

**Town of Felton
Town Council Meeting
April 12, 2010
7:00pm**

Mayor Kelley called the Town Council of Felton Meeting to order at 7:00pm on Monday, April 12,2010. Present at the meeting were:

Council Members: Mayor David Kelley, Joe Yapsuga Jr., Kevin Fletcher, Joanne Clendaniel and Anthony Carroll.

Staff: Town Manager, Rebecca Greene; Chief of Police, Levi Brown; Town Clerk, Sarah Ferguson.

Public: Rod Donovan, Felton Business Owner; Felton Community Fire Company – Kenneth Ryder, Jr and William Sipple; Residents - Alonzo Goodman, Ivette Sanchez, Antonio Sanchez, Henry Twardus, Anita Yapsuga, Janette Carroll, William Brown and Leslie Carter

Swearing In:

Councilwoman Clendaniel swore in Mayor David L. Kelley. Mayor Kelley then swore in new Councilman Anthony Carroll.

Executive Session:

Motion: Councilman Fletcher made a motion to go to Executive Session to reorganize Council. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

Motion: Councilman Yapsuga made a motion to reconvene the regular Felton Town Council Meeting. Councilwoman Joanne seconded the motion. The motion passed unanimously.

Mayor Kelley announced that he would remain Mayor and that Joanne Clendaniel would remain Vice-Mayor.

Citizen Concerns:

There was concern from Hidden Pond residents about the half finished house at 221 Fan Branch Dr and Rebecca stated that as far as we know the house was sold in Sheriffs Sale but we have not received any paperwork from Kent County yet so we do not know who purchased the home.

Waive Debt Service Fee:

Rebecca gave each Council member a copy of Section 4 of the Donovan Annexation Agreement. She stated that Mr. Donovan has three houses on the property and is paying for trash service on each but is also being billed \$26 per house Debt Service Fee but is not receiving water service. The Agreement states that Mr. Donovan will pay the Debt Service Fee even though service was not going to be installed immediately.

Mr. Donovan said that when the agreement was signed everyone thought that water would be available soon because of the Landings at Felton development but the economy went down and the development is on hold. He concluded that since water service is not available he feels he

should not have to pay the Debt Service Fee. Mayor Kelley stated that he agrees and Mr. Donovan agreed that once water is available even if he is not hooked up he will pay the Debt Service Fee at that time.

Motion: Councilman Fletcher made a motion to waive the Debt Service Fee until water service is available. Councilman Carroll seconded the motion. The motion passed unanimously.

Police Report:

Chief Brown reviewed the March 2010 Police Report (see attached). He stated that the tickets for March 2009 and 2010 were:

Officer	2009	2010
9451	159	115
9452	194	180
9453	144	172
9454	53	101
9455	Deployed	169

Councilman Fletcher asked why citations went up but the fine income went down and Chief Brown replied that the type of citations has changed. For example, last year they may have issued a \$100 speeding citation but this year it was a \$25 seatbelt citation.

Councilman Yapsuga asked if we have heard anything about a larger percentage of the cost of the ticket coming back to the Town and Chief Brown answered that he had not but that the Police Chief's Council is looking into the disparity between the portion the State gets and the portion the Towns get from the amount of a ticket.

Chief stated that all Officers would be attending Active Shooters training. He wants all officers to take this training because of the possibility of a school shooting. He continued explaining that the operations for responding to a school shooting has completely changed since they went through the Academy. Chief said that before Officers would cordon off an area then go in once backup got there but now the first officer waits only for a second officer then goes in because the longer they wait the body count goes up in school shooting cases.

Councilman Yapsuga stated that he saw two of our officers in Harrington and asked if we are reimbursed for their time. Chief answered no since it is part of our Assistance Agreement.

Motion: Councilman Yapsuga made a motion to accept the Police Report. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

Resolution 10-R-02 Approval of Felton Community Fire Company Bond and Service Agreement:

Mayor Kelley opened the Town of Felton Public Hearing at 7:35pm.

Mayor Kelley reopened the Regular Town Council Meeting at 7:50pm.

Motion: Councilman Fletcher made a motion to approve Resolution 10-R-02 and the Agreement between the Town of Felton and the Felton Community Fire Company. Councilman Carroll seconded the motion. The motion passed unanimously.

Budget Report:

Rebecca stated that we needed to pull money out of the savings account to balance the checkbook this week but that the good news is that this is the first month in this fiscal year that we have had to do that.

Rebecca explained that in the Budget Distribution if the number is in parentheses in the actual column that means they brought in money if no parentheses they used money.

She continued by saying that she and Sarah attended the FEMA (Federal Emergency Management Agency) meeting on the snow event and filled out the form to be put on the list to have an appointment with FEMA. They will come to Town Hall and fill out the application with her and she will know by the time they leave if we are approved. She continued stating that with snow removal we will only be reimbursed for 48 consecutive hours. We get to select the timer period and it will be the most expensive days which will include the days that we used a contractor. She is also hoping that the Police will not be included in the 48-hour restriction. Rebecca continued saying that even with the unplanned snow costs of \$31,000 everyone is being so conscientious we are still on budget.

Councilman Fletcher asked if we have received a check from the Stone Depot yet and Rebecca responded that we have received the check from last quarter but the new contract will begin in April so will receive the first monthly check in May.

