

Council Meeting
September 12, 2022
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 Paisley present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Chief Carl Hutson, Town Manager Robert Cote, Public Works Director David Ross, Gary Junge, Alex Dias, Jonathan Burnett, Christopher S. Simms, and Marvin Pedigo 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. Carrow led the Pledge of Allegiance.
3. **Approval of Minutes** –

Ms. DeBenedictis made a motion to accept the Council Meeting minutes of 08/08/22 and the Special Council Meeting minutes of 08/30/22 as presented in their written form. Mr. Valentine seconded the motion. Motion carried unanimously.

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

Mr. Carrow made a motion to accept the Income & Expense Report for August 2022. Mr. Paisley seconded the motion. Motion carried unanimously.

5. **Communications** – No Communications

6. **Report of the Chief of Police** – Mr. Hutson stated there were 412 calls for service, 172 traffic arrests, 100 parking tickets, and 6 criminal arrests. Lt. Scott, Sgt. Bishop, Cpl. Bishop, and PFC Fox assisted at the Peach Festival in Wyoming on 8/6/22. Chief Hutson, Lt. Scott, Sgt. Bishop, Cpl. Hibbert, Cpl. Hume, and Cpl. Andrews helped with Clayton Fire Company's Running Hot 5K on 8/13/22. Cpl. Bishop and Cpl. Hibbert attended DEMA Active Shooter Training on 8/25/22. Lt. Scott, Sgt. Bishop, and Cpl. Bishop assisted with Heritage Day in Harrington on 8/27/22. Mr. Hutson stated the Violent Crime Fund for 2022 was closed out. With 2023's Violent Crime Fund he is hoping to get cameras in Rebar Park, S. Bassett Street, and the Town Garage. Mr. Paisley stated he was traveling late at night, and he saw Sgt. Bishop working on a person's disabled car. He wanted to thank him.

7. **Report of the Town Manager** – Mr. Cote stated first he wanted to thank Jeff Hurlock for his 34 years of service. His retirement party was held in August. Administration Department – 291 late notices were mailed out, 43 disconnection notices were prepared (this was down 20-25 from last month), 6 contractor license renewal letters were mailed out, 6 Certificates of Occupancy were issued, 28 improvement permits were issued, 18 contractor licenses were issued, 2 invoices were issued, 2 new home permits were issued, and 22 utility deposits were processed. Mr. Cote stated he met with representatives of Horthy and Horthy. Previously the town completed their accounting

through one fund. The funds will be broken out into five funds: Impact Fee, Electric, Water/Sewer (because 2020 is our starting point), General Fund, and Special Revenue Fund. The electric, water/sewer, and impact fee funds have been completed. Horthy and Horthy is currently working on the General Fund and Special Revenue Fund.

Licensing & Inspection Department - the Public Works Secretary has been working on putting the business licenses and permits into the iWorQ system.

Public Works Department – the crew wired the sprinkler system in Veteran’s Park. 43 disconnects and reconnections were completed. The crew buried conduit at Grain Mill Station. There were 11 new electric services installed. The Director of Public Works and crew held a Positive Vibe Meeting. An arborist came in on 8/9/22 and gave a presentation. The picture for the Power Week billboard was completed. This year’s theme is “Power Behind the Energy”. The burglar and fire alarm systems have been updated at the Public Works Building. This was completed by B Safe and was coordinated by Melissa. Trees were trimmed on Main Street and the area in front of Clayton Elementary School were prepared for the upcoming school year. Mr. Cote stated he and Chief Hutson speak on a regular basis. Mr. Carrow stated he wanted to thank Sue and Melissa for getting the information ready for Jeff’s retirement party. Mr. Carrow wanted to discuss the issue with the electric outage on Sunday. The electric was out for five hours, and the public was not notified. He stated we need to come up with a Standard Order of Procedures going forward. He feels we dropped the ball. He was reviewing the Facebook posts. Mr. Carrow stated a Facebook and Code Red notice should have gone out after 30 minutes. Mr. Smith stated that the Town Manager had spoken with him. Mr. Smith wanted to see what happened with the Director of Public Works. Mr. Smith stated he was hesitant to put a notice out until he knew a time frame. Maybe we should have done a dual notice – at the beginning and an update. Mr. Cote stated it was uncomfortable for him. There were a lot of moving parts. He stated he tried not to bombard the Director of Public Works. Mr. Cote stated he, the Director of Public Works, and the Office Manager war gamed this morning. We will be discussing this at our Staff Meeting on 9/18. Mr. Cote stated 272 customers were out. Mr. Cote stated due to Dave’s leadership, he kept his team safe during the terrible weather. Mr. Cote stated he also wanted to thank Kelly for coming in and answering the phones. Mr. Carrow stated there were issues in the same area of Wheatley’s Pond. Mr. Cote stated it is not in the current scope of upgrades. Mr. Carrow asked if there was a water leak, does Artesian notify us? Mr. Cote stated no. If the Director of Public Works wants to be notified, he can. Mr. Smith stated we don’t want to let people think we can make the decision. The residents have to call Artesian.

