

Council Meeting
September 14, 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, Lt. Shawn Rau, Town Solicitor Gary Junge, Jonathan Burnett, Christopher Jackson, and Lura Jackson 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** –

Mr. Carrow made a motion to accept the Council Meeting minutes of 08/10/20, the MS-4 Workshop Meeting minutes of 8/12/20, the Budget Meeting minutes of 8/19/20, and the Personnel Meeting minutes of 08/25/20 in their written form. Mr. Smith seconded the motion. Motion carried unanimously.

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

Mr. Smith stated before he makes a motion to accept the Income and Expense Report that the Real Estate Tax line indicates what was billed out. The total amount collected so far is approximately \$90,000. Mr. Smith made a motion to approve the Income and Expense Report for August 2020 in their written form. Mr. Carrow seconded the motion. Motion carried unanimously.

5. **Communications** – No Communications
6. **Report of the Chief of Police** – Mr. Dias stated the Chief was excused from the meeting. Mr. Rau stated there were 271 calls for service. The Violent Crime Fund Grant was approved for the cameras. Ms. Jackson stated she could not hear what was being said. Mr. Rau stated we will be getting electronic speed signs. We will be starting radar checks in Providence Crossing and Huntington Mills.
7. **Report of the Town Foreman** – Mr. Hurlock had no report.
8. **Report of the Town Solicitor** – Mr. Junge had no report.
9. **Report from Inspections/Enforcement** – Mr. Hurlock had no report. He stated Tom submitted a report.

10. Reports from Members of Council

- a. **Report from Electric Committee** – Ms. DeBenedictis had no report.
- b. **Report from Street Committee** – Mr. Smith had no report. Mr. Hurlock stated signs were posted on Clayton Avenue. We have received complaints.
- 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 had no report.
- f. **Report from Public Safety Committee** – Mr. Dias had no report.
- g. **Report from Budget Committee** – Mr. Smith stated a meeting will be scheduled in October. An email will go out.
- h. **Report from Economic Development Committee** – Mr. Carrow stated that movie night has been rescheduled. It was previously rained out a couple of times. They will be on 9/25/20, 10/3/20, and 10/17/20. Mr. Carrow stated we received funding from the State for the flag pole. He would like to put a sidewalk around the flag pole. Mr. Carrow stated he would like to get this done before the end of the year.
- i. **Report from Downtown Development Rebate** – Ms. DeBenedictis stated she received an email from the University of Delaware. There will be a DDD workshop on 9/16/20 from 12:00 – 1:00 via zoom. It will explain what the DD is all about. It is for Council members only.
- j. **Report from DEMEC** – Ms. DeBenedictis stated the annual dinner meeting was held last Thursday via zoom. The speaker was from Hometown Connections. DEMEC is currently working with Hometown Connections on their strategic plan. They do this every five (5) years. It is something the town should look into. She stated during the last strategic planning meeting the power went out in their building.
- 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 – There were no comments from the public.

12. Unfinished Business – No unfinished business.

13. New Business –

- a. Discuss and Vote on MS-4 waiver.** Mr. Dias stated the Town qualifies for an MS-4 waiver. Mr. Dias asked for a motion.

Mr. Carrow made a motion to submit the MS-4 waiver on behalf of the Town for a period of five (5) years. Mr. Smith seconded the motion. Motion carried unanimously.

- b. Discuss and Vote on DEMEC Donation. What agency does it go to and what are the stipulations?** Ms. DeBenedictis stated we received a check from DEMEC for approximately \$4,000. Her recommendation is to give it to the Smyrna Clayton Ministerium. This is for COVID-19. She stated she handed out the New Castle County policy at the last meeting. It is a good policy. We could use that. Mr. Carrow asked if we administer. Ms. DeBenedictis stated we submit the guidelines. She stated DEMEC donated \$250,000 to its DEMEC members. The amount given to each municipality was determined by their size.

Mr. Brockenbrough made a motion to transfer the money to the Smyrna Clayton Ministerium following our guidelines. Mr. Smith seconded the motion. Mr. Carrow stated we will use the same policy as New Castle County. Motion carried unanimously.

- c. Discuss and Vote on Clayton Veterans Park Flag Pole Option.** Mr. Carrow stated we received an \$8,000 grant from Representative Carson. We are asking the town for \$4,000 to put in a nice walkway to the flag pole with flowers. Mr. Smith stated this was not approved in the budget. Mr. Carrow apologized. He thought it was. Mr. Smith stated that is why we are voting on it now.

Mr. Smith made a motion to accept EHI Contracting's proposal for Option #2 in the amount of \$4,000. Mr. Brockenbrough started to second the motion. Ms. DeBenedictis stated she seconded the motion. Motion carried unanimously.

- d. Discuss and Vote on Grant Request from Lillian Smith Senior Center for an Alarm/Camera System.** Mr. Dias stated we received a grant request from the senior center asking for \$2,500 for an alarm system.

Mr. Carrow made a motion to grant the senior center's request for \$2,500 for an alarm/security system. He stated it is important to give back to the senior citizens and community. Mr. Smith stated there is still \$4,800 in the donation account. Mr. Smith seconded the request. Motion carried unanimously. Ms. DeBenedictis stated it is well needed.

e. Roll-Call Vote for Council Seat – Jonathan Burnett. Mr. Dias stated we are voting on whether to continue with the contract with Data Storage Solutions which is affiliated with Jonathan Burnett. This fall under Section 13.5 – Prohibitions – of the Town’s charter. Mr. Carrow stated we should continue with the contract with Data Storage Solutions. We should go out at budget time and get quotes after the contract ends. This is not the time to cancel the contract. Mr. Brockenbrough stated he seconds. Mr. Smith stated he has a question. Aren’t we voting on the seat? He was confused as to what was on the agenda. Mr. Dias stated this vote has to do with the contract. Mr. Brockenbrough stated he could see Mr. Smith’s point. Mr. Smith stated this has to do with the contract. Mr. Dias stated yes, section 13.5 of the charter. Mr. Junge stated you are voting on the contract. It has to be unanimous or the contract is null and void. Mr. Burnett has been duly elected. Mr. Brockenbrough stated he also understands the attorney’s point and agrees.

Mr. Dias asked for a roll-call vote. Smith – yea; Carrow – yea; DeBenedictis yea under protest; Brockenbrough – yea, Dias – yea. Mr. Dias stated it is unanimous.

Adjournment

Mr. Carrow made a motion to adjourn the meeting. Ms. DeBenedictis seconded the motion. Motion carried unanimously. Meeting was adjourned at 7:21 p.m.

Recording Secretary,

Sue Muncey