

COUNCIL MEETING

June 13, 2016

The regular meeting of Mayor and Council was held on the above date with Council members Dias, DeBenedictis, Carrow, and Fletcher present with Mayor Letterman presiding. Recording Secretary Melissa Knight, Scott Chambers, Lt. Hutson, Jeff Meany, Jacob and Abby (from First State Military Academy), and Joanna Sporay (from FSMA) were also in attendance.

1. Approve Minutes:

Council Meeting May 9th, Election Committee Meeting May 11th, Economic Development Committee Meeting May 24th - Mrs. DeBenedictis made a motion to accept the minutes in written form, seconded by Mr. Dias. Motion carried unanimously.

2. Income and Expense Report:

Motion made by Mr. Carrow to accept the Income and Expense Report in its written form, seconded by Mr. Dias. Motion carried unanimously.

3. Town Foreman:

- Mr. Hurlock stated to Council the Public Works Department will start to spruce up the town's appearance for the Fourth of July Parade; if anyone sees an issue or concern to please let Mr. Hurlock know.

4. Town Solicitor:

- Mr. Chambers stated he did not have a report; he did state that he is working on a couple of things with Mr. Hurlock. Mr. Chambers wanted to remind Council that he will be out of the country for about three weeks; any questions or concerns the town can contact Fred Townsend. Mr. Letterman asked, "Would Mr. Townsend handle the real estate portion while you are gone?" Mr. Chambers stated the real estate partner Crystal Carey will be handling this item while he is away and will handle the real estate closing. Ms. Carey has been working with Mr. Chambers on the real estate matter and is very familiar with the potential purchase. Mr. Townsend will not be attending the next Council meeting. If he is not available there are other partners who can handle municipal questions or concerns the town may have.

5. Electric:

- Mr. Hurlock stated to the Council that the town has dropped a couple of fuses in Huntington Mills and Providence Crossing; Mr. Hurlock thinks the problem is with a bad insulator. The outage on West Street last week was due to a vehicle accident.

6. Street:

- Mr. Letterman asked, “Mr. Hurlock do you know anything about the end of Clayton Avenue regarding the school crossing?” Mr. Hurlock stated the portion the town is responsible for has been completed on Clayton Avenue. The town is now waiting for DelDOT to come in to mill and pave Duck Creek Road and Clayton Avenue, then the school crossing will be installed at that time. The state inspector said you’re wasting money if you install the crosswalk now and we come in and mill the road. Mr. Hurlock stated if it gets close to school reopening and the project is not complete the town can install a crosswalk; it just would not be DelDot approved.

7. Equipment:

- Mr. Dias stated Mr. Hurlock will be looking at replacing a service truck. Mr. Letterman stated this is not a budget item, correct. Mr. Dias stated this would come out of the electric capital reserve.

8. Personnel:

- Mr. Carrow stated the Council Handbook is pretty much put together. In the near future, the handbook will be presented to the committee to make any recommendations and then submitted to Mr. Chambers for review. After Mr. Chambers reviews the handbook it will then be submitted to Council for approval. Mr. Letterman asked “Will this be completed before the next election?” Mr. Carrow stated the completion of the handbook should be August.

9. Police:

- Mr. Dias stated the police department will need to look at purchasing police cars; we have one with a lot of miles. Mr. Letterman stated this was a budgeted item.

10. Budget:

- Mr. Carrow stated a budget review will be scheduled for July. Mr. Hurlock stated DEMEC warned the town; we had a low positive net and will keep an eye on this with the low usage of electric this could affect the budget.

11. Economic Development Committee:

- Ms. DeBenedictis stated all future Economic Development meetings will be held at the town hall because the Young Bean is closed during the week. The Young Bean is open on Friday, Saturday, and Sunday. I have tried to get in touch with Robin Bruner in Smyrna to see about opening the Farmer Market in Clayton. Ms. DeBenedictis stated the other communities are just starting to open their markets. Ms. DeBenedictis will continue to get in touch with Robin. The meetings are held on the third Thursday of the month.

12. DEMEC:

- Ms. DeBenedictis stated DEMEC is concerned with the prices because the gas prices are low.

13. Board of Adjustments:

- Mr. Letterman asked “Mr. Hurlock if he reviewed the packet that Mr. Chambers had given to the town regarding the Board of Adjustments by-laws?” Mr. Hurlock stated he was not sure how Mr. Letterman wanted him to proceed with the information that was provided by Mr. Chambers. Mr. Letterman said we need direction by the committee.

