

**Council Meeting**  
**October 12, 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, and DeBenedictis present with Vice Mayor Dias presiding. Recording Secretary Sue Muncey, Town Foreman Jeff Hurlock, Chief Carl Hutson, Town Solicitor Scott Chambers, and Jonathan Burnett 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. Hutson led the Pledge of Allegiance.
3. **Approval of Minutes** –

*Ms. DeBenedictis made a motion to accept the Council Meeting minutes of 09/14/20 in its written form. Mr. Carrow 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 September 2020 in their written form. Mr. Carrow seconded the motion. Motion carried unanimously.*

5. **Communications** – Ms. DeBenedictis read the letter from Lillian Smith Senior Center.
6. **Report of the Chief of Police** – Mr. Hutson stated there were 257 calls for service, 17 criminal arrests, and 243 traffic arrests. Patrol was increased. The speed signs from the SALLE grant were installed on E. Radison Run and Preston Lane. For Providence Crossing poles have to be installed before the signs are installed. The signs run on solar. Mr. Huston stated the SALLE and EDIE grants for 2020 have been closed. He just submitted the grant for 2021. Mr. Hutson stated the Charger that had 170,000 miles went to auction at the Auto Exchange in Felton. The car brought \$4,100.
7. **Report of the Town Foreman** – Mr. Hurlock stated the tree contractor has been advised to move forward with the tree and stump removal on the West Street walking alley. The same contractor will remove a large tree that has damaged the road behind the town garage on Bassett Street. Mr. Hurlock stated the Water/Sewer Committee needs to develop a long-range plan. The arsenic removal media, the product that takes arsenic out of the water, is starting to fail. It is only going to last about four (4) years compared to eight (8) years. It was changed in 2017. It will cost about \$100,000. We had Well #1 looked at and tested. This is the well that was put in reserve. It will take about \$10,000 of work to operate. Mr. Hurlock stated the trash and yard waste ordinance needs to be updated. Staff has been reviewing. A draft ordinance will be presented to council. Mr. Hurlock stated he has looked into a yard waste truck and cans. This was requested

by the Mayor. A couple of other towns are using trash trucks. Mr. Hurlock's concern is that the cans are heavy and we could end up having a major worker's comp issue. Mr. Carrow stated Smyrna got a trash truck. Mr. Hurlock stated the cans are about \$80,000. Mr. Dias asked if it is a special type of truck. Mr. Hurlock stated it has the hydraulic in the back. The place where Smyrna got theirs, they sell cans. Chestertown has been doing it for some time. Mr. Hurlock stated he will speak with them. Leaf collection will start on November 1<sup>st</sup>. We are seeing an uptick in solar panel applications. Mr. Hurlock stated he spoke with the new owners of the bio-diesel plant. Everything is on hold due to COVID-19. The Planning & Zoning Committee will be meeting on October 28<sup>th</sup> at Town Hall to consider a site plan application for a 54 unit multi-dwelling complex. A set of the plans and community impact study is available for review at Town Hall in the conference room. Mr. Hurlock stated new housing remains steady. The Equinox is going to go to the auction in Felton the same place the police car went to.

- 8. Report of the Town Solicitor** – Mr. Chambers stated the easement has been recorded.
- 9. Report from Inspections/Enforcement** – Mr. Hurlock had no 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.
  - c. Report from Water & Sewer Committee** – Mr. Dias had no report.
  - d. Report from Equipment Committee** – Mr. Smith stated the Equinox will be sold at auction.
  - e. Report from Personnel Committee** – Mr. Carrow had no report.
  - f. Report from Public Safety Committee** – Mr. Dias stated our K-9 Zidane had to be put down. A plaque is being made. Mr. Hutson stated he was 13 years old.
  - g. Report from Budget Committee** – Mr. Smith stated a meeting is scheduled for Thursday, October 15. All council members received a listing of outstanding bills per month from COVID-19. As of today, 152 accounts are outstanding. September is skewing the final number. Renters are walking away. To date \$582,008 in property taxes have been collected.
  - h. Report from Economic Development Committee** – Mr. Carrow wanted to thank Public Works for their assistance with movie night. Mr. Carrow also wanted to thank Mr. Smith, Mr. Scott, and Mr. Hutson with their assistance. We have three (3) movies scheduled that were pushed back due to COVID-19 and the weather. The last movie will be playing on Saturday, October 17<sup>th</sup>. Mr. Carrow stated the Historical Society is debating whether to hold their Christmas in Clayton Event. The Smyrna Clayton July 4<sup>th</sup> Association appears to be going forward with this year's Christmas Parade.

- i. Report from Downtown Development Rebate** – Ms. DeBenedictis stated Mr. Edgell said COVID-19 has been hard on building. The State plans to do one (1) website with everyone’s information. They feel this will be easier.
- j. Report from DEMEC** – Ms. DeBenedictis stated DEMEC is working from home. They are still working on the strategic plan. When it is finished, a copy will be given out. All meetings have been held via ZOOM.
- k. Report from Board of Adjustments** – Mr. Hurlock had no report.
- l. Report from Planning & Zoning Committee** – Mr. Hurlock stated a meeting is being held on October 28<sup>th</sup> to consider a site plan application for Railroad Square. He encourages Council to attend if they have any comments or concerns.
- m. Appeals Board** – Mr. Hurlock had no report.
- n. Law and Legislature Committee** – Mr. Dias stated a meeting will be scheduled.

