

**MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY, JANUARY 25, 2010**

The meeting was called to order at 7 p.m. on Monday, January 25, 2010, by Patti Adams, Mayor.

Council members present were: Mayor Adams, Vice Mayor Truitt, Councilwoman Flowers, Councilman Hearn; Town Clerk, Stacey Long; Town’s Attorney Rob Witsil; and Town Planner, Kyle Gulbranson. Other persons in attendance as listed on the sign in sheet.

Presentation of Building Permits: One permit was issued to Southern States for demolishing one bathroom and re-doing a new one and replacing the roof on the building; the second permit was issued to Clayton Crossing for a tenant fit-out for an addition to NV Homes office. Those were the only two building permits issued this month.

Correspondence: Stacey notified the Council that included in their packets is an amendment to our grant with Katie Helm Park for an extension until December 15, 2010. This includes the parking lot design and construction and the playground installation and other park improvements. We requested an extension due to the fact that it was to have ended on December 31, 2009...this granted us an extension. Stacey received a card in the mail addressed to Ms. Margaret and the Town Council... “just wanted to thank you for the lovely clock and the beauty which the town now has...if you need any help, please call on me.” Thanks...Joan Vero. That is all of the correspondence at this time. The fire company has submitted their December – 2009 water usage report...which was placed in the Council’s packet as well. Mayor Adams asked if there were any questions....there were none.

At this time we are going to move beyond the Planning and Zoning report since they were unable to hold their meeting due to lack of a quorum. Those two issues will be discussed next month.

New Business:

1. Consideration of renewing website contract with R J Stancliff & Associates, Inc.

Stacey reported that this is an annual fee to secure the host server and monthly maintenance. This includes unlimited updating and changes to the website for a total of \$630.00. This is the same as last year. There is a description of services provided to the client within the packet. She asked if anyone had any questions. Councilman Hearn asked if anyone had any problems dealing with the website. Stacey reported that there were none that she was aware of. We get a report each

week and it appears that there are people visiting the website. Mayor Adams asked for a motion to renew the website contract, Vice Mayor Truitt made the motion to renew the website for the agreed price of \$630 for one year, seconded by Councilman Hearn and unanimously approved.

2.Consideration of installing a street light at the corner of New Street and Warrington Street. Information has been placed in your packet which has been given by Delmarva Power as to whether we want a 70, 100 or 150 watt bulb (most towns go with the 100 watt)which will be \$14.46 per month. There is no charge for the installation. Kyle reported that the Town design standards prohibit cobra style lights. Mayor Adams stated that there existing lights on that street which are similar to the cobra. Rob can back Kyle up on this...he thinks the municipal government is exempt from their own zoning requirements. It should fit in. The traditional style would look good. The design standards were probably set up for the new developments. All on New & Warrington Streets are the cobra style. A lantern would look out of place, Mayor Adams stated, the cobra style blended into the style which is already on that street. Kyle noted that you may not get the amount of light you would need from the lantern style and that you are providing light for an intersection (as a health and safety issue). The pole is there and there would be no charge for the equipment Just the monthly fee. If you go with the traditional light it would cost to have the pole installed. Kyle felt it would be O.K. since it will be going on a pole also installed. Attorney Witsil continued to look for the design standards for lighting.

Old Business:

1. Resolution proposing that a public hearing be held on the application for a preliminary site plan for the Highlands of Pepper's Creek Tax Map Parcel #'s 2-33-11.00-264.00, 265.01 & 270.00 located on Route 26 Clayton Street.

