

Memorandum of Meeting

Date: December 19, 2005

Date of Meeting: November 16, 2005

Time of Meeting: 5:30 p.m.

Location: Millsboro Fire Hall

Topic: Millsboro-South Area Working Group Meeting #10

Working Group Attendees:

| Name | Representing |
|------------------|--|
| Jim Bennett | Bennett Orchard |
| Fran Bruce | Millsboro/Dagsboro Chamber of Commerce |
| Lynn Bullock | Millsboro Volunteer Fire Company |
| Robert Daisey | Frankford Council, President |
| Mark Davis | Delaware Department of Agriculture |
| Preston Dyer | Developer |
| Richard Kautz | Sussex Co. Planning & Zoning Commission |
| James T. Norwood | Nanticoke Indian Association |
| Bill Pfaff | Delaware Small Business Development Center |
| Gary Taylor | Town Manager, Selbyville |

Mr. Robert Kramer opened the meeting by welcoming everyone and indicating that this evenings meeting would review the progress from the May Workshops up to this meeting and discuss what is in store with the next phase of detailed study. He reiterated that the process is still represented by the analogy of the three legged stool (the Working Group, the Public and the Environmental Resource Agencies providing input to DelDOT) and encouraged the Working Group members to ask questions. Bob pointed out that there are no stupid questions and it is important that the Working Group members understand status and path forward because they will be provided considerable data over the next few months. It is important that the members are informed as they work toward a recommendation on a preferred alternative.

Bob then introduced Monroe Hite, III, DelDOT Project Manager for the US 113 North/South Study. Monroe also welcomed the Working Group back and then introduced Fran Bruce, who is replacing Joan Boyce on the Working Group and James (Tee) Norwood, who would be replacing Tran Norwood on the Working Group. Monroe also mentioned that Bill Pusey would be replacing Margaret Mitchell on the working group.

Monroe then noted that 229 individuals had attended the October Open House at the Fire Hall in Millsboro. Monroe stated that members of the Project Team had recently met with a combined group from the Chambers of Commerce to review a draft economic impact questionnaire and clarify the mailing list. He then reviewed the items included in the handout package. Finally, Monroe introduced Jeff Riegner to provide a progress report on efforts since the May Workshops.

Note: Significant details associated with Jeff's presentation were provided to the Working Group members in their handout package. Rather than duplicate the presentation, these minutes will emphasize additional details that were added and questions from the Working Group regarding the information provided.

During the discussion of the detailed Engineering (page 7 of the handout) Jeff emphasized that the Working Group should be looking for an alternative that balances the impacts. He added that the process is designed to be iterative with the Working Group. The Project Team will present detailed alternatives and their associated impacts. The Working Group can suggest changes to improve on the alternatives. The Project Team, in turn, will evaluate those changes and come back to the Working Group with changes to the alternatives, as well as the associated impact changes.

During the discussion of Wetlands (page 8 of the handout), David Nutter asked if wetlands delineations had been performed. Karl Kratzer from WRA, who was introduced to the Working Group by Monroe, responded that, because of property owner restrictions and the fact that a delineation is only good for three years, full scale delineations were not being undertaken at this time. Hand-held GPS units are being used to establish the wetland boundaries that will be used to determine wetland impacts for each alternative. The GPS data is accurate to within a few feet which is more than adequate at this stage of the study. The field data was being reviewed by the Corps of Engineers to assure their satisfaction with the level of effort at this stage of the study.

Monroe then introduced Wade Catts, with John Milner Associates, to discuss Cultural Resources (pages 9 through 12 of the handout). Wade indicated that three to four teams had been in the field since the middle of August working on Cultural Resource evaluations. They carry a right to trespass letter and use it when necessary to view properties. The work is being accomplished in cooperation with the State Historic Preservation Office (SHPO) and mapped resources within the study area are being provided to the SHPO.

David Nutter asked if Wade could identify the 4 areas in the Millsboro area indicated on page 11 of the handout that may be eligible for the National Register of Historic Places. Wade responded that those included a property on Old Landing Road identified by the SHPO; an area at the intersection of Laurel Street and Wharton Ave.; an African American community on Handy Road and a district centered about Hickory Hill Road.

Preston Dyer asked whether the Blue dots on the plans would be paired down in this process. Wade indicated that the Blue dots were previously known resources and the Blue

circles were resources identified as a result of the study. As those dots and circles are evaluated, those that are not eligible for the National Register will be taken off the map, those that are determined eligible will be retained.

