

Council Meeting
August 14, 2023
7:00 p.m.

The Council Meeting of Mayor and Council was held on the above date and time with Council members Carrow, DeBenedictis and Paisley present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Lt. Harvey Scott, Town Manager Robert Cote, Gary Junge, Marvin Pedigo, Sharon Cruz, Wayne Stover, Alex Dias, Jeff Lightcap, Kathleen Tucker, Carol Eagle, Austin L. Moorhead, Ken Branner, and David Ross were also in attendance. Mr. Flatter 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. **Determination of a Quorum** – Mr. Smith determined a quorum was present.
4. **Approval of Minutes** –

Ms. DeBenedictis made a motion to accept the Council Meeting minutes of 07/10/23, the Budget Meeting minutes of 07/17/23 and the Law & Legislature Committee Meeting minutes of 07/25/23 as presented in their written form. Mr. Carrow seconded the motion. Motion carried unanimously.

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

Mr. Paisley made a motion to accept the July Income and Expense Reports in its written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

6. **Communications** – N/A

7. **Report of the Chief of Police** – Mr. Scott stated there were 304 traffic arrests and 411 complaints. Lt. Scott, Sgt. Bishop, Cpl. Bishop, and Cpl. Perna helped Rehoboth Beach with police protection during fireworks on 7/2/23. Chief Hutson led the July 4th parade while all officers helped with the fireworks. Cpl. Hume assisted with the baseball send off on 7/17/23. Cpl. Fox trained Cheswold officers on how to use the taser on 7/19/23. Chief Hutson assisted with a site audit for the CJC grant on 7/19/23. Lt. Scott met with Roger Holt from Smyrna School District on 7/26/23. Sgt. Bishop attended Command Leadership Institute Training in Dover on 7/31/23. Mr. Carrow wanted to give recognition for the officers in the line of duty. A wreath was placed in Smyrna. Lt. Scott stated the Earth & Science Program is doing a site survey with ground penetration radar to search for graves of officers. The one in particular they are looking for is brick lined. They are looking on Main Street in Clayton.

8. **Report of the Town Manager** – Mr. Cote stated the Office Manager has been working diligently on the 2021 audit for the past 14 months. As of the end of July everything the auditor requested has been submitted. On 7/17/23 the new Code Enforcement Officer started. This is a full-time position. He has been integrating himself into the unit and familiarizing himself with everything. He has hit the ground hard. He walked Main Street and introduced himself to all the businesses. There were two (2) power outages in July. The Director of Public Works maintained a safety culture approach while working as quickly as possible. Mr. Cote thanked the Administration team for coming in to answer the phones along with putting out the Code Red and Facebook notices. Mr. Cote stated the meeting with DelDOT was cancelled. It has been rescheduled for 8/21/23. All will be in attendance. Our ARPA money is being used for the sewer rehabilitation. Mr. Carrow asked about the yard waste dump site. Has it been discussed? Mr. Ross had no update. Mr. Cote will coordinate with Mr. Ross and get back with Mr. Carrow.
9. **Report of the Town Solicitor** – Mr. Junge had no report.

Mr. Smith stated we are going to jump to discuss 13e under New Business.

Discuss and Vote on Subdivision of Lands per the Artesian Water Company Acquisition of the Clayton Water System. (RC)

Mr. Smith stated the first property is the old town garage. The old well will be retained by the Town. Artesian will have right-of-way access. Mr. Branner stated the well needs to be capped. It will probably be abandoned. Mr. Carrow asked is this against Duck Creek Road. Mr. Cote stated the easement is. Mr. Smith stated it is by Well #1. Mr. Smith then moved to the water plant slide. The Town will retain the area marked in green. The circles are well head protection areas. Mr. Smith stated slide 3 is the Artesian tower by Clayton Intermediate School. It is an open flag lot for the Town. Mr. Carrow asked if the access was off of Underwoods Corner Road. Mr. Smith stated yes.

Mr. Paisley made a motion to accept the plans proposed at the meeting on 8/14/23 at 7:00 p.m. Mr. Carrow seconded the motion. Motion carried unanimously.

