

Council Meeting
August 8, 2022
7:00 p.m.

The Council Meeting of Mayor and Council was held on the above date and time with Council members Mary Ellen DeBenedictis, Skip Carrow, and Ryan Paisley present. Mayor Smith was presiding. Lt. Harvey Scott, Town Solicitor Scott Chambers, Town Manager Robert Cote, Town Foreman David Ross, Alex Dias, Jonathan Burnett, Shirelle Spencer, Junior Lightcap, and Recording Secretary Christine Letterman. Councilman Valentine was excused from the meeting.

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 Special Council Meeting minutes of 7/11/22, The Council Meeting minutes of 7/11/22 and the Personnel Committee Meeting of 7/25/22 in written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

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

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

5. **Communications** – There were no communications.
6. **Report of the Chief of Police** – Lt. Scott stated there were 335 calls for service in July for a total of 2526 for the year. There were 193 traffic arrests for a total of 1008 for the year. Chief Hutson and Cpl. Andrews led the July 4th parade while all officers helped with traffic control for the fireworks. Lt. Scott and Cpl. Andrews helped with the Movie Under the Stars on July 29th.
7. **Report of the Town Manager** – The report was sent out last week. The highlights were the front office administration sent out 422 late notices and after 81 phone calls there were only 43 scheduled for disconnection. Only 2 were actually disconnected. There was a lot of hard work and due diligence from the administrative department. The 2024 property tax bills were sent out for approximately \$788,000 of revenue. The engagement letter to Horthy & Horthy has been executed and they will begin Phase one to update the accounting system. The Public Works Administration has been busy redoing the shed, fence and roll-off dumpster permit forms. Public Works did a lot of work to clean up the town before and after the July 4th Parade. Thank you for your hard work. Tree, Inc. has been busy cutting tree limbs to prevent electric outages. The limbs from the Maple Tree at Rebar Park were also taken care of. We have replaced the sidewalk at Lillian Smith Senior Center. The fiber line was installed to connect Public Works to

Town Hall. On July 28th Old Country Farm experienced equipment failure and the development was without electric for a short time effecting approximately 80 customers. We rescheduled our staff meeting so Public Works could go out and restore electric in a timely manner. They worked from 5:30 in the morning to create a safe working zone so everyone could go home safely. Ms. DeBenedictis asked if there is a power outage, could they let her know so she can report to DEMEC. Mr. Carrow also wanted to thank everyone in Public Works and the Police Department for help with the July 4th events and movie night.

8. **Report of the Town Solicitor** – Nothing for the public.

9. **Reports from Members of Council**

- a. **Report from Electric Committee** – There was a power outage in Old Country Farm and a pole down in town briefly during a storm.
- b. **Report from Street Committee** – No report.
- c. **Report from Sewer & Storm Water Committee** - Mr. Smith would like to take this opportunity to thank JJ for help with the sewer bills after the acquisition from Artesian Water. Thank you to Public Works, Administration and Rob as well. It was not an easy transition but we expected bumps in the road. Thanks to everyone. Ms. DeBenedictis only received one bill this month. It may be because it was the minimum.
- d. **Report from Equipment Committee** - Mr. Paisley met with Public Works last month to establish a long-term plan for the town’s equipment. They narrowed it down to one option and Mr. Paisley prepared a spreadsheet and will send it to Public Works.
- e. **Report from Personnel Committee** – Mr. Carrow stated that at the last meeting they discussed updating the employee handbook for town employees. The town manager may have some revisions.
- f. **Report from Public Safety Committee** – No report.
- g. **Report from Budget Committee** – No report.
- h. **Report from Economic Development Committee** – Mr. Carrow said that there was a social media post saying “If Heaven Had a Flavor” was closing due to family issues. There will be a small restaurant going in there in the old town hall called “Jack’s on Main Street”. Mr. Carrow reached out to him to discuss incentives for new businesses. September 17th is Railroad Days. There will be railroad displays, rides and activities for kids, a car show, and vendors. There will be no parade for Railroad Days. Hope everyone comes out. Ms. DeBenedictis asked if anyone was in the old barbershop? Mr. Carrow said there is a campaign office in there temporarily until November. Saturday is the 5k beginning at Clayton Fire Company.
- i. **Report from Downtown Development District Rebate** – Ms. DeBenedictis was looking at the house across the street. The owner has put a lot of money into it and maybe he is eligible for a rebate. In September, we will walk around town and make a spreadsheet of all the property owners and addresses to give them information in reference to the matching grant.
- j. **Report from DEMEC** – Ms. DeBenedictis stated that at the next DEMEC meeting they will discuss a 5 year plan. There has been discussion of a rate change but not until September. Hopefully, the Climate Bill that was just passed in Senate will help. Pictures will be taken at DEMEC on August 18th.