13. Planning & Zoning:

- Mr. Hurlock said a workshop is scheduled to review the sign ordinance; the options that was presented at the last public hearing was more specific to a college town and was not appropriated for the Town of Clayton. The committee wants to implement a sign ordinance that will fit the town and will not have to be revisited for a while.

14. Unfinished Business:

- 2nd Reading of the Town Ordinance, Section 7.2.1 – Partial Tax Exemptions for Totally Disabled Property Owners & Property Owner 65 years of Age & Older – Ms. DeBenedictis read the ordinance.

A motion was made by Ms. DeBenedictis to adopt the Town Ordinance, Section 7.2.1 as read, seconded by Mr. Dias. Motion carried unanimously.

- 2nd Reading of the Town Ordinance, Section 7.1.2 – Real Property Tax to reflect new tax rate – Ms. DeBenedictis read the ordinance.

A motion was made by Mr. Fletcher to adopt the Town Ordinance, Section 7.1.2 as read, seconded by Mr. Carrow. Motion carried unanimously.

15. Swearing in of Town Council Members:

- Judge Vaughn performed the swearing in of Mr. Letterman and Ms. DeBenedictis.

16. Re-Organizational Meeting:

- **Election of Officers:**
 - President of the Council - Mr. Dias nominated Mr. Letterman, seconded by Mr. Carrow. Nomination carried unanimously.
 - Vice Mayor – Mr. Fletcher nominated Mr. Dias, seconded by Mr. Carrow. Nomination carried unanimously.
 - Secretary – Mr. Carrow nominated Ms. DeBenedictis, seconded by Mr. Dias. Nomination carried unanimously.

- Treasurer – Ms. DeBenedictis nominated Mr. Carrow, Mr. Carrow respectfully declined the nomination. Mr. Carrow nominated Mr. Fletcher, seconded by Mr. Dias. Nomination carried unanimously.
- Asst. Treasurer – Ms. DeBenedictis nominated Mr. Carrow, seconded by Mr. Fletcher. Nomination carried unanimously.
- **Appoint Committees:**
 - Mayor Letterman appointed the committees as follows:
 Mayor Letterman appointed Mr. Chambers as the Town Solicitor.
 Electric – DeBenedictis, Fletcher, Dias
 Street – Fletcher, Carrow, Letterman
 Water & Sewer – Fletcher, DeBenedictis, Carrow
 Personnel – Carrow, Fletcher, Dias
 Equipment – Dias, Letterman, DeBenedictis
 Police – Dias, Fletcher, Carrow
 DEMEC – DeBenedictis, Hurlock Alternate & Advisor
 Budget – Fletcher, Letterman, Carrow, Dias, DeBenedictis
 Economic Development – DeBenedictis, Carrow, Ed Ide, Cory Thomas, Eric Young

Mayor Letterman stated we may need to revisit a committee which would be the Economic Development; may need to appoint new person depending on circumstances down the road. I would like to point out it is my hope to find a town resident to sit on these committees to get a different point of view. Mayor Letterman would like to find someone that has the expertise in that area.

A motion was made by Mr. Fletcher to accept the Appointment of Committees as written, seconded by Mr. Carrow. Appointment of Committees carried unanimously.

17. New Business:

- Accept Auditor Report to the Public – Mr. Letterman gave the floor to Mr. Meany to present his audit report. Mr. Meany stated he presented the auditor's report at a previous public meeting in April. The auditor issued an unmodified opinion report which is a clean report with no adjustments made; do to errors or oversight. The one thing I do want to point out on the town's balance sheet; if you look at the current assets to the current liabilities the current ratio is 2.25 which shows the town is in good financial strength and able to meet its current obligations. When you look at the paper statement it showed the town made a profit for 2015. I want to point this out because it is misleading the town had a big capital infrastructure project like the paving project in Huntington Mills that was \$270,000; the town came close to breaking even.

A motion was made by Mr. Dias to accept the Auditors Report, seconded by Mr. Carrow. Motion carried unanimously.