Mayor Adams told Council that they have the information in the packet on the Highlands of Pepper's Creek and we need to discuss whether or not to set a Public Hearing for next month's meeting for the Highlands. Councilwoman Flowers asked if we were waiting for something from P & Z since they were not able to have a meeting. Kyle stated that the P & Z made a recommendation to forward it to you with the recommendation that you move forward with the Public Hearing. Since the last meeting Stacey reported that there are some comments from URS. Kyle told Council that going through the process and going through the review, the Highlands of Pepper's Creek have met all of the requirements for preliminary plan submission. The have everything on the plan that is required by the Town. When this came forward in November, there were two issues that the Town wanted more information on --- one was pedestrian access to the development via a crosswalk and sidewalk on the front of the property fronting on Route 26. I think you had indicated that the developer should go to DelDot and have a conversation with them about that. They did that and you have a letter from DelDot in your packet saying that in this early stage they are tentatively in support of a crosswalk at the entrance

to the Highlands of Pepper's Creek. The other issue was regarding open space amenities, the Town wanted to see physical locations for age appropriate recreational activities....the most recent plan which you have the developer has incorporated a tot lot for the younger children and an active recreation area for the older children. They have added those amenities to the plan. Vice Mayor Truitt asked if the sidewalks are all taken care of. Kyle said he felt so, however, DelDot will not make a definitive "yes" we want this until their plans are a little bit farther along, but they are tentatively stating they will be supportive of a crosswalk and some type of signalized access for pedestrians. They are not saying traffic light. They are saying some type of pedestrian signal. Doug Warner said they had received an e mail Friday and confirmed that DelDot double checked the speed limit on Route 26 and confirmed that a pedestrian crosswalk placed there will be okay with them. The crosswalk will have appropriate signage with methods for getting across. Doug Warner said he will get that to the Town. It has not come out in letter format yet...it is still on the e mail. Mayor Adams stated if we set a Public Hearing for February, and we study this further and have questions, we can ask them during the hearing.

Attorney Witsil said he has prepared a resolution for Council's approval. Mayor Adams asked for a motion to approve the resolution to hold a Public Hearing at the February regular Council Meeting for the application on the preliminary site plan for the Highland's of Pepper's Creek. A motion to this effect was made by Vice Mayor Truitt, seconded by Councilwoman Flowers and unanimously approved. The Public Hearing will be held on February 22, 2010.

Attorney Witsil stated that in Section 75-34 of your building construction and design chapter (which is not really a part of the zoning code and not part of the subdivision code) in subsection E-4 cobra style lights are prohibited in all new or redevelopment projects. Additionally, subsection F of 35-34 provides for exempt lighting and F-1c states that state approved lighting needed for highway safety and approved traffic control devices. Mayor Adams and Kyle stated that there is a 4 way intersection there Attorney Witsil told Council highway safety is generic and it could be for street safety. If you want to stray from the recommendations, Attorney Witsil felt that is how it may be done. Mayor Adams asked the Council if there is any more discussion on this matter or do you need more facts before voting to install the street lights. It was felt that the 100 watt would be enough to light the corner. Councilwoman Flowers made a motion that Council have installed a 100 watt Cobra Light at the corner of New and Warrington Streets, seconded by Councilman Hearn and unanimously approved.

Treasurer's Report:

Stacey Long reported that as promised she had presented a Budget Analysis beginning July 1 thru January 22. Stacey explained the report to the Council stating that everything is looking great...we had reported the actual budget which was adopted; the second column is how much we have gotten in and how much we

have spent. The third column is the difference between the actual budget and the income and expenditures. The budget was adopted at \$341,150 income....so far we have received \$274,022.89. For the next five months we still have \$67,126.11 to come in according to budget. Our expenses to date are \$196, 365.29....we had budgeted our expenses to be \$314,980....which leaves us within the next five months \$118,614.71. A copy of the Budget Report and Treasurer's Report are attached to the Minutes of the Meeting. Stacey mentioned that if anyone had any questions concerning any particular items, she may be able to answer them now. If not, please call me tomorrow. She can give you more figures for expenses or income if you would like. These are lump sums, but there are many transactions which make up these sums. Councilman Hearn asked when we would receive the franchise fees. Stacey said that on January 22 we received Mediacom's franchise fee. The natural gas from Chesapeake will be coming in any time now. We have received most of our property taxes....we still have \$5,285.94 in our receivables. The majority of \$154,714 has been received. Mayor Adams asked if there were any other questions. Gross rental receipts are due February 1st. There is a \$20,000 budget income for this and we have received \$7,600 of it. This is Item #4206 on the second page. A motion to accept the Treasurer's Report as attached to these minutes and given to Council was made by Councilman Hearn, seconded by Vice Mayor Truitt and unanimously approved.