- k. **Report from Board of Adjustments** – No report.
 - l. **Report from Planning and Zoning Committee** – Mr. Smith asked for Mr. Cote to set up a meeting in September for reconstruction of the committee. After talking to Mr. Stover there may be meetings quarterly to look into the future.
 - m. **Appeals Board** – No report.
 - n. **Law & Legislature Committee** – Please email Mr. Paisley with any recommendations on Charter reform. Then once the list is compiled, they will present it to the Town Solicitor.
 - o. **American Rescue Plan Act Committee** – No report. Mr. Cote and Ms. DeBenedictis participated in the infrastructure bill webinar given by the State of Delaware. Mr. Paisley asked for a copy of the slides.
10. **Public Forum** – Chief Lightcap spoke on behalf of the officers and members of Clayton Fire Company. They are happy to announce that they have purchased and put into service a 90 ft. tower ladder truck to better meet the needs of the town. They would like to thank Council for the ARPA money, which was instrumental in the purchase of the truck. Council was honored to be a part of it.
11. **Unfinished Business** – No business.
12. **New Business**
- a. **Discuss and Vote on Smyrna High School Athletic Booster Banner Sponsorship** – Smyrna Athletic High School Boosters is inviting us to participate in sponsorship by placing one or two 3' x 8' banner(s) to be displayed in or around the complex. Money raised goes toward all athletic programs. It would also provide funds for new equipment, services, and scholarships that would not otherwise be available to the athletes. Mr. Cote's recommendation to Council would be two banners for \$600 for Main Stadium in the fall for football and boys soccer. Then a second banner for spring for the softball field. ***Mr. Carrow made a motion to accept the town manager's recommendation to support the Smyrna Athletic High School Boosters by purchasing the two season 3 x 8 banner for \$600 for the Main Stadium in the fall for football and boys soccer and the softball field in the spring. Mr. Paisley seconded the motion. Motion carried unanimously.***
 - b. **Discuss Second Water Meter Buyback** – This originated at the public meeting with Artesian. A majority of peoples' concerns were 2nd meter and the cost associated with them. That will mean that in January you will be charged for a 2nd meter or they will come in and remove it. Some residents were asking the town to buy them back since they paid for them to begin with. It will have to go back to committee before approval. One thing to consider is the age of the meter the buy-back cost would have to prorated. There is no benefit to the town to buy them back. It's a benefit to the citizens. When we were thinking of a possibility of acquisition by Artesian, we stopped selling 2nd meters because we knew it would present problem. Artesian will remove it at no cost. Call a meeting for Storm Water and Sewer for September.
 - c. **Discuss and Vote on Delaware Water Pollution Control Revolving Loan Fund 2022 Intended Use Plan – Loan Application Solicitation** – DNREC reached out to Mr. Cote in a letter dated July 18, 2022. In April 2022 the Town submitted a letter of intent application. This is in response to that. It's based on the population and income level of the town as long

