

**Council Meeting**  
**February 14, 2022**  
**7:00 p.m.**

The Council Meeting of Mayor and Council was held on the above date and time with Council members Valentine, Burnett, Carrow, and DeBenedictis present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Town Foreman Jeff Hurlock, Chief Carl Hutson, Town Manager John Pridemore, Town Solicitor Gary Junge, Alex Dias, Ryan Paisley, Jeff Lightcap, Nicki Taylor, John Thaeder, and Ken Branner 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. Burnett led the Pledge of Allegiance.
3. **Approval of Minutes** –

*Mr. Carrow made a motion to accept the Council Meeting minutes of 01/10/22 and the Water/Sewer Committee Meeting minutes of 01/20/22 as presented in their written form. Mr. Valentine seconded the motion. Motion carried unanimously.*

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

*Mr. Valentine made a motion to accept the Income & Expense Report for December 2021 and postpone the approval of the Income & Expense Report for January 2022. Mr. Burnett seconded the motion. Motion carried unanimously.*

5. **Communications** – N/A

6. **Report of the Chief of Police** – Mr. Hutson stated there were 309 calls for service. He stated on 1/6/22 the entire staff attended the funeral of Past Chief Tommy Bowers. On 1/7/22 the Police Department escorted the funeral procession from Harrington to Sudlersville. They went past Citizens Hose Company in Smyrna who had two ladder trucks out and went through Clayton. Mr. Hutson stated the family appreciated the Administrative and Public Works staff who were on hand as the procession went through Clayton.

Mr. Smith introduced the new Town Manager, John Pridemore. He will be moving us into a new direction.

7. **Report of the Town Foreman** – Mr. Hurlock stated everyone received the monthly activity report via email.
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 the power outage was listed in the Public Works report. The power was out in old town for a couple of hours. Mr. Smith stated the crew handled the outage very well under the conditions they had.
- b. Report from Street Committee** – Mr. Valentine had no report. Mr. Hurlock stated it was approved by the Mayor to have a couple areas blacktopped. A State Senator had missed a couple of areas – by the townhouses by the water plant and a large patch behind the town garage on the alley. Mr. Hurlock stated if you see any potholes, please notify Public Works. The staff knows this takes priority.
- c. Report from Water & Sewer Committee** – Mr. Burnett stated they have a list of locations to give to the contractor for potential bids. Mr. Hurlock stated they met with the Consultant Engineer. He stated on Duck Creek Road there is a wrinkle in the liner. They are going to flood and surcharge the line with water. Mr. Hurlock stated we have been watching it.
- d. Report from Equipment Committee** – Mr. Valentine had no report.
- e. Report from Personnel Committee** – Mr. Carrow had no report.
- f. Report from Public Safety Committee** – Mr. Smith had no report.
- g. Report from Budget Committee** – Mr. Valentine stated a meeting is scheduled for 2/22/22 at 6:30 p.m.
- h. Report from Economic Development Committee** – Mr. Carrow had no report.
- i. Report from Downtown Development Rebate** – Ms. DeBenedictis had no report. She stated another meeting is coming up. She is not sure of the date.
- j. Report from DEMEC** – Ms. DeBenedictis stated there is a meeting on 2/15/22. DEMEC has reached a settlement with DP&L. This was a transmission rate case. Money is coming back. Mr. Hurlock stated a business downtown is having high electric bills. A member of the Public Works staff is working with DEMEC to do a study – an energy audit. Mr. Pridemore stated he completed a feasibility study called “Project Sunrise” to look at our infrastructure (water, sewer and energy sources) to reduce our costs. He stated he spoke with a representative from Blue Sky Energy through the Department of Health & Social Services. This will also look at our generators. Ms. DeBenedictis stated there are infrastructure grants. She has emails from American Public Power - AMP. She will send them to Mr. Pridemore.
- k. Report from Board of Adjustments** – Mr. Hurlock had no report.

**l. Report from Planning & Zoning Committee** – Mr. Hurlock stated Railroad Square is getting ready to start. They basically had their pre-construction meeting today. In Ovations the houses are moving. Old Country Farms is moving forward. The sewer is in. The storm water is being put in and then the water will be next. Mr. Smith asked if the contractor was aware they cannot bring the construction equipment down Rodney Street from Route 300. He stated he is not sure what the bridge can handle. Mr. Smith stated they need to get a plan together to get the construction equipment in. Ms. DeBenedictis asked about 403 Main Street. Mr. Hurlock stated the house has been sold. It is going back to a single-family dwelling.