10. Reports from Members of Council

- a. **Report from Electric Committee** – Ms. DeBenedictis had no report. Mr. Smith stated the electric outage was a controlled outage to fix a pole.
- b. **Report from Street Committee** – Mr. Carrow stated the street LED project is starting. Supplies have been ordered. We are changing out the fluorescent to LED bulbs. They will be starting with the old part of town, going down Bassett Street, then continuing to the newer part of town. The project will take a couple of years. Mr. Cote had no addition to patchwork being done on the streets. Ms. DeBenedictis asked if the light on West Street and Washington Avenue would be that bright. Mr. Carrow stated yes.
- c. **Report from Sewer & Stormwater Committee** – Mr. Carrow had no report.

- d. Report from Equipment Committee** – Mr. Paisley had no report.
- e. Report from Personnel Committee** – Mr. Carrow stated the unofficial retirement of Mr. Faulkner was this week.
- f. Report from Public Safety Committee** – Mr. Smith had no report.
- g. Report from Budget Committee** – Ms. DeBenedictis had no report. Mr. Smith stated we will get dates together to have a meeting in September.
- h. Report from Economic Development Committee** – Mr. Carrow stated Railroad Days will be on 09/16/23.
- i. Report from Downtown Development Rebate** – Ms. DeBenedictis stated the Senior Center is looking into Downtown Development money.
- j. Report from DEMEC** – Ms. DeBenedictis stated DEMEC is concerned about the grid and main power. They are backing off of the EV's. On 12/06/23 DEMEC will visit our town. They want to get the history. Mr. Smith stated DEMEC is a generation concern that our grid is in place.
- k. Report from Board of Adjustments** – No report.
- l. Report from Planning & Zoning Committee** – Mr. Smith stated a meeting is scheduled for 08/23/23 at 7:00 p.m.
- m. Appeals Board** – No report.
- n. Law and Legislature Committee** – Mr. Paisley stated at the 07/25/23 meeting four (4) ordinances passed. There is no word when the Governor will sign the new charter. The next meeting is on 08/29/23 at 6:00 p.m. We will be discussing Title II of our ordinance. Six (6) of the ordinances we will be taking out Town Foreman and changing to Town Manager. There are five (5) substantive we will consider.

11. Public Forum

Carol Eagle is a trustee of Ewell St. Paul's Church. She is concerned about vehicles being left in the parking lot abandoned. Can you help us? They have left notices. They are thinking about putting up signs. Mr. Smith stated put up private property signs. Mr. Carrow stated you can have it towed at their expense. Ms. Eagle also stated people are encroaching on the cemetery. Mr. Smith stated if the tags are expired the Code Enforcement Officer can help.

Marvin Pedigo stated on behalf of the Little Lass he wanted to thank the town for the donation and the escort.

Austin Moorhead thanked the police for the escort during the Pridemore 5K.

12. Unfinished Business

N/A

13. New Business

a. Introduction of Changes to Town of Clayton Ordinance Section 1.2-2 Payment of Utility Charges. (RC)

Mr. Cote first read the synopsis: Accepting direct withdrawal as a form of payment. Changing the late fee from water to sewer due to the water system being sold. Mr. Cote read 1.2-2.5 adding direct withdrawal as a form of payment. Section 1.2-2.6 was read changing water to sewer. Section 1.2-2.7 was read adding direct withdrawal. Section 1.2-2.8 was read adding direct withdrawal. Mr. Smith stated this does not have to go to committee. This will be added to the September agenda.

b. Discuss and Vote on Sponsorship to Smyrna High School Boosters. (RC)

Mr. Cote stated this is the same as last year's request. We did one (1) fall at the main stadium and one (1) spring at the softball field. He recommends keeping it the same. We have \$3,069 available in the donation line.

Mr. Carrow made a motion to accept the Town Manager's recommendation to sponsor Smyrna High School Boosters one in the fall and one in the spring for a total of \$600. Mr. Paisley seconded the motion. Motion carried unanimously.

c. Discuss and Vote on Parking Restrictions for Spelt Drive. (WC)

Mr. Carrow provided an aerial picture of Spelt Drive. The Street Committee had a meeting discussing work vehicles and fire apparatus getting through the street safely. At the two (2) turns we could restrict the parking on the inside. Residents can park on the straight ways. This entails the inside curb not the outside. Mr. Smith asked if the yellow marking included the parking spots. Mr. Carrow stated no.

