

COUNCIL MEETING
March 10, 2014

The regular meeting of Mayor and Council was held on the above date with Council members Dias, DeBenedictis, Carrow and Letterman present with Mayor Horn presiding. Recording Secretary Melissa Knight, Town Foreman Hurlock, Corporal Scott, Cordell Carr, Al Hill, Bob Botsford, Elizabeth and Clayton Morris, and Jenn Dailey were also in attendance.

1. Approve Minutes:

Council Meeting 2/10/14 – motion made by Ms. DeBenedictis and seconded by Mr. Dias to approve the Council Meeting as presented. Motion carried unanimously.

2. Treasurer's Report:

Motion made by Mr. Dias and seconded by Mr. Carrow to approve the Treasurer's Report as presented. Motion carried unanimously.

3. Communications:

- Ms. DeBenedictis read the communications – Amendment to the Clayton Subdivision Ordinance and the removal of the handicap parking at 107 Highland Avenue. (see attached)

4. Chief of Police:

- Corporal Scott advised Council they should have received the police report. If they did not, he would give them a copy.

5. Town Foreman:

- Mr. Hurlock advised Council he has a few items. The Flood Plain Ordinance – Sue and I just finished with FEMA today. We are waiting for it to come electronically. We will pass a copy to the Town Solicitor for his approval. The Flood Plain Ordinance is on the agenda for April's Council Meeting. We need to move through this quickly. This is required by FEMA. We have a deadline to meet. Anyone having flood insurance in the Town of Clayton would not be able to renew their policy if the ordinance is not amended.
- Planning and Zoning – I have the Subdivision Ordinance. It says the Town Council will hold a public hearing, and it has to be advertised 15 days prior. My recommendation would be to hold the Public Hearing before the next Town Council Meeting. The Public Hearing is for bonding developers in the subdivisions.
- Planning and Zoning – The next meeting is scheduled for March 26, 2014. The agenda is to review the Comp. Plan. The boundary along Old Country is still in question. The County is saying it was not annexed into the Town of Clayton. We are trying to research this information.

- Liberty Knoll Phase II – The developer has contacted the town to make this subdivision smaller.
- Water – We had a valve freeze in the well house. The week of Easter - shutting off water for a couple of hours. Mr. Hurlock said CodeRed would be sent out informing the residents of the disruption in service. One notice will be sent a couple of days prior and another notice will be sent a couple of hours prior to the water being turned off.
- Electric – The Electric Rules and Charges Ordinance is still being reviewed. The demand charge for our commercial customers is \$10.90 for every 15 minute period. In the electric ordinance it reads \$10.09. Downes Associates is putting this into an ordinance form.

6. Inspection/Enforcement:

- Mr. Hurlock stated the following for 2014:
Contractor Licenses – 35
Business Licenses – 20
New Home Permits – 3
Improvement Permits - 4

7. Streets:

- Mr. Letterman – Street Committee Meeting is scheduled for March 20, 2014 at 6:30 p.m.
- Mr. Hurlock – Advised Council and the public if you see a pothole please call the Town Hall. The Town Crew will start repairing potholes as soon as the weather gets warmer when the asphalt plant opens instead of patching it. Just a note – Underwoods Corner Road is a state road. This road is not maintained by the Town of Clayton. The road has fallen apart and residents are complaining thinking it is our road.

8. Equipment:

- Ms. DeBenedictis – Stated Mr. Hurlock has ordered the new truck to replace the blue truck. Mr. Hurlock and I have talked about the leasing vs. purchasing the vehicle. It will be \$5,000.00 more if the Town leases the truck. Ms. DeBenedictis suggested the Town of Clayton borrow the money from ourselves and pay ourselves back. She feels this is something to look at, saving the Town of Clayton \$5,000.00. The purchase of the truck is \$47,000 with a 4 year lease. Mr. Hurlock – I am not sure if we are able to do a lease agreement like this or not. Mr. Hurlock stated he saw this on the news. Another municipality was doing this and thought maybe we could. The Town Solicitor stated that he would need more details on this matter. Mr. Hurlock said we have until May to make a decision.
- Mr. Hurlock – Our small dump truck has taken a beating with the snow removal this year. It has a small crack on the frame. We have welded the crack. I wanted to inspect the crack today, but did not have a chance to do so.

