

Council Meeting
October 11, 2021
7:00 p.m.

The council meeting of Mayor and Council was held on the above date and time with Council members Carrow, DeBenedictis, Valentine, and Burnett present with Mayor Smith presiding. Recording Secretary Sue Muncey, Town Foreman Jeff Hurlock, Chief Carl Hutson, Town Solicitor Scott Chambers, John Pridemore, and Jeff Lightcap were also in attendance.

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

Mr. Carrow made a motion to accept the Council Meeting minutes of 09/13/21, the Budget Committee Meeting minutes of 09/16/21, and the Law & Legislature Committee Meeting minutes of 09/21/21 as presented in their written form. Mr. Burnett seconded the motion. Motion carried unanimously.

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

Mr. Valentine made a motion to accept the August and September 2021 Income and Expense Reports as presented in their written form. Mr. Burnett seconded the motion. Motion carried unanimously.

5. **Communications** – No Communications

6. **Report of the Chief of Police** – Mr. Hutson stated there were 402 calls for service, 130 traffic arrests, and 37 parking tickets. The Violent Crime Grant was approved. The 9/11 ceremony was held at the Smyrna Fire Company. We have provided security for the First State Military Academy football game on 9/17/21. We attended and participated in the Blue Earl 5K race and provided security for the yard sale on 9/18/21. We attended the National Night Out in Smyrna on 9/21/21. The department provided coverage for the Firefly Music Festival the weekend of 9/23/21. We participated in the Clayton Railroad Days on 9/25/21. Mr. Hutson stated the cameras were a big help in a domestic-related shooting. The suspect was arrested. Mr. Hutson wanted to give kudos to Lt. Scott for finding the firearm. He went back out in a brush area and found the loaded weapon.

7. **Report of the Town Foreman** – Mr. Hurlock stated everyone received the monthly activity report via email. He asked if anyone had any questions.

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

- 9. Report from Inspections/Enforcement** – Mr. Hurlock had no report. He stated they are having an ongoing issue with the grass and maintenance in Old Country Farm from Lenape.

10. Reports from Members of Council

- a. Report from Electric Committee** – Ms. DeBenedictis had no report. She stated everything was in the Public Works monthly report.
- b. Report from Street Committee** – Mr. Valentine stated a meeting is scheduled for 10/14/21 at 6:30 p.m.
- c. Report from Water & Sewer Committee** – Mr. Burnett stated the Public Hearing is on 10/19/21 at 6:30 p.m. at the Clayton Fire House. The meeting will be streamed live and will be on Facebook.
- d. Report from Equipment Committee** – Mr. Valentine had no report.
- e. Report from Personnel Committee** – Mr. Carrow stated we will be going forward with the next phase of interviews for the Town Manager. He apologized for the delay.
- f. Report from Public Safety Committee** – Mr. Smith had no report.
- g. Report from Budget Committee** – Mr. Valentine stated a meeting is scheduled for 10/27/21 at 6:30 p.m. to review the 2022 budget.
- h. Report from Economic Development Committee** – Mr. Carrow stated he wanted to thank Public Safety and Public Works for their assistance with Railroad Days. They had a large turnout. He also wanted to thank them for their assistance on Movie Night. The date was moved due to the weather. They had a turnout of about 100 people.
- i. Report from Downtown Development Rebate** – Ms. DeBenedictis stated the house next to Fingertip Fantasies is up for sale. They are interested in grants. They would like to open a small store.
- j. Report from DEMEC** – Ms. DeBenedictis stated a DEMEC meeting is scheduled for Thursday 10/14/21. There are a lot of grants. She gave the paperwork to Mr. Hurlock.
- k. Report from Board of Adjustments** – Mr. Hurlock had no report.
- l. Report from Planning & Zoning Committee** – Mr. Hurlock stated Old Country Farms has gone stagnant. The builder has had problems getting materials.
- m. Appeals Board** – Mr. Hurlock had no report.
- n. Law and Legislature Committee** – Mr. Smith a meeting is not scheduled for October.

11. Public Forum –

John Pridemore – Wanted to thank the Town for their participation in the Clayton Fire Company’s Open House.

12. Unfinished Business – No unfinished business.

13. New Business

a. Discuss and Vote on Electric Improvement to Old Country Farm – Overhead to Underground Conversion. (JH)

Mr. Hurlock stated the overhead lines are in the resident’s backyards. He stated now is the time to do it. The cost from AUI is \$105,000. Mr. Hurlock stated the question was do we take from Electric Capital Reserve or the General Fund. Mr. Smith asked is it an expansion upgrade. Mr. Hurlock stated yes – it is development drive. Mr. Smith stated we can take it from Impact Fees. Mr. Carrow asked if this will be taken care of for the future. Mr. Hurlock stated yes.

Ms. DeBenedictis made a motion to upgrade the overhead to an underground electric conversion in Old Country Farm for \$105,000 from AUI. Mr. Burnett seconded the motion. Motion carried unanimously.

b. Discuss and Vote on Realty Transfer Tax Agreement with New Castle County. (NS)

Mr. Smith stated this would pertain to property located in New Castle County. If it were developed, we could collect realty transfer tax. This is more of a formality.

Mr. Carrow made a motion to accept the Realty Transfer Tax Agreement with New Castle County as presented and instructs the Mayor to sign. Mr. Valentine seconded the motion. Motion carried unanimously.

c. Discuss and Vote on Halloween Trick or Treat Date and Time. (WC)

Mr. Carrow stated Halloween falls on a Sunday. He stated personally he does not agree with having trick or treating on a Sunday, but Smyrna has already set their date for the 31st. He wished there was more communication from Smyrna.

Mr. Carrow made a motion to set Trick or Treating for Sunday, October 31st for the Town. Mr. Valentine seconded the motion. Motion carried unanimously.

d. Discuss and Vote on using ARPA Funds for Legal Representation. (NS)

Mr. Smith stated this comes from the state. It would be for legal guidance. We have the option to opt out. It would be 4% of the ARPA money. It will be taken out of the second payment to be received in 2022. The cost would be \$76,000. Mr. Smith stated a platform is being set up so we could see what other towns are doing. Mr. Smith feels it would be in our best interest. Mr. Carrow asked if the government has to administer. Mr. Smith stated they only distributed the money. There could be an audit after the fact. The state did bid this out for competitiveness. Mr. Hurlock stated the documentation

says to refer to your town solicitor or engineer. Mr. Carrow stated it is good business practice. Mr. Smith stated ARPA is here for multiple years. Mr. Burnett asked is this just to call for clarification or representation for decisions made. Mr. Smith stated representation is included if we follow their advice. Mr. Smith asked Mr. Chambers what he is being asked by his other clients. Mr. Chambers stated New Castle County administers Middletown's money. It is constantly changing. Mr. Smith stated we have to give them an answer this month.

Mr. Carrow made a motion to use the ARPA funds for legal representation. Mr. Burnett seconded the motion. Motion carried unanimously.

Mr. Smith stated he wanted to thank Mr. Carrow for organizing the Movie Night and Railroad Days. This gets the council out into the public.

Mr. Smith asked for a motion to adjourn.

Mr. Burnett made a motion to adjourn the meeting. Mr. Valentine seconded the motion. Motion carried unanimously. Meeting adjourned at 7:27 p.m.

Recording Secretary,

Sue Muncey