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

9. Reports from Members of Council

a. Report from Electric Committee – Ms. DeBenedictis had no report.

b. Report from Street Committee – Mr. Carrow had no report. Mr. Smith stated the paving of Apricot Alley and Plum Alley were completed.

- c. **Report from Water & Sewer Committee** – Mr. Carrow had no report. Mr. Cote stated a meeting is scheduled for 9/19/22. There are two (2) items on the agenda.
- d. **Report from Equipment Committee** – Mr. Paisley stated a plan has been formalized. There will be another meeting in October before the budget is started.
- e. **Report from Personnel Committee** – Mr. Valentine had no report.
- f. **Report from Public Safety Committee** – Mr. Smith had no report.
- g. **Report from Budget Committee** – Ms. DeBenedictis had no report. Mr. Cote stated he and the Chief reviewed the 2023 budget the same as before. Horthy and Horthy is utilizing a new structure. They can revise if needed.
- h. **Report from Economic Development Committee** – Mr. Carrow stated Railroad Days is on 9/17/22 from 9:00 am to 2:00 pm. There will be a car show, vendors, activities for the kids, and food. Ms. DeBenedictis stated the members of the auxiliary would like to plant a tree or have a bench by Veteran’s Park for long time members of the auxiliary that just passed away. Mr. Smith stated the benches are lost at Rebar Park.
- i. **Report from Downtown Development Rebate** – Ms. DeBenedictis stated she is working on a spreadsheet. She wants to get a list of addresses. Mr. Smith stated residents need to apply for the rebate.
- j. **Report from DEMEC** – Ms. DeBenedictis stated the Annual Dinner is during the evening on 9/14/22.
- k. **Report from Board of Adjustments** – Mr. Smith had no report.
- l. **Report from Planning & Zoning Committee** – Mr. Smith stated a meeting is scheduled for 9/28/22.
- m. **Appeals Board** – Mr. Smith had no report.
- n. **Law and Legislature Committee** – Mr. Paisley stated the charter revisions are ongoing. They are very extensive.
- o. **American Rescue Plan Act Committee** – Mr. Smith had no report.

10. Public Forum – N/A

11. Unfinished Business – N/A

12. New Business –

a. Discuss and Vote on Town of Clayton Fee Schedule

Mr. Cote stated to disregard the 7/22 date at the top. This is when the schedule was prepared. The purpose of this document is to have a one stop shop to post on the website like our constituents Middletown, Smyrna, and Milford have. Mr. Cote stated the only concern he has is to make sure all the ordinances are current before this document is posted on the website.

