

## Council Meeting

June 8, 2020

7:00 p.m.

The council meeting of Vice Mayor and Council was held on the above date and time with Council members Carrow, Smith, Brockenbrough, and DeBenedictis present with Vice Mayor Dias presiding. Recording Secretary Sue Muncey, Town Foreman Jeff Hurlock, Chief Carl Hutson, Town Solicitor Gary Junge, William O'Neal, Terry Baker, Jonathan Burnett, Michael Megna, and William Spence were also in attendance.

1. **Call to Order** - Mr. Dias called the meeting to order at 7:00 p.m.
2. **Pledge to the Flag** – Mr. Dias led the Pledge of Allegiance.
3. **Approval of Minutes** –

*Ms. DeBenedictis made a motion to accept the Council Meeting minutes from 03/09/20 in written form. Mr. Smith seconded the motion. Motion carried unanimously.*

4. **Approval of Income and Expense Report** –

*Mr. Smith made a motion to approve the Income and Expense Reports for March, April, and May with the exception of account 787-305 Ovarions Engineering. This is to be paid from the Impact Fees Account and is being removed from the General Fund report. Mr. Carrow seconded the motion. Motion carried unanimously.*

5. **Communications** – No Communications

6. **Report of the Chief of Police** – Mr. Hutson stated they attended the First State Military Academy graduation on 6/1/20. The Providence Creek Academy graduation is 6/9/20. Mr. Hutson stated they received funding in the amount of \$19,000 for COVID-19 expenses. We are currently waiting on guidelines for usage. We can use for personal protective equipment. The grant is good for 24 months. Barry Larkins from Larkins Bus Service donated \$2,500 to the police department. Protests are scheduled at noon in our area. It will start at Route 300 and Carter Road and go to Smyrna Police Department. It is to be a peaceful protest. Extra staff for coverage will be provided.

7. **Report of the Town Foreman** – Mr. Hurlock stated that housing sales in Old Country Farm is doing well. Ovarions is still on schedule. We issued a permit for the sample house. Grain Mill Station pulled four (4) new permits for a four-pack of townhouses. They also started clearing the overgrowth along the property lines of Towne and Country to install a 6' white privacy fence per the plans. Railroad Square developers have requested a meeting with the engineers and myself. We have no agenda yet. Mr. Hurlock stated we need to keep the additional water line under the

railroad on the radar. Public Works is going to start sweeping on a every other week schedule again and ask for enforcement as streets are getting dirty and weedy. I will give the police schedules. The sewer problems are improving. We have had a lot of calls after hours. We had one (1) small water leak handled by town staff. We are still very busy with home improvement permits (fences, pools, sheds). We are not doing rental and second water meter inspections at this time. We are waiting until Phase II opens up. We will take the Code Enforcement Officer's lead on this. Mr. Hurlock stated he is waiting for the frame to finish the glass barrier in the front office. We have not had any electric outages for the past several months. Mr. Hurlock stated we are still having problems with large amounts of garbage being put out by residents. This is a work in progress. Mr. Hurlock stated the streets in old town are getting very dirty. People are using the streets as an ashtray. We need to be conscious of MS-4. Mr. Smith stated the first couple of weeks of street sweeping we could give warnings and then start ticketing. Mr. Hurlock stated he gave Public Works employees the okay to start taking overtime due to several after-hours call backs as they are starting to accumulate several hours of comp time. I also need them to come in when I call them. Mr. Hurlock stated he is going to start using comp time and vacation time. He has no long-term vacation plans. He stated he will probably work four day weeks. Mr. Hurlock stated we need to start discussing the water line now that we are starting to come out of the coronavirus. Mr. Carrow asked for an update on the yard waste dump. Mr. Hurlock stated we put that on hold. It is very expensive. We are looking into a purchasing a small dump truck for hauling. We are no longer having it hauled out. It is \$200 a pull. Mr. Carrow asked if the grant that the PD received could help with the Town's COVID-19 expenses. Mr. Smith said isn't it only for PD? Mr. Hurlock stated we need to look into the stimulus package. Mr. Smith asked Mrs. Muncey if we were documenting expenses. She stated yes. Ms. DeBenedictis stated we received free masks from DEMEC.