Approval of Minutes:

Special Meeting on December 7, 2009 Councilman Hearn asked about Page 3 ...the last sentence...was that a motion to terminate or not renew. Stacey said it was a motion to not renew. Councilwoman Flowers made a motion to accept the Minutes with the noted changes, seconded by Councilman Hearn, and unanimously approved.

Town Council Meeting December 14, 2009: Mayor Adams asked if there were any additions or corrections. Vice Mayor Truitt made a motion to accept the Minutes of the December 14, 2009 Council Meeting, seconded by Councilwoman Flowers, and unanimously approved.

Standing Committee Reports:

Police Department Report: Mayor Adams turned the floor over to Chief Toomey for his report. Chief Toomey passed out his reports to the Council. Chief Toomey read a letter dated January 4, 2010 addressed to him in reference to Sgt. Harry Litten. "I would like to commend your department and more specifically Sgt. Litten for his help in what would normally be a minor problem by police standards. He listened to my problem and was very professional in trying to resolve it. He kept me up to date on his progress and was able to do in a month what I had been trying to do for nine months. My call to Greenwood Police Dept. left me with a bad feeling when they told me they could not help me. My husband and I were very impressed with Sgt. Litten and we think Dagsboro is very fortunate to have him. Sincerely,

Beverly McNabb". That will be going into his file. You have before you the annual statistical report as well as December's monthly report. Highlights on the monthly report for December that investigative hours were 93 ½ spent. That number seems a little high; the reason may be that we had 62 complaints in December. Normally it would run around 40 to 50. We had more than normal as well as severity of those complaints. Currently Chief Toomey is investigating an internal theft at Mediacom and they are claiming their losses to be in the area of \$200,000. Sgt. Litten is investigating 2 residential burglaries. The primary one involved the theft of 4 fire arms and computers and other items. Our primary concern was the fire arms that were taken. Officer Litten for all practical purposes has solved the burglary. We know who took them. It is a just a matter of time before Sgt. Litten makes an arrest in this case and he will have numerous felony charges, including theft of fire arms, possession of a deadly weapon during commission of a felony and possession of a deadly weapon by persons prohibited. There was also some criminal mischief done which rose to the felony level. In reference to the investigation at Mediacom, Chief Toomey said he has completed the investigation. The initial arrest has been made and the second person was reselling the stolen items in Canada. Last year he had over 30 criminal arrests. This month alone there have been over 20.

Annual Report:

Traffic arrests were 1,444; Criminal arrests 55; Investigative Hours were 613; there were a total of 504 Criminal Complaints and we investigated 46 collisions. Item #2 under the highlights – The department has 46 more traffic arrests in 2009 than it did in 2008. That nearly doubled the 2008 figure...we went from 806 in 2008 to 1,444. That is a substantial leap. With criminal activity where it is, he would not expect that traffic arrest figure to be that high next year. It has to drop...we do not have the time to be out there doing traffic stops. While the criminal incidents rose by 16% we went from 421 to 504, which is a pretty high increase. Our arrests jumped by 22%. We are not just getting more complaints in...we are actually solving these complaints and bringing them to a resolution. The traffic collisions also increased by about 22%...who know the investigation that goes with traffic accidents.

The Council is aware of this, but he wanted the public to be aware of it also. We finished third in the State per capita in traffic arrests out of 57 departments which were eligible for issuing citations. Personally, he is pretty proud of that. There are currently 7 criminal arrest files that are on file. They have been generated, but we can't apprehend them. One has been executed so there are actually 6. The other six are from the armed robbery which occurred at the Clayton Theatre where the individual was incarcerated in North Carolina and the State of Delaware will not allow them to go after them, because it exceeded their limits for how far they were willing to drive. They were in custody, but we could not go and get them, or we would have been able to resolve this case too.

Kyle said he felt the increase in crime is everywhere...not just in Dagsboro. Chief Toomey agreed. Burglary is considered a serious felony...they are occurring at the new shopping center. It is on the highway....easy in and easy out. When you have new business, you will have more crime. The poor economy is not helping. Most of the people Chief Toomey is locking up are criminals anyway....they would be doing this in any other circumstances.