9. Personnel:

- Ms. DeBenedictis – Stated Sue and I had a meeting with Bill Purnell, a trust attorney in Georgetown, regarding GASB-45. Mr. Purnell has the information from the City of Newark and needs to get a copy from the City of Dover. He will get back with us and there will be some decisions to be made in regards to the irrevocable trust. Ms. DeBenedictis stated the purpose for this is to protect the funds for the health insurance for the Town of Clayton employees that have retired. Ms. DeBenedictis said he would be able to do this with the money the Town has budgeted which was \$10,000. City of Dover had theirs done and it cost \$24,000.

10. DEMEC:

- Ms. DeBenedictis – We have done very well. For the little bit of snow and ice we have had DEMEC ran generators when PJM has requested. A letter from Scott Lynch asked the Town of Clayton about a solar program. The Town of Clayton is going to look into this and see if this is something we are able to do.

11. Board of Adjustment:

- Mr. Hurlock – The Board of Adjustment did meet last month granting Atlantic Tractor a 32 sq. ft. variance for their sign. Moving the sign from their old location on Main Street to their new location.

12. Planning and Zoning:

- Mr. Hurlock – The Town of Clayton has signed a contract with the University of Delaware for our planning consultant and we are well within budget.
- Public Hearing – April 2, 2014 at 6:30 p.m.

13. New Business:

- Smyrna-Clayton Ministerium – Christine Letterman spoke regarding placing flyers in the Town of Clayton bills. The flyer states the Smyrna-Clayton Ministerium is accepting donations to help individuals who are in need of money to pay their utility bills. Mr. Carrow - Do we have a policy for sending information in our bills? Mr. Hurlock – He thought it was advertising a church. I wish I had investigated this a little bit more. Ms. DeBenedictis – If we do this for the Ministerium what are we going to do if the Boy Scouts come in and want us to put something in our bills for them? Mr. Chambers – I feel having the document in the bills is promoting or endorsing a religion. Once you begin doing this one organization you may have more that want the same thing done for their organization. Mr. Hurlock – Suggested that maybe we do a list for our customers in our newsletter. Ms. DeBenedictis – Agreed with Mr. Hurlock.

- Dog issue in Huntington Mills – Sandra Delane – My neighbor has a pit bull. I feel that I should not have to continue calling the police department regarding the dog running freely through the development, pooping in people’s yard, and watching a 4 year old trying to handle this animal. This dog is dangerous. I feel the residents in Huntington Mills do not need to live in fear of this animal. I don’t care if he is friendly or not, the dog should be fenced in his yard. I don’t want him near my home. The 4 year old was asking for help to get the dog into the house. Corporal Scott said the issue has been taken care of tonight as far as of the registration with the town and at large. Ms. Delane stated if I see the dog I’m going into the house.
- Ken Lebo from Pratt Insurance - Discuss Cyber Liability – Mr. Lebo spoke about the Cyber Liability Insurance adding this portion to our insurance policy. The Town of Clayton has a couple of exposures such as keeping personal information on employees such as social security numbers, rent space with a server provider in which we hold them harmless, and the credit card company that processes our payments which has a clause of holding them harmless. The nominal insurance amount is \$600.00. Mr. Lebo suggested getting a quote for the more in depth insurance policy. Mr. Letterman asked Mr. Lebo to get the more depth insurance policy quote to review.

14. Public Hearing

- Al Hill – Asked when the Public Hearing changes to the beginning of the Council Meeting, and if a copy of the agenda could be placed at the podium for review in case there is an item they would like to speak about. Mayor Horn advised the agenda is posted on our website, on the front door, and he does not see a problem having one at the podium.
- Huntington Mills – HOA having a meeting on April 2, 2014 at 6:30 p.m.

13. Adjournment:

*Motion made by Mr. Dias and seconded by Ms. DeBenedictis to adjourn.
Motion carried unanimously.*

Recording Secretary,

Melissa J. Knight