would like to come in and say "thank you", "we appreciate your help", "you guys do a great job", or this is what we would like. Bring it to the membership personally rather than send it through him...what you would like help with on a project. Mr. Hudson said when Ms. Evelyn Simpson died, he lost his back door in getting to the Town Council. She was the person I went to if there was trouble. She said she would get back to him. Sure enough, it would be resolved and she was a good woman. Mayor Adams said hopefully we can all work towards that, but she felt they were going to do more meetings together and air it out. She spoke for herself but said she had learned things she did not know. Councilwoman Flowers stated that she had learned a lot. She is the type of person who does not like to rush into a decision and make a decision that we will regret down the road. We have had that in the past in this town. She has seen the results of bad decisions and we may take a while to come to a decision. It is because we want to do the right thing. We do all love this town. Mr. Cox stated as do the firemen and women. The membership of the fire department consists of only about 10% of residents of the Town. Most live outside of the Town, but we all consider ourselves townspeople. Mr. Hudson said the fire company is here to serve the town. The Council said they are here to serve the Town also and want to do the best they can do. Mr. Cox said if you hear something and want clarification.....Stacey has his e-mail, she can shoot him off an e-mail and he will look into it and get back to you. If he has the answer he will give you an answer promptly...if not he may need a week to find out what you are requesting and he will definitely get back to you....He may give you a phone number of some individual who may be able to answer their concerns. We don't want to get to bad blood about questions and concerns. Mr. Hudson said we all may not agree, but he feels that as long as the Fire Company and Council work together, we can come to some type of compromise. Mayor Adams said that was good as we are not going to agree on everything....we can agree to disagree. We hope we will still find common grounds. Vice Mayor Truitt stated that just knowing where somebody stands is a big part of it. They all agreed that just talking helps a lot and respect for each other. Mayor Adams said that is what she said about wars....if they all got together and talked about it. Mr. DeHaven said ... "Remember, Captain Kirk said there are always options".

Councilwoman Flowers said before we get ready to adjourn (as it looks like we may be adjourning).... You are going to discuss the things we wrote down things to be discussed with Attorney Witsil. Mayor Adams said we may need to talk to Kyle also. Mr. Cox said some will require an action on their part. If it comes back that they need a petition for zoning change or something, we need to get on that as soon as possible. Mayor Adams will contact Attorney Witsil so it can move forward. They will need to know that so they can request the information during the preliminary stage of the application. Mr. Cox was hoping to have this resolved before we got to here. Mr. Townsend said they did not want to be like the developers in having to come back 50 times. Mayor Adams laughingly saidwe might as well see you as often as we see them.

Mayor Adams asked for a motion to adjourn. Motion was made to adjourn at 8:28 pm. by Vice Mayor Truitt, seconded by Mr. Hearn and was unanimously approved. Council thanked the Fire Company for their time and said they appreciated the fire company's representatives attending this meeting. The Fire Company thanked the Council for their time also.

Respectfully submitted,

**Rae Long
Administrative Assistant**