Mr. Paisley made a motion to enact the parking restriction as denoted in Exhibit A. Ms. DeBenedictis seconded the motion. Motion carried unanimously.

d. Discuss and Vote to Approve an Accounting & Finance Officer Position for the Town of Clayton. (RC)

Mr. Cote gave Council a little bit of background for his request. We have been working on the 2021 audit for the past 14 months to restructure our accounting system. We

brought on board Horthy & Horthy to assist us with that task. It would be best served to hire our own accountant. Mr. Smith asked Mr. Cote to review page 3. Mr. Cote stated for fiscal year 2024 it would cost the town \$126,252.59 to employ an Accounting & Finance Officer. We have had two (2) employees resign/retire. One in the Administration department and one in the Public Works department. We will be filling both of these positions as part time. We can get by with less than 30 hours for each position. The part-time Customer Service Specialist will cost \$26,363.40 and the part-time PW Technician will cost \$26,363.40. The difference between changing two positions from full time to part time is \$32,556.85. Ms. DeBenedictis stated for the past 10 years we have needed an accountant. Mr. Cote stated he completed a pay study. He reviewed both City of Dover and Milford. He looked at their Finance Reporting and Accounting Manager. Mr. Cote proposed the range of \$60,000 - \$80,000 salary and provided a job description. Mr. Paisley stated this is a great plan. Mr. Carrow stated he agrees with Ms. DeBenedictis about needing an accountant. We are always dinged on this by our auditor. Mr. Carrow stated he has heartburn with the Customer Service Specialist being part time. Are we leaving ourselves bare? Ms. DeBenedictis stated some of the work that Mrs. Muncey is doing will go to the accountant. Mr. Smith stated there will be two (2) salary people in the building. They would have to cover the window. Mr. Cote stated the vision is part time for now and make the budget work. We could move to full time later on. Mr. Paisley asked the Town Solicitor if three (3) separate motions have to be made since it is three (3) different positions. Mr. Smith stated the Accounting & Finance Officer position is the only one listed on the agenda. We can only vote on that.

Mr. Paisley made a motion to have the Town Manager and Personnel Chair using the job description issued to conduct interviews for an Accounting & Financial Officer and report back to Council. Mr. Carrow seconded the motion. Motion carried unanimously.

f. Introduction of Ordinance #2023-02 – An Act to Amend Section 8.2 of the Clayton Municipal Code Related to the Town Foreman. (RP)

Mr. Paisley read this ordinance in its entirety with the proposed changes. The synopsis: This ordinance transitions the powers of the Town Foreman into the Town Manager – given that the duties of the original position have been split between the new Director of Public Works and the Town Manager positions.

g. Introduction of Ordinance #2023-03 – An Act to Amend Section 1.2-7 of the Clayton Municipal Code Related to Water Meter Connection and Enforcement Thereof. (RP)

Mr. Paisley read this ordinance in its entirety with the proposed changes. The synopsis: This ordinance removes most of the references to the town's water system being that it has been privatized. In addition, it still requires that homes continue to have water meters

through Artesian Water Company Inc. Furthermore, of the provisions that stay in force, references to the Town Foreman were changed to the Town Manager.

h. Introduction of Ordinance #2023-04 – An Act to Amend Section 1.3-1 of the Clayton Municipal Code Related to Requirements for Installation and Repair of Sidewalks. (RP)

Mr. Paisley read this ordinance in its entirety with the proposed changes. The synopsis: This ordinance renames and amends the Town of Clayton code for sidewalks. Specifically, it requires that sidewalks be included in building plans before a business permit can be issued. In addition, it revises the provision for financing sidewalk repairs, installations, and replacements – extending the payment period to reimburse the town for said services and giving Council the option to enter into exclusive agreements.

i. Introduction of Ordinance #2023-08 – An Act to Amend Section 1.2-6 of the Clayton Municipal Code Related to Water and Sewer Service. (RP)

Mr. Paisley read this ordinance in its entirety with the proposed changes. The synopsis: This act removes references to the town's water system in the title and content of the ordinance and transfers necessary provisions to Artesian Water Company Inc. In addition, it removes the disconnection provision because the town does not disconnect a customer's sewer service. Also, this act changes mention of the Town Foreman to the Town Manager and updates the provisions and fees for damages, obstructions, and interference with the sewer system and sewer connection. Finally, the act requires that any land and/or building(s) in the Town of Clayton connect into Artesian Water Company's water infrastructure.

Mr. Smith stated these ordinances are being introduced this month. They will be voted on next month.

14. Adjournment

Mr. Carrow made a motion to adjourn. Ms. DeBenedictis seconded the motion. Motion carried unanimously. The meeting was adjourned at 8:18 p.m.

Recording Secretary,

Sue Muncey