Did the Council or audience have any questions? Councilman Hearn did not have any questions, but felt they were doing a “heck of a job”. The Council agreed.

Hazard Inspection Committee:

Councilman Hearn stated there was “Nothing to report”.

Prince George’s Chapel Cemetery:

Mayor Adams stated that the Prince George’s Chapel Cemetery Committee met in November. At any rate we need to take a vote....if anyone is cremated and buried at Prince George’s Cemetery it has to be in a marble urn or the urn that is used must be in a vault. You can’t use a vase ... it is something that will not disintegrate. The funeral directors are aware of that, but we need a motion from Council that the cremated ashes should be in a marble urn...if not using marble the urn must be encased in a vault. It is a small vault. It was brought before the committee and they would like a vote by Council stating this. Councilman Hearn asked if there are other materials as good as marble. We asked that question. It really should be marble....as it holds up better. Vice Mayor Truitt made a motion to approve that anyone wishing to be cremated and buried in the Prince George’s Cemetery the ashes should be placed in either a marble urn or the urn that is used should be placed in a vault as per standards set by the Prince George’s Cemetery Committee, seconded by Councilwoman Hearn and unanimously approved.

Mayor Adams just needed a clarification that the Town had voted previously to charge \$200 for a burial permit to be buried at the Chapel. Another item she would like to mention is the “dirt being left” at the cemetery. The committee feels that when the grave diggers leave any excess dirt should go with them. It may have been the impression that there was a groundskeeper who oversaw the cemetery. This is not the case. The dirt must be removed by the gravediggers. It is the responsibility of the funeral directors to notify the grave digger they use or they will be asked to come and remove the excess dirt. There had been no instances (that they could recall) where they have had to come back and fill in a depression on the burial site. She is sure they will come back if asked to do so, but there will not be excess dirt. Some cemeteries have a designated spot for excess dirt. Mayor Adams mentioned that there has been dirt dumped on the road and the committee is sure that there are graves under that road. They just need to get money to have the group come in who can define where their may be bodies buried. A motion was made by Councilwoman Flowers that a letter be sent to the funeral directors that they have

the grave diggers remove the excess dirt and take it way after a burial, seconded by Councilman Hearn, and unanimously approved.

Mayor Adams said that the Prince George's group that is meeting is open to anyone. They post their meeting dates on the website. People are welcome any input (particularly if you have some family member buried there – so that the grave sites may be taken care of).

A motion to recess into Executive Session at 7:47 p.m., was made by Councilman Hearn, seconded by Vice Mayor Truitt and unanimously approved. The Council went into Executive Session.

Councilman Hearn made a motion to re-enter Regular Session at 8:37, seconded by Vice Mayor Truitt and unanimously approved.

Councilwoman Flowers made a motion to give \$2000 bonus to Stacey Long and an \$800 bonus to Rae Long for the administrative work they do for the Dagsboro Police Department. This money is funded through the county for law enforcement and administration for law enforcement. The motion was seconded by Councilman Hearn and unanimously approved.

Councilman Hearn made a motion to give Sgt. Litten and Chief Toomey a \$5,000 salary increase for the fiscal year 2010. The future years are dependent on grant availability. The remaining money left from the grant is to be utilized for the increase in worker's compensation and pension expenses incurred by the salary increase for the police officers. Motion was seconded by Vice Mayor Truitt and unanimously approved.

Vice Mayor Truitt made a motion to increase the pay rate for Bob Flowers, Maintenance Department, to \$13.50 per hour on an "as needed" basis. Councilman Hearn seconded the motion. Councilwoman Flowers abstained from the vote. The remaining members were in favor.

Vice Mayor Truitt made a motion to adjourn the meeting at 8:45 p.m., seconded by Councilman Hearn, and unanimously approved.

Respectfully submitted,

**Rae Long
Administrative Assistant**

These minutes summarize Agenda items and other issues discussed at this Council meeting. Votes are recorded accurately. The recording of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The recording may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