- Discussion of Building Purchase – Mr. Letterman stated in the May’s Executive Session there was a discussion to purchase a building for Public Works. With the projected growth that the town has had and is projected to have about 900 more homes built. The new building has the capacity to store the equipment that is currently sitting outside in the weather. The cost to purchase the building will not be a burden to the tax payers. The building will be funded and any additional expenses from the following accounts and the percentage will be as follows: electric capital reserve – 35% and impact fee - 65%. Mr. Letterman would like to receive input from the public due to this being a large expenditure. Mr. Chambers wanted to address a couple of concerns regarding FOIA and how it is posted on the agenda. It does not mention motion or a vote on the agenda; Mr. Chambers stated the item on the agenda needs to say “vote” or “motion” to take any kind of action on an agenda item. Mr. Chambers stated my recommendation is to defer action on this agenda item. Mr. Chambers has worked on a proposed sale agreement with Mr. Hurlock and the seller’s attorney that meets with my (Mr. Chambers) approval, my real estate partner, and Mr. Hurlock’s approval. There are some environmental issues that need to be explored and Mr. Hurlock has reached out to an environmental engineer to close the loop on that one issue. Mr. Hurlock has asked the engineer to send a contract; for the towns consideration to close out this one issue. The town needs to found out from the engineer how long this will take and what the cost of it is. So assuming you reach satisfactory answers on those issues; I think you will be able to make a final vote on it. I think it’s prudent before you move too far on that you get the answers from the environmental engineers. I don’t have any reason this will be an outlandish figure but to make an intelligent decision you really need that information. Mr. Letterman stated I defer to your legal expertise. Mr. Hurlock stated there were underground storage tanks that were moved and the documentation was not finish. The firm is going to research with DNREC to see if there is documentation that the storage tanks were removed properly. If they were not then we will have to do soil borings to make sure the ground water is not contaminated. Ms. DeBenedictis stated she is in favor for this; a year ago she and Mr. Hurlock looked at this building for public works. Ms. DeBenedictis mentioned we need to bring this to our people; so when we start spending this kind of money they know why. We need to do some kind of what we got and why we need it. I know why we need it. Because we don’t have the room for the stuff we got. Mr. Letterman stated I just spelled that out. Mr. Letterman asked, “For a motion to table this then.”

A motion was made by Mr. Dias to table this item until the environmental inspection comes back, seconded by Ms. DeBenedictis. Mr. Chambers stated you don’t necessarily have to have the answer back from the environmental people; you just really need to fix in place what the cost of

this will be. The town has 120 due diligence period, so as long you will have the answer within that due diligence period you should be fine. We can communicate to the seller's and the seller's attorney there was a problem under FOIA of how this was posted. I don't see any problem with this. Ms. DeBenedictis stated FOIA is all over the news. Mr. Letterman stated motion on the floor and seconded. Motion carried unanimously.

- Joanna Sporay – FSMA Animal Rights Club – Jacob and Abby gave their presentation regarding the FSMA Animal Rights Club. Jacob stated how this club got started was they went to Ms. Sporay (Spanish Teacher). Ms. Sporay, Jacob, and Abby are animal lovers. I have worked with my mother's husband who works for the Delaware Animal Control. We started gathering information and preparing a presentation to bring awareness to the community about animal cruelty. Our club goals are to educate about animal cruelty, how to prevent it, volunteering at the SPCA, and raising money for organizations. Animal abuse can be intentional or non-intentional. Examples are: 1) Dog fighting is the number one animal cruelty, 2) Animal abandonment is when a person takes an animal in and realizes he or she can not take care of the animal and just leaves the animal, 3) Inadequate homes not being able to provide for the homes. Animal abuse is just not for home animals there is abuse on local farms with livestock; being confined in a small spaces. Delaware just had a situation where someone had purchased ducks; released the mature ducks and children abused them. These ducks were unable to take care of themselves. First State Military Academy is in the process of contacting universities to get them involved in the club. Four out of five cruelty cases go unreported. In a domestic violence environment, animals are abused 87% in the woman presence and 71 % in the presence of children. Studies have showed that woman that leave an abusive relationship; the abuser will take it out on the animal in the home. There is a growing interest in animal abuse registry. In January 1, 2016, Tennessee became the first state to have an animal abuse registry; there are also many other cities and councils with registries, New York City being one. The passage of bills is under construction in the following states; Illinois, Massachusetts, Michigan, Missouri, New Jersey, Pennsylvanianna, Rhode Island, South Carolina, Washington, and West Virginia. In conclusion, animals have the capacity to feel pain and because of this we need to have the courage to step up and protect them. In doing so, it will make this world a better place because it is clear that there is a link between animal abuse and violence against humans. Thank you. Mr. Letterman thanked Jacob, Abby, and Joanna for their presentation. Mr. Letterman stated we do have a representative attending tonight from the SPCA. The SPCA representative stated how proud she is of the cadets for speaking in front of all of you tonight and how they are very passionate about animals.

18. Public Forum:

No one spoke at the public forum.

19. Adjournment:

A motion was made by Ms. DeBenedictis to adjourn the meeting, seconded by Mr. Fletcher. Motion carried unanimously.

Recording Secretary,

Melissa Knight