

## Council Meeting

June 13, 2022

7:00 p.m.

The Council Meeting of Mayor and Council was held on the above date and time with Council members Valentine, Carrow, and Paisley present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Chief Carl Hutson, Town Foreman Jeff Hurlock, Town Solicitor Scott Chambers, Town Manager Robert Cote, Alex Dias, Sharon Cruz, Shirelle Spencer, Jonathan Burnett, David Ross, and Chris Collins were also in attendance. Ms. DeBenedictis 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. Paisley led the Pledge of Allegiance.
3. **Approval of Minutes** –

*Mr. Carrow made a motion to accept the Council Meeting minutes of 05/09/22 as presented in their written form. Mr. Paisley 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 May 2022. Mr. Valentine seconded the motion. Motion carried unanimously.*

5. **Communications** – Mr. Paisley read a thank you note from Liz and Clay Morris.
6. **Report of the Chief of Police** – Mr. Hutson stated there were 449 calls for service. On May 10<sup>th</sup> and 11<sup>th</sup> Chief Hutson went to training in Dover for Homeland Security. On May 12<sup>th</sup> Lt. Scott and Sgt. Bishop helped Delaware State University with their graduation for undergraduates. On May 14<sup>th</sup> Lt. Rau and Cpl. Andrews assisted with the Town-wide yard sale. Lt. Rau and Cpl. Bishop attended Clayton Elementary School for Career Day on May 12<sup>th</sup>. Chief Hutson, Lt. Scott, Lt. Rau and Cpl. Hibbert assisted with the formation run for First State Military Academy on May 13<sup>th</sup>. Lt. Scott, Cpl. Bishop, and PFC Fox assisted Delaware State University with their graduation on May 14<sup>th</sup>. All officers qualified with their weapons on May 24<sup>th</sup>.
7. **Report of the Town Foreman** – Mr. Hurlock stated the report was submitted in writing. Mr. Carrow stated he wanted to thank Dave and Jeff for preparing Veterans Park for the recent events.
8. **Report of the Town Solicitor** – No report

**9. Report from Inspections/Enforcement** – Mr. Hurlock stated the report was submitted in writing. The Code Enforcement officer is chasing high grass. Mr. Hurlock stated a meeting needs to be set up with Mr. Smith, Mr. Cote, and Mr. Chambers. The Code Enforcement officer is at the end of his authority on buildings in town. He needs assistance.

**10. Reports from Members of Council**

- a. Report from Electric Committee** – Mr. Hurlock stated there could be a potential rate increase. He stated the crew responded to an outage. A squirrel got into the system and tripped the fuse.
- b. Report from Street Committee** – Mr. Valentine had no report. Mr. Hurlock stated there is a 40' strip of blacktop that needs to be done on Apricot Alley. Representative Carson gave us money. Documentation was taken to the Recorder of Deeds to have Apricot Alley put on the books. Mr. Hurlock stated a letter went out in reference Old Country Farm. A Street Committee meeting needs to be scheduled to discuss 25 or 20 mph speed zone.
- c. Report from Water & Sewer Committee** – Mr. Smith stated the water was sold to Artesian Water Company. Their first bill will go out in July. This report will be changed to Sewer and Storm Water Committee.
- 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 had no report.
- h. Report from Economic Development Committee** – Mr. Carrow stated the July 4<sup>th</sup> parade will be in Clayton this year. It starts at 9:30 a.m. at Clayton Elementary School and ends at Metal Masters.
- i. Report from Downtown Development Rebate** – Mr. Smith had no report.
- j. Report from DEMEC** – Mr. Smith had no report.
- k. Report from Board of Adjustments** – Mr. Hurlock had no report.
- l. Report from Planning & Zoning Committee** – Mr. Hurlock had no report.
- m. Appeals Board** – Mr. Hurlock had no report.
- n. Law and Legislature Committee** – Mr. Smith had no report.

## **11. Public Forum –**

No comments from the public.

## **12. Unfinished Business**

No Unfinished Business

## **13. New Business**

### **a. Appoint Committees.**

Mr. Smith read the committee list provided to Council. He stated there is no chair for the Planning & Zoning Committee. This will be decided by the committee. Mr. Smith stated he would like a Budget Meeting scheduled within the next couple of weeks. He stated he would like a Personnel Meeting scheduled. This meeting will discuss the loss of salary due to the water sale. They will also discuss position / duty of all town employees. Mr. Smith stated he would like a Street Committee Meeting scheduled to discuss the bridge repair and discuss street paving. They will also discuss signs for Old Country Farm. An Equipment Committee Meeting will be scheduled to discuss a long-term plan for equipment purchases. A Public Safety Committee Meeting will be scheduled to discuss the police contract. Finally, Ryan Paisley and Robert Cote will review the town charter. This will then be reviewed by the Town Solicitor and then brought to a Law & Legislature Committee Meeting.