Mr. Carrow made a motion to post the Fee Schedule to the website once the ordinances have been updated. Also, to give the Town Manager the authority to update as needed. Mr. Smith stated this will also trigger an ordinance update. Mr. Valentine seconded the motion. Motion carried unanimously.

b. Discuss and Vote on CIPP Phase I Project Cost Amendment

Mr. Cote stated while Insituform was performing the clean & CCTV of sewer segment ID:28 – ID:285, it was found that the pipe diameter was 10” not 8”. The original price quote was for the 8”. Our engineer recommended them to proceed with the 10” diameter. Mr. Cote stated on the last page of the document presented the price increase would be \$15,120. The contract price went from \$131,594 to \$146,714.

Ms. DeBenedictis made a motion to amend the contract. Mr. Paisley seconded the motion. Motion carried unanimously.

c. Discuss and Vote on Electric PPAC Rate Increase Due to Indian River Reliability Must Run (RMR) Filing.

Mr. Cote introduced Chris Simms from Smart Utility Management. Mr. Simms stated this is the first time DEMEC presented a wholesale rate change during the fiscal year. The reason – large cold fired plants in Indian River. On 6/1/22 they wanted to retire one (1) cold fire unit. To bring the plants up to spec, they need a significant amount of revenue. DEMEC buys from PGM. The Indian River Plant cannot close. They provide reliable power to the Eastern shore – Maryland and Delaware. Transmission updates – five (5) years from now the increase will go away. This must be subsidized – everyone must pay their fair share to keep Indian River running. Mr. Simms stated the effective date was 6/1/22. DEMEC has paid the difference for the past four (4) months. DEMEC will vote at the 9/14/22 board meeting. The increase will begin with the September usage. The increase will be passing on dollar for dollar to the customer. The PPAC is used to collect for changes. Mr. Simms stated on page 1 of the document the current PPAC is .0104. This would increase to .0186. On page 2 it will show the impact to the residential customer. If a customer used 1,000 kWh their current billing would be \$146.60. With the revised PPAC their billing would be \$154.80. This would be an increase of \$8.20 or 5.6%. With current rates Clayton is \$154.80 vs. Delmarva Power at \$160.10. Mr. Simms stated electric revenue is used to cover General Fund non-electric expenses. Delmarva Power and other utilities have increased their PPAC's by 20%. DEMEC locked in power supply sources ahead of time. This keeps our increase lower.

Mr. Simms stated Delaware Electric Coop.'s PPAC doubled. Mr. Smith thanked Mr. Simms for his insight. DEMEC has helped the residents of the town.

Mr. Paisley made a motion that the Town's current PCA rate be Relevelized after the DEMEC wholesale rate increase based on their next board meeting on 9/14/22. The Town of Clayton's PCA will be increased to \$0.0186 per kilowatt-hour beginning with the next billing cycle at the end of September 2022. The impact from this action will represent an average 5.7% increase to electric customers. Mr. Carrow seconded the motion. Motion carried unanimously.

Mr. Smith announced that tonight would be Mr. Valentine's last meeting. He wanted to thank him for his time and experience. He wished him the best of luck in the future.

d. Discuss and Vote on Where to Pay Freemire & Associates Inc. Bill From.

Mr. Smith stated this was discussed in an ARPA meeting to be paid from ARPA. This particular vendor is the one who supplies the pump that was needed. This eliminated us from using ARPA funds since there was no bid. Mr. Cote stated if the Council members look on the checking account spreadsheet there are viable options: Capital Improvement Fund, General Fund, Impact Fee Fund, and Sewer Capital Reserve Fund. The invoice was originally \$117,900. We received a 25% discount which dropped it to \$88,125. Mr. Cote stated the services were to replace a lift station pump in Wheatley's Pond. They moved it from an inground system to a ground level system. Mr. Carrow suggested using the Impact Fee Fund.

Mr. Carrow made a motion to use the Impact Fee Fund to pay the Freemire & Associates invoice of \$88,125. Mr. Paisley seconded the motion. Motion carried unanimously.

13. Adjournment

Mr. Valentine made his final motion to adjourn the meeting. Mr. Paisley seconded the motion. Motion carried unanimously. Meeting adjourned at 8:01 p.m.

Recording Secretary,

Sue Muncey