**m. Appeals Board** – Mr. Hurlock had no report.

**n. Law and Legislature Committee** – Mr. Smith had no report.

### **11. Public Forum –**

Alex Dias asked to have a Street Committee meeting. There should be no left turns going from Route 300 onto Bassett Street going east. About three weeks ago a vehicle nearly had an accident and the train almost hit them. They were trapped between the gate and the track. People are going around. They are not stopping behind the white line. Mr. Smith stated he will give to Mr. Pridemore to look into with DeIDOT. Mr. Hurlock stated if the street is made one way how will the traffic get into town. It is a busy street. Mr. Hutson stated DeIDOT did a study two years ago and said nothing could be done. Mr. Smith asked Mr. Valentine to set up a Street Committee meeting in February or March.

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

### **13. New Business**

**a. Discuss and Vote on PPAC Adjustment Rate.** Ms. DeBenedictis read this in its entirety.

*Ms. DeBenedictis made a motion to relevelize the PCA for fiscal year 2022. She stated I move that the current PCA rate be increased to a charge of \$0.0104 per kilowatt-hour to be billed beginning with the billing cycle at the end of February 2022. The impact from this action represents on average an approximate 3.2% increase to electric customers. Mr. Carrow seconded the motion. Motion carried unanimously.* Mr. Carrow asked if this was just passing on the increased cost we are incurring. Mr. Smith stated yes.

**b. Discuss and Vote – Check Signers**

Mr. Smith stated this is just an FYI. He stated he will be adding Mr. Pridemore as a signer.

**c. Discuss and Vote on Final Agreement of Sale with Artesian Water Company.**

Mr. Smith opened the floor if anyone had any questions. Mr. Pridemore stated he had a meeting with their insurance company. They discussed having a Hold Harmless Agreement and add the Town of Clayton as an additional insured provision on the Certificate of Insurance. They discussed on the Certificate of Insurance having the Town of Clayton listed as additional insured and the addition of cyber security provisions at the meeting if the system was hacked from a water standpoint from residential billing information. Mr. Smith stated we can discuss when we do the due diligence. Mr. Smith stated he believes the Hold Harmless Agreement is already discussed in the contract. Mr. Branner stated up to settlement the Town of Clayton would be responsible. Artesian would be responsible afterwards. This is on page 17. Mr. Pridemore stated we want to reflect additional insured for cyber security. Mr. Burnett stated if the system were attacked, both Artesian and the Town of Clayton would be named. By listing us as additional insured, the town will be represented by your insurance company. Ms. Taylor stated you wouldn't be liable. Mr. Burnett stated if the water system was contaminated by a terrorist act, all would be named. Mr. Thaeder stated the insurance companies can talk together to make sure. Mr. Smith stated we can do under the due diligence part of the agreement. Mr. Smith stated through the negotiation process how do we handle the properties? The Underwoods Corner Road property was purchased as well as the Wilson Street property. There will be a subdivision process. Inside the blue line will be Artesian. Outside the blue line will be given back to the town to be used as open space. At Well #1 there is a three section parcel – this was not purchased. Mr. Smith stated the western portion on Duck Creek Road will be subdivided and given to Artesian. The town will keep the old town garage and police building. Mr. Pridemore stated we would provide an easement. Mr. Smith stated Artesian will handle the easement and subdivision. Mr. Pridemore stated the well will be decommissioned and concreted by Artesian. Mr. Smith stated small adjustments have been made, but Artesian has been very receptive to what we have asked. Mr. Burnett stated the two (2) parcels and the two (2) water towers are clearly defined. He asked about the round circle from the center. Mr. Branner stated it is a well head protection source.

***Mr. Burnett made a motion to approve the final Agreement of Sale with Artesian Water Company. Mr. Smith will proceed with the due diligence portion of the contract with Artesian. Mr. Carrow seconded the motion. Motion carried unanimously.***

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 7:23 p.m.***

Recording Secretary,

Sue Muncey