### **b. Discuss and Vote Appointing Town Manager to DEMEC Board.**

*Mr. Carrow made a motion to appoint the Town Manager as the Alternate to the DEMEC Board. Mr. Valentine seconded the motion. Motion carried unanimously.*

### **c. Charging Late Fee to Sewer.**

Mr. Smith stated the late fees were charged to electric and water. Mr. Smith wanted to change to electric and sewer. Mr. Carrow stated he would like it to be one general late fee on the bill of \$30. Mrs. Muncey stated it is tied to a utility. One income line shows \$15 in electric and \$15 in water. What utility would you want the revenue to show in? Mr. Cote stated we could discuss that later.

*Mr. Carrow made a motion to change recording the late fee to different utilities to one standard \$30 late fee. Mr. Valentine seconded the motion. Motion carried unanimously.*

### **d. Discuss and Vote on Contractor Licenses for Food/Ice Cream Trucks.**

Mr. Carrow stated to charge for a food truck is outrageous. What will it do to businesses in town? He stated there are a lot of food trucks in town that we are not aware of. If we charge, we need to look into. Mr. Carrow wants to research this. Mr. Chambers stated Middletown just went through a similar exercise. He suggested that Rob speak to them. Mr. Smith stated this is for our protection. Mr. Hurlock stated a food truck needs a

Board of Health license. Mr. Chambers agreed you need something different for food trucks. Mr. Smith is tabling at this time.

**e. Discuss and Vote on Purchasing an Outdoor Message Board.**

Mr. Cote stated the outdoor message board is a way for the town to communicate to the public. It will be a central point to store documents, and it will be put in a feasible location for citizens to view town business only. It will be weatherproof, and it will be kept locked. Mr. Cote stated a three-panel board will cost \$589 and would be mounted on the building below the Town Manager's window. The second option would be posted into the ground and could be put outside the Town Manager's window or put between the Town of Clayton sign and the bench at the corner. Mr. Cote stated the Administration Department came up with this idea and did all the research. This would be a way for the town to advertise at a low cost. This would come out of the advertising line item. Mr. Smith stated it is only one sided. He doesn't want someone putting graffiti on the back side of the sign. Mr. Cote stated we can explore another option. We can get a price on a two-sided sign. Mr. Smith asked if the Council if their had an opinion on the location. Mr. Carrow stated he likes the sign by the "V" for location. We could duplicate the information on both sides.

*Mr. Valentine made a motion to choose Figure 3 Location 2 not to exceed \$2,000. Mr. Carrow seconded the motion. Motion carried unanimously.*

**f. Request to be put on the Town Council Agenda – Shirelle Spencer**

Shirelle Spencer introduced herself. She stated she was very involved in her previous community. She lives in Grain Mill Station. Ms. Spencer stated there is a prowler that has been seen on camera several times. There is not much patrol. She met with Officer Graham. Ms. Spencer spoke with Kelly and she advised the town sends out emergency notifications through Code Red. Ms. Spencer feels we should use Code Red to bring awareness to the town. She stated she also spoke to Christine Letterman in the police department. Mr. Smith stated using Code Red is kind of a double-edged sword. If you use it too much, it loses its effect. Mr. Hutson stated they put things out on the police Facebook page. Ms. Spencer stated she doesn't use social media. Mr. Smith stated we could bring this up in a committee meeting. Mr. Hutson stated cars were broken into and an arrest was made. Mr. Carrow suggested putting something on the electric bill. Mr. Smith stated he would make a recommendation to the Public Safety Committee. Ms. Spencer stated there is excessive speeding in the development. Mr. Smith stated we do not own the streets yet. Mr. Hutson stated we could make a presence. Mr. Hurlock stated the final coat should be put on the road by the end of July. When the development has been completed, the streets will be turned over to the town. Mr. Valentine asked if they were spinning tires. Ms. Spencer stated yes. She suggested having speed bumps put in. Mr. Smith stated he is not willing to do speed bumps. This affects the fire apparatus. Ms. Spencer then stated snow wasn't plowed in their development. They were stuck in their homes. Mr. Hurlock stated there were two major snows. The first snow the town pushed. He stated he was there. Since the developer was still building townhomes, the conditions of the street was torn up. This affects the Public Works equipment. The second snow the developer plowed. Ms.