**8. Report of the Town Solicitor** – Mr. Junge had no report.

**9. Report from Inspections/Enforcement** – Mr. Hurlock had no report.

**10. Reports from Members of Council**

**a. Report from Electric Committee** – Ms. DeBenedictis stated DEMEC had a meeting with the Governor's office to discuss MOD 6. This was in regards to shut offs and late fees. DEMEC is trying to get ideas from all municipalities to submit to the Governor. One idea was we were out for three (3) months give customers three (3) months to catch up. Mr. Smith stated the Governor is setting the policy? Mr. Carrow stated this would be a suggestion for a policy.

**b. Report from Street Committee** – Mr. Smith had no report.

**c. Report from Water & Sewer Committee** – Mr. Brockenbrough had no report.

**d. Report from Equipment Committee** – Mr. Smith had no report.

**e. Report from Personnel Committee** – Mr. Carrow stated we have a vacancy in Public Works. Mr. Hurlock stated he wants to wait to hire someone until the town is financially

stable. Maybe wait until October. Might hire a part time for the summer. Ms. DeBenedictis asked if people were stepping up to the plate. Mr. Hurlock stated yes.

- f. Report from Public Safety Committee** – Mr. Dias had no report.
- g. Report from Budget Committee** – Mr. Smith stated there are 133 unpaid bills for three (3) months. Late fee loss is an average of \$7,000 per month. The total lost fees is about \$35,000 that will not be made up. The budget in its entirety is doing okay.
- h. Report from Economic Development Committee** – Mr. Carrow stated the park dedication was cancelled due to COVID-19. It is tentatively rescheduled for August 1 for 10:00 a.m. It will be approximately one (1) hour. The movie night that was scheduled in May will need to be rescheduled. The next movie night is scheduled for the end of August. We have a new business storefront at the old fire house. It will be a beauty salon. Mr. Hurlock stated he is working with our consultant on a rate class change for the biodiesel plant. The demand is difficult.
- i. Report from Downtown Development Rebate** – Ms. DeBenedictis had no report.
- j. Report from DEMEC** – Ms. DeBenedictis stated Senator McDowell is trying to pass a solar bill. It would go up to 49% by 2030. It doesn't make sense. She stated she was reaching out to our representatives. Mr. Hurlock stated solar panels are starting to get older and starting to have issues. If there is a fire, they cannot be shut off.
- k. Report from Board of Adjustments** – Mr. Hurlock had no report.
- l. Report from Planning & Zoning Committee** – Mr. Hurlock had no report
- m. Appeals Board** – Mr. Hurlock had no report.
- n. Charter Committee** – Mr. Dias had no report.

**11. Public Forum** – No comments from the public.

**12. Unfinished Business** – No unfinished business.

**13. New Business** –

**a. Request to be put on the Town Council Agenda – William Spence**

Mr. Spence stated he is the President of the Wheatley's Pond HOA. They are having issues. He is asking for a no outlet sign between the townhomes and the single family homes. Mr. Spence also stated speeders are running through stop signs. He asked if it was possible to paint a white stop line at Holden Court or put up a sign by Cardington Court. They have habitual offenders. Mr. Hutson stated Mr. Spence was correct. There is no stop line in that area. He stated the police will come out and enforce. Mr. Hurlock

stated they can put a stop bar out there. Mr. Smith asked about the no outlet sign. Mr. Hurlock stated it can be done but it needs to go to the Street Committee for approval first. Mr. Dias stated the speeding is happening everywhere. Mr. Spence stated they are also having parking issues in the cul-de-sac. Residents are parking perpendicular and double parking. Mr. Spence then asked who owns the sidewalk on School Lane. Is it the State? He was asking about the right of way. They are having dog waste issues. Mr. Hurlock stated he doesn't know where the right of way starts and stops. Mr. Smith stated he will call a Street Committee meeting for the signs. It needs to go through the town. Mr. Hutson stated he will do target enforcement. Mr. Brockenbrough stated the stop signs are high in the area. Mr. Smith stated Mr. Hurlock can take care of any signs currently in place. Mr. Carrow asked Mr. Spence to take pictures of the parking for the Street Committee meeting.