Lynn Bullock asked whether the SHPO prefers tax parcels as boundaries. Wade indicated that, as a result of their research on a parcel, the significance of the parcel would be established. Depending upon that significance and the current disposition of the property, a boundary will be established. While the SHPO would prefer to use a tax parcel, if the significance of the parcel doesn't coincide with the current tax parcel, the boundary will represent the significance and vice versa. For instance, if the significance of a property is an 1860's farmstead, but the property has been subdivided several times, then the home and appropriate land around the home will be put forward as the boundary of the property.

Wade discussed the predictive model for archaeology. He indicated that no excavations to identify archaeological resources had been started and would not be started until a preferred alternative is identified. The predictive model was being used to determine the potential of an alignment to impact buried resources. He indicated that drainages are important in identifying archaeological resources.

Preston Dyer asked if a significant structure was located outside of the 600 foot buffer but on a property impacted by an alignment was that structure evaluated. Wade indicated that the structures that were evaluated were only in the 600 foot buffer.

During the discussion of Section 4(f) Resources (page 14 of the handout), Jeff indicated that, if a Blue dot resource was subject to Section 4(f) protection, the color of the dot would be changed to orange. Karl Kratzer also indicated that new regulations regarding state forests and redefining recreational activities will eliminate most state forests from 4(f) protection.

During the discussion of Rare, Threatened and Endangered Species (page 16 of the handout) Monroe indicated that the RTEs are currently listed as TBD. DelDOT is making an effort to get that information but for reasons associated with the protection of RTEs potential impacts would be identified by low, medium or high impacts and not by species type or location.

During the discussion of Farmlands and Forests (page 17 of the handout), Jeff indicated that agriculture districts are updated on a monthly basis whereas agricultural easements are only updated once a year.

David Nutter asked if there were a large number of agricultural easements in the project area. The response indicated that they were spread throughout the project area.

During the discussion of Property Impacts (page 18 of the handout), Robert Daisey asked how a taking was determined versus not taking a property. Jeff responded that generally impacting more than 50% of a property constituted a taking (rule of thumb). Jim Bennett

indicated that severances of farms should be minimized to the greatest extent possible. Preston Dyer emphasized the difference between going through residentially zoned property versus commercially zoned property. He felt that there should be ground rules, taking Livable Delaware into consideration, where alignments should be directed. He indicated that the Purple and Green alternatives west of Millsboro pass through Millsboro's development district rather than outside the district. Jeff indicated that that was indeed the case but you had to consider all impacts and weigh the impacts in entirety in making a decision on where an alignment should go. Robert Daisey indicated that he felt we should not be studying something that doesn't have a chance of being selected. Preston Dyer indicated that we should consider a cost of impacts equation with land costs being separate from the cost of other impacts.

During discussion of Access (page 19 of the handout), David Nutter, who was introduced by Robert Daisey as the individual who would be developing Frankford's Comprehensive Plan, asked if a category for Livable Delaware could be included in the Matrix. Jeff indicated that the category could be looked at from different ways and that the Project team could come up with a Livable Delaware category in the Matrix. Lynn Bullock asked about the probability of the current alternatives having a fatal flaw. Jeff responded that it was low based on earlier work.

During the discussion on Traffic (page 20 of the handout), Jeff indicated that the Working Group would be seeing new, more accurate, traffic data for the alternatives. Some alternatives, such as the Eastern Bypass alternatives, lengthened to minimize the impact on Mountaire, were less desirable and would carry less traffic.

During the discussion on Economic Impact (page 23 of the handout), Jeff distributed a copy of the survey to the Working Group members and went through the content of the survey.

Jeff then turned the presentation back to Bob Kramer to discuss upcoming Working Group activities. Bob asked that the minutes stress the importance of members attending meetings from January to March. There will be no backing up. That is why attendance is imperative and if you don't understand something, ask questions and get the issue straight in your mind. If you must miss a meeting, contact the Project Team. We will brief you so that you are prepared for the next meeting and we do not waste the time of the other Working Group members.

Bob then turned the meeting over to Monroe who discussed the dates for the upcoming Working Group meetings. Andrew Bing stated that since we are in the winter months, if a meeting is canceled, he will call each Working Group member and the cancellation will be noted on the web site.

Monroe concluded the meeting at 7:30 p.m.

Minutes prepared by Joe Wutka