Spencer then asked about road signs. She wants speed limit signs put in. She also stated there is an autistic child in the development. Mr. Smith stated he will add that to the Street Committee Meeting. Mr. Carrow mentioned an electronic speed sign. Ms. Spencer then asked about the retention pond. A playground is being put next to it. She would like a fence around the pond. Sharon Cruz stated storm water is under the conservation district and DNREC. They do not allow fencing around retention ponds. Ms. Spencer directed the next question to Mr. Hurlock. This was in reference to lawn maintenance. There is high grass in the front and back yards. Mr. Hurlock stated the height of grass in the front and back yard cannot exceed 12". Ms. Spencer stated the grass is high by the water tower. There is a service path by Towne & Country. Mr. Smith stated that property is owned by the developer soon to be turned over to Artesian Water Company. Mr. Hurlock stated town property is cut about every 10 days. Ms. Spencer asked about community mailboxes. We have to get P.O. boxes. Mr. Carrow stated we cannot get that changed. He stated that is a pet peeve of his. Ms. Spencer asked about having the agenda available to the audience when they come to meetings. Mr. Smith stated the agenda is posted on the website.

**g. Discuss and Vote on Re-Allocating the Water Capital Reserve Account.**

Mr. Smith stated the Sewer Capital Reserve account is funded; the Street Capital Reserve account is not funded. He recommends putting the Water Capital Reserve account money into the Street Capital Reserve. Mr. Carrow suggested putting the money into a storm water management fund. Mr. Smith liked this idea.

*Mr. Carrow made a motion to move the Water Capital Reserve account money into a new account called Storm Water Capital Reserve. Mr. Valentine seconded the motion. Motion carried unanimously.*

**h. Discuss and vote on Moving Funds from Sale of Water to New Capital Reserve Account.**

Mr. Smith stated he might have added this prematurely. We will keep the money in the General Fund until a written policy is in effect on how the money can be used. This was tabled per the Mayor.

**i. Discuss and Vote on Sewer Rehabilitation.**

Mr. Smith turned this over to Sharon Cruz. Ms. Cruz stated a RFP for sewer rehabilitation for the old portion of town went out. She is going to discuss the recommendation. The older portions are of concern. We will use a cured in place lining process. This will be done through steam. This prolongs the pipes for about 50 years. Ms. Cruz stated we received six (6) bids on 06/02/22 by 2:00 p.m. Institufarm Technologies from Chesterfield, MO came in at \$131,594. She recommends using this company. Mr. Paisley asked when the project will start. Ms. Cruz stated they are awarding the bid. They will get a schedule of anticipated work. A notice will go out to the residents. They anticipate starting within the next 30 days. Mr. Smith suggested doing the bus routes first if they are not completed by August. Ms. Cruz stated the company developed this system. She anticipates it being completed before school starts.

Mr. Carrow asked how much has been taken out of the original plan. Ms. Cruz stated 25%. She stated she will have the proposal to the town for the next part of the project by the end of the week. Mr. Smith stated 25% is the number of streets.

*Mr. Carrow made a motion to accept the bid from Instituform Technologies for \$131,594. This will be paid through the ARPA account. Mr. Paisley seconded the motion. Motion carried unanimously.*

**j. Discuss and Vote on Installation of Fiber Optic Line Between Town Hall and Public Works Building.**

Mr. Hurlock stated this will tie the Town Hall and the Public Works Building together. Mr. Burnett stated this is mirroring Comcast to the town shop. The phone system will go over a VPM. When Comcast makes changes, it affects our service. We will be keeping redundancy between both locations. Mr. Burnett stated when they get AMI meters it will be running cellular. Smyrna runs fiber optics for their internet connection. If it breaks, they have a contractor to fix it. The last time it was \$180 an hour for four (4) hours. Mr. Smith asked about the cost. Mr. Hurlock stated the AUI bid is \$46,750.50. Mr. Burnett stated for 48 pairs it would be \$5,000. Data Storage Solutions or another third-party contractor would do this. Mr. Carrow asked where we would take the money from. Mr. Smith stated speak to Rob.

*Mr. Carrow made a motion to accept the recommendation from AUI to install the fiber optic line from the Town Hall to the Public Works Building for \$46,750.50 out of the General Fund. Mr. Valentine seconded this motion. Mr. Carrow also recommends the \$5,000 for connections for fiber optics to be workable for employees. Mr. Paisley seconded the motion. Motion carried unanimously.*

**14. Adjournment**

*Mr. Valentine made a motion to adjourn the meeting. Mr. Paisley seconded the motion. Motion carried unanimously. Meeting adjourned at 8:13 p.m.*

Recording Secretary,

Sue Muncey