**b. Request to be put on the Town Council Agenda – William O'Neal**

Mr. O'Neal gave out binders to council members with violations. He stated this is a Public Safety issue and it is pretty bad. There is illegal parking at Dickerson Street and Smyrna Avenue. There are trash cans and illegal parking on Smyrna Avenue. There is parking on sidewalks and vehicles with expired tags. According to the town ordinance, they are violations. He stated he took the ordinance and compared it to the Delaware state law. Mr. O'Neal then proceeded to quote the laws. He stated sidewalks are designed for people for walking not parking cars. The sidewalks are flat with the streets. The police drive by without giving violations. Mr. Hutson stated they have targeted the area. There is no curb on the sidewalk. They issued tickets last week. Mr. Carrow commented on the sidewalks with no curbing. This gives the fire trucks closer access to the property in case of a fire. We need to look into this. Mr. O'Neal said on 5/19/20 a person was walking their dog and had to walk out into the street. Mr. O'Neal then proceeded to discuss expired tags. Mr. Hutson stated this is being addressed. Mr. O'Neal then proceeded with patrol vehicles being tinted. He stated this is a violation of State law. Mr. Hutson stated departments in the State have vehicle tinting. Mr. Hutson then stated reasons why: (1) Officer safety at night. (2) Officers work 12 hour shifts. They are sitting in the vehicle with the sun beating in on them. It is documented that this causes health issues. (3) This is currently being addressed by the Delaware Police Council. Mr. O'Neal stated this is unacceptable. The law is the law. Mr. Hutson stated all our vehicles go through motor vehicle inspections and have passed. Mr. O'Neal stated this is a violation of the law until it is passed by legislation. Mr. Carrow stated as a former police officer, you should understand that. He stated you never stopped a car with window tinting being concerned for your safety? Mr. Smith stated we will put a petition to the Governor as a council. Mr. Carrow stated he supports the Chief. Mr. O'Neal's next issue was the leaf vacuum trailer has no tag. He stated he contacted officials about this. He stated the hydrovac pulled on the street that had no tag has a tag now. Mr. Hurlock stated there is no title for the leaf vacuum trailer. He stated we have tried contacting Delaware Motor Vehicle about trying to resolve this. They will not speak to us without a title. We have been trying to work on this. Mr. Smith stated we will discuss street parking in the Street Committee meeting.

c. Discuss and Vote – Reading of Town Ordinance Section 1.1-1

Ms. DeBenedictis read in its entirety.

*Mr. Smith made a motion to accept the change of Town Ordinance Section 1.1-1 as read. Mr. Brockenbrough seconded the motion. Motion carried unanimously.*

d. Discuss and Vote – Setting Policy in Place Reference COVID-19 and Setting Policy in Place to have Remainder of Employees Tested if a Town Employee has a Confirmed Case of COVID-19.

Mr. Smith stated the town currently has no policy in place. If an employee is out for the virus, they should be paid. If an employee is sick with the virus within a department, how do we address? They can be tested within 24 hours. If an employee is exposed, they need to stop working and get tested. We then wait for the results. Ms.

DeBenedictis stated if they are tested and it is negative, they are off 14 days? Mr. Smith stated no. If we go by the Governor's recommendation: If they test positive, the employee is out for 14 days. If they test negative, the employee goes back to work. Mr. Smith stated if there is an exposure, we should test everyone in the department. Mr. Carrow stated if they test positive they are out 14 days. What if there are underlying issues? When do we stop paying and they use sick time? Mr. Smith stated after the second negative result. On day 12 get tested for negativity. Mr. Smith stated he will work up a written policy for the next Council Meeting.

e. Discuss and Vote – Town Election

Mr. Smith stated we need to get the ball rolling. We will need to run the entire process again. An election date needs to be set. It should be by the end of August. We do not want to have five (5) new people elected at one time. Mr. Smith stated we will need to see what is available with the election office. The last Tuesday in August is the 25<sup>th</sup>.

*Mr. Carrow made a motion to set a tentative election date for August 25, 2020 as long as it works with the election office. Mr. Smith seconded the motion. Motion carried unanimously.*

## Adjournment

*Mr. Carrow made a motion to adjourn the meeting. Mr. Smith seconded the motion. Motion carried unanimously. Meeting was adjourned at 8:35 p.m.*

Recording Secretary,

Sue Muncey