as they are in range it will be approved. The benefit of this loan would be low interest spread over a 20-year term @ 1-3% interest rate for \$1,000,000. This would be for Phase 3 of Sewer Rehabilitation CIIP Lining. The benefit is the state will forgive the principal of the loan so the town would only have to pay for the interest during the construction phase. The second benefit would be we could use the ARPA funds to pay off the loan if the state doesn't forgive the principal. If the state did forgive the principal, the town can use those funds for something else. On the Verdantas proposal under the project description, the loan application must include a preliminary engineering report as well as an environmental information document. Verdantas is willing to prepare the State Revolving Loan Application Report and the Environmental Report for us, which is a requirement of DNREC. Finally, they will prepare the Delaware Water Pollution Control State Revolving Loan Application for the town in accordance of the specifications. Page 3 is the cost Verdantas proposed is \$18,000 to fill out the application. There is no guarantee that we will be approved. However, the requirements of those two documents is not in the skill set of anyone on the town payroll. It is the recommendation of Mr. Cote to hire Verdantas to prepare the documents needed as well as the loan application for this project. We do have the funds available in AARP, but some of the funds will have to come from the Town of Clayton's general fund. There is a 4 week turn time for Verdantas to take care of the documents and the application because it is due on September 16th. This was not received before the last meeting to get it on the agenda. What is the time table for the approval or decline of the application? The letter doesn't give a time line. The AARP money comes with a deadline for use or allocation. The town would have to pay the interest on the loan during the construction phase. If the loan is not forgiven does a direct payment from AARP to the loan for said project become a gray area? Since it's going to the state instead of a direct ongoing project that's already covered under the AARP guidelines. We need to check it out. Using AARP money is just an option. Using the general fund is another. We still have storm water project right behind the sewer project AARP money can be used for that also. We could use money from acquisition of the water sale. Time is not of the essence but this was something that was started in April, but just received the letter in July. If you don't like the terms, then you don't have to sign the papers. ***Mr. Paisley made a motion to have Verdantas draw up the paperwork for \$18,000. Ms. DeBenedictis seconded the motion. Motion carried unanimously.***

- d. **Discuss and Vote on the Preparation and Submission of an Application to DNREC Division of Watershed Stewardship for Participation in the Surface Water Matching Planning Grant Program in Order to Receive Matching Grant Funds, to Prepare an Evaluation of the Storm Drain Conveyance System with the Town** – Mr. Cote stated that we're talking the State of Delaware DNREC with Verdantas being our engineer. This packet has a resolution. Last year the town applied for this in the last cycle and were denied. There were many applications at that time so this year DNREC recommended that the town apply again. The good news is Verdantas is not charging us for this application since we paid them last time. They will use the resolution that was submitted last year. Please see the attached letter from Verdantas for the Project Description, Scope of Work, and the Project Budget and Schedule. They're asking for \$100,000 paid up front. We could use the Storm Water Capital Reserve Fund for this. The Resolution is for the application for a \$50,000 Surface Water Matching Planning Grant to aid in defraying the cost of preparing an MS4 Conveyance System Assessment. The

Resolution does not have to be read again. We have to do this and we've discussed it before. **Mr. Carrow made a motion to accept the recommendation of the town manager and resubmit the Resolution to DENREC for the Storm Water Waste Water Stewardship for Participation in the Surface Water Matching Planning Grant Program and the money come from the account the town manager suggested. Mr. Paisley seconded the motion. Motion carried unanimously.**

- e. **Discuss and Vote on Revision to the Town of Clayton's COVID-19 Policy** – Mr. Cote has prepared this for Council and everyone should have a copy. He stated in the last few weeks we did have a member test positive for COVID-19 inside the town. He looked at the council minutes dated January 10, 2022 and the following in black lettering was what is was the red is what is proposed. It is in the best interest of the town to re-visit the way the policy reads. His recommendation is that the new policy should say the following: "Any employee testing positive is to report the results to their Department Head immediately. Employees will follow current CDC Guidelines regarding quarantine and isolation at the time of decision. The Town of Clayton will provide up to five (5) days of paid/non-chargeable time-off to the employee in the event they test positive for COVID-19. Any additional time off must be used in accordance with the Employee Handbook." He also listed the websites for Current CDC Guidelines for "Quarantine and Isolation" and "Staying Up to Date with Your COVID-19 Vaccines". The new policy will be distributed to employees. Are we going off a state test or home test? The recommendation is to trust the employees because there hasn't been abuse. Thank you for updating this policy because it is still an issue. **Mr. Carrow made a motion to accept the changes to the town's COVID-19 Policy that were stated by the town manager and adopt it. Mr. Paisley seconded the motion. Motion carried unanimously.**

13. **Adjournment** – **Mr. Carrow made a motion for adjournment at 8:03 p.m. Ms. DeBenedictis seconded the motion. Motion carried unanimously.**

Recording Secretary,

Christine Letterman, CMC