

**Law & Legislature Committee Meeting**  
**September 21, 2021**  
**6:30 p.m.**

Present: Nick Smith, Mary Ellen DeBenedictis, William Carrow, Jonathan Burnett, and Recording Secretary Sue Muncey were in attendance. Mr. Valentine was excused from the meeting.

Mr. Smith stated the purpose of the meeting was to discuss Section 3 of the Town Charter.

Ms. DeBenedictis read Section 3.1 in its entirety. Mr. Smith stated there will be no changes at this time.

Ms. DeBenedictis read Section 3.2 in its entirety. Mr. Smith asked what “bona fide” meant. Mr. Burnett explained the term bona fide domiciliary. A domicile is a long-term intent to stay somewhere. He stated he could read the Wikipedia version if they wished. Domicile is a state of mind. Mr. Carrow asked do we have to live here for a year. Mr. Smith stated yes – it is further down. Mr. Smith stated he had no issues with the wording. “Of the town” needs to be changed to state “within the town corporate limits”. Mr. Carrow stated people should be here a certain time. Mr. Smith questions a renter making long-term decisions. Mr. Burnett read the definition of domiciliary from Webster’s. He stated the legal definition is a person’s true principle and present home. You have plans to return there if you are away. Mr. Smith stated he will have Scott review. Mr. Smith stated to strike “of” and put “within” and change “town” to “corporate limits”. Mr. Burnett asked about expanding our area. Mr. Smith stated his first reaction is no. Mr. Carrow agreed.

Ms. DeBenedictis read Section 3.3 in its entirety. Mr. Smith stated this section is good.

Ms. DeBenedictis read Section 3.4 in its entirety. Mr. Carrow stated he is fine with it.

Ms. DeBenedictis read Section 3.5 in its entirety. Mr. Carrow stated under 3.5a (8) it is repetitive. Mr. Smith stated it covers anything not stated. Mr. Burnett questioned multiple family members on council. Ms. DeBenedictis said to ask Scott about nepotism. Mr. Smith stated add a “section c” paragraph stating to reorganize in case of a vacancy. Need to correct the misspelling on the third line (the word office).

Ms. DeBenedictis read Section 3.6 in its entirety. Mr. Smith stated it sounds okay.

Ms. DeBenedictis read Section 3.7 in its entirety. Mr. Carrow stated we can change compensation but it won’t take effect until the next election. Mr. Smith asked about travel. He stated it should state “or incurred when on official business”. Take out “in traveling”. Mr. Smith stated we need to clarify a meeting. Mr. Burnett stated it shouldn’t be under compensation. Mr. Smith stated we can address in the ordinance. At the end we can put “as defined in the Town Ordinance.

Ms. DeBenedictis read Section 3.8 in its entirety. Ms. DeBenedictis stated in an Executive Meeting you can only discuss personnel matters. She gave a DEMEC example. Mr. Smith stated he is not comfortable with that. Mr. Carrow stated we can ask Scott. Any other scenario he foresees would be applicable for an Executive Session. Mr. Carrow asked when someone resigns, who would handle the roll? You are not allowed to reorganize. Mr. Smith stated that could be put under Section 3.5. Mr. Burnett stated it could also be put under Section 3.8. Mr. Smith stated to put it under Section 3.8 and let Scott do the wording.

Ms. DeBenedictis read Section 3.9 in its entirety. Mr. Burnett stated we should ask Scott if someone leaves.

Ms. DeBenedictis read Section 3.10 in its entirety. Mr. Smith stated it reads fine. Mr. Carrow agreed.

Ms. DeBenedictis read Section 3.11 in its entirety. Under (a) the word “acting” should be capitalized.

Ms. DeBenedictis read Section 3.12 in its entirety. “In a book to be provided for the purpose” needs to be removed. “In the custody of the Secretary” needs to be removed. Mr. Smith stated at the end the following should be added: “The Secretary can delegate certain duties to a town employee and attain responsibility for their performance”. Mr. Carrow stated the Secretary should sign the resolutions. Mr. Smith said for day-to-day we are fine. If we use the seal, the Mayor and Secretary should sign.

Ms. DeBenedictis read Section 3.13 in its entirety. Under (b) remove “in writing, of all receipts and disbursements,” and put “or digital format”. Mr. Burnett stated we should delegate the duties to a town employee who is bonded. Mr. Smith asked what the bond amount was. Mrs. Muncey stated \$30,000. She asked if this would include writing checks. Some are large. Should you have a larger bond amount? Mr. Smith stated to follow up with the insurance company. Ms. DeBenedictis asked about the second swearing in at the Council Meeting for the Treasurer.

Ms. DeBenedictis read Section 3.14 in its entirety. Mr. Smith stated to leave as is right now.

Ms. DeBenedictis read Section 3.15 in its entirety. Mr. Smith stated it is fine.

Ms. DeBenedictis read Section 3.15 (Election) in its entirety. Mr. Smith stated Sue had a good catch. This should be Section 3.16. Mr. Burnett asked about the wording. It should have wording for a State of Emergency or catastrophic event if it is localized for a rescheduling of the election. Mr. Carrow stated send it to Scott to word. An example would be COVID.

Mr. Smith stated Section 4 is pretty lengthy. It might take a couple of meetings to review this section.

Mr. Smith stated the next thing on the agenda is to discuss a short-term rental ordinance. He turned this over to Mr. Burnett. Mr. Burnett stated he has short-term rentals. He stated he has researched this and there are a lot of them. He stated he can submit an ordinance pertaining to short-term rentals. Mr. Burnett stated he has spoken with Jeff and Tom. Mr. Burnett stated these need to be inspected. The initial inspection can be done when it opens. You would then do a rental inspection yearly. All short-term rentals should be registered and have a business license. An airbnb is a short-term rental. A VRBO is a vacation rental by owner. Mr. Carrow stated we need to know where they are. Mr. Smith told Mr. Burnett to write up an ordinance. Mr. Burnett stated we can charge them for a rental inspection when they get a business license and have an annual rental after that. Mr. Smith agreed with the annual inspection. Mr. Burnett stated an airbnb is a room in a house, an apartment, a grand-parent suite, or the entire house. The initial rental could be \$50 and then \$25 annually. Mr. Smith asked what we require for a business license. Mrs. Muncey stated a State of Delaware business license. Mr. Burnett stated the host should be a permanent resident of Clayton. We need to define a local resident. Mr. Smith stated if we get a multitude of complaints, we reserve the right to suspend their license. Mr. Carrow stated we need to review the nuisance ordinance. Mr. Smith stated if we have complaints, we need to have ordinances to enforce. Mr. Carrow stated we need to know where they are and who has them. We need contacts. Mr.

Burnett stated we need to keep a current phone number with the town for issues. Have a minimal and maximum rental. Mr. Smith said draw up some type of ordinance for review.

Mr. Smith asked for a motion to adjourn.

***Ms. DeBenedictis made a motion to adjourn the meeting. Mr. Burnett seconded the motion. Motion approved unanimously.***

Mr. Smith adjourned the meeting at 8:14 p.m.

Recording Secretary,

Sue Muncey