**11. Public Forum** – There were no comments from the public.

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

**13. New Business** –

**Swearing in of Town Council Members** – Mr. Chambers swore in Jonathan Burnett and Mary DeBenedictis.

**a. Election of Officers**

*Ms. DeBenedictis made a motion to nominate Alex Dias for Mayor. Mr. Smith seconded the motion. Motion carried unanimously.*

*Mr. Carrow made a motion to nominate Nick Smith for Vice Mayor. Mr. Dias seconded the motion. Motion carried unanimously.*

*Mr. Smith made a motion to nominate Mary DeBenedictis for Secretary. Mr. Dias seconded the motion. Motion carried unanimously.*

*Mr. Smith made a motion to nominate William Carrow for Treasurer. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

*Mr. Carrow made a motion to nominate Jonathan Burnett for Assistant Treasurer. Mr. Dias seconded the motion. Motion carried unanimously.*

**b. Appoint Committees** – Mr. Dias stated he is putting Jonathan in the same spots that Bill was in. Mr. Dias is removing himself from the Electric Committee and putting Jonathan in his place. Mr. Dias is also removing Mrs. Muncey from DEMEC and putting Jonathan as the Alternate Director. Mrs. Muncey requested to be removed from DEMEC since she is very busy in the office. Mr. Smith stated council members come and go. Shouldn't we have an employee on the board? Mr. Hurlock stated no. Ms. DeBenedictis stated when we hire a Town Manager they will be on the board. Below is a summary of the committees:

**Budget Committee:** Carrow, Smith, Dias, DeBenedictis, Burnett

**Electric Committee:** DeBenedictis, Burnett, Carrow

**Street Committee:** Smith, Carrow, Dias

**Water/Sewer Committee:** Burnett, DeBenedictis, Carrow

**Personnel Committee:** Carrow, Burnett, Smith

**Equipment Committee:** Smith, Dias, DeBenedictis

**Public Safety Committee:** Dias, Smith, DeBenedictis, Alexander Carrow, Russell Stinson

**DEMEC:** DeBenedictis, Burnett (Alternate)

**Law & Legislature Committee:** Dias, Smith, Burnett, Carrow, DeBenedictis

**Economic Development Committee:** Carrow, Burnett, Ed Ide, Cory Thomas, Eric Young

#### 14. New Business

##### a. Discuss and Vote on COVID-19 Collection Process

Mr. Smith stated this will be a two (2) step process. One letter to go out before the State of Emergency is lifted, and one letter to go out after the State of Emergency is lifted.

Mr. Smith stated the agreement and check were sent to Smyrna/Clayton Ministerium for the DEMEC grant. Mr. Smith stated he spoke with the pastor. Letters were sent out to residents. It stated through a grant from DEMEC to reach out to the Ministerium. This is to assist Town of Clayton residents. The cap is \$400 to each resident. Mr. Smith stated the pastor is doing the same for Smyrna. Every Smyrna resident that has come to them they have found a way to pay their bill in full.

Mr. Smith stated the first letter to be sent to residents is a "heads up" letter. When the State of Emergency is lifted, this is what the Town's intentions are. The second letter will be sent out after the State of Emergency is lifted. Mr. Smith read the letter. The State of Emergency has been seven (7) months so far. As of July 1, the modification sent out by the Governor's office stated municipalities had to give a four (4) month payment plan. Mr. Smith stated it is a tough call to make. For collection we need to set a set number of months across the board. Mr. Carrow stated this will be a nightmare for the office. Mr. Smith stated that is why we should have a set number. Mr. Burnett asked if we could have a set dollar amount for a set number of months. Mr. Smith stated that leaves room for error. Mr. Carrow stated if we give them a year to pay back – what happens if they move? Mr. Chambers stated there is no lien on electric. Mr. Hurlock stated we normally send unpaid accounts to collections. Mr. Chambers stated collection agencies don't file a lawsuit on unpaid balances. You could file in JP Court – it doesn't cost a lot to file. To file a suit for breach of contract is three (3) years. Mr. Smith stated he has a call into the Governor's office for clarification. The modification states the

minimum is four (4) months. We don't want to wait until last minute. We are providing them with resources. Mr. Smith stated the first letter will be sent out this month. The second letter will be approved next month and sent out. Mr. Hurlock stated he was glad that Mr. Smith called the Governor's office. Mr. Smith stated he is comfortable sending out the first letter. We will approve the second letter with the numbers put in next month.

***Mr. Carrow made a motion to accept the first letter as presented and we will revisit the second letter next month. Mr. Burnett seconded the motion. Motion carried unanimously.***

Mr. Smith stated he wanted to thank Mr. Carrow for setting up the movie nights. The community loves it. Mr. Carrow stated thank you.

### **Adjournment**

***Mr. Carrow made a motion to adjourn the meeting. Mr. Smith seconded the motion. Motion carried unanimously. Meeting was adjourned at 7:42 p.m.***

Recording Secretary,

Sue Muncey