Mrs. Yapsuga suggested saving electricity with wind power and Sarah responded that she had looked into this but that on the mapping provided by the U.S. Department of Energy (DOE) we do not have sufficient winds to support a wind turbine.

Motion: Councilman Fletcher made a motion to accept the Budget Report. Councilman Yapsuga seconded the motion. The motion passed unanimously.

Minutes:

Mayor Kelley presented the March 8, 2010 Town Council Meeting Minutes and asked if there were any corrections. Councilman Yapsuga stated that he had reviewed the minutes and did not have any comments or corrections.

Motion: Councilman Yapsuga made a motion to accept the March 8, 2010 Town Council Meeting Minutes. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

Discussion of Resolution Proposing Adoption of a Local Service Function Budget for Kent County:

Rebecca informed council that the City of Smyrna is trying to get all local governments to pass resolution asking for reduced amount toward taxes for duplicate services like snow removal and police protection. She continued stating that even if all towns and cities pass this Resolution there is no guarantee that the County will do anything about reducing taxes to citizens who live in municipalities.

Councilman Yapsuga asked what the other Towns and Cities are doing and Rebecca answered that she is going to the City Managers Association of Delaware meeting next week and will talk

to them about this resolution. Councilman Yapsuga said that if that is the case the Resolution should be tabled till next month.

FY11 Budget

Rebecca presented Council with three possible budgets (see attached) and reminded them that last year the budget was in the hole and they decided to pull money out of special accounts and that we will be in the hole again this year.

Councilman Yapsuga asked if it was possible to eliminate any of the part-time positions and Rebecca responded that the Public Works part-time is a Certified Water Operator and is Ralph's only backup. The part-time Police Officer is creating a significant amount of income so you do not want to get rid of him and the only other part-time position is the Police Clerk.

Rebecca then asked how losing the part-time police clerk would effect the Police Department and Chief Brown responded that the additional administrative duties would put extra pressure on the Officers. Councilman Yapsuga asked how much the Police Clerk makes and Rebecca answered that she was budgeted for \$20,000.

Councilman Fletcher asked about the additional profits from the Stone Depot and Rebecca stated that was already included in the budget. Councilman Yapsuga asked about income from Royal Farms and Rebecca said that we had already received the income from the Compliance Letter and transfer taxes and we will not know how much the taxes will be until Kent County assesses the building later in the year.

Mr. Donovan stated that two years ago he had been opposed to the taxes being increased and had asked that the Town wait a year to see how the economy does and the town waited two years so this time he is in favor and will support the increase.

Councilman Fletcher stated that based on the numbers he sees and what the State is doing he has to go with no employee raise. They have not taken a pay decrease like the State and have not lost any employees.

Councilman Yapsuga asked if they should have a eight cent (.08) increase for five (5) years or a one time increase. Since last time Council considered a five year plan they voted against it and now he regrets that decision. Councilman Fletcher agreed that he would rather have a gradual increase also.

Councilman Yapsuga stated that the other issue is Council pay and he does not want to work another year without pay. Councilman Fletcher responded that he can't see getting paid when we are asking residents to pay more. Mayor Kelley stated that he does not want to be paid. Councilman Yapsuga said that being a Council member is the same as any other job and Councilwoman Clendaniel added that getting paid helps to recruit and maintain good people on Council.

Councilman Carroll stated that if you are doing something for the community everyone benefits and they do it because they want to make a difference not for pay. Councilman Fletcher added that he worked many hours at the Fire Company and never got paid and added that he came on Council to help the Town move forward not for pay and he can not approve reinstating Council pay.

Motion: Councilman Fletcher made a motion to accept the first proposed budget with no pay raise for employees and no Council pay. Councilman Carroll seconded the motion. Councilmen Carroll and Fletcher voted in favor. Councilman Yapsuga, Mayor Kelley and Councilwoman Clendaniel abstained. Motion did not carry.

Mayor Kelley asked if there can be another motion to allow some members of Council to be paid because he does not want to lose two great Council members.

Rebecca stated that she would like to add that employee moral would be damaged if Council had their pay reinstated and they did not receive a raise.

Councilman Yapsuga said that he would agree not to be paid for Council meetings but wants to still be paid for performing the Council audit each month and Rebecca responded that the funds for the Council audit were already in the budget.

Councilman Yapsuga asked that there be a review of the budget in six months and if the money is available Council consider reinstating pay.

Motion: : Councilman Fletcher made a motion to accept the first proposed budget with no pay raise for employees and no Council pay. Councilman Carroll seconded the motion. The motion passed unanimously.

Rebecca stated that they now have a \$58,000 deficit that needs to be addressed. She continued stating that an eight cent (.08) increase for five (5) years will bring that deficit down to \$24,000. Councilwoman Clendaniel asked if it was possible if the Town received a windfall that Council vote not to increase the taxes and Rebecca answered that it was possible but they would want to consider if it was a one time event or will it happen every year.

Councilman Fletcher suggested a ten cent (.10) increase for three (3) years.

Councilman Fletcher asked about eliminating the part-time Police Clerk position and Mayor Kelley asked Chief Brown what the Police Clerk position does. Chief stated that it was an administrative support position. Councilman Fletcher asked what the effect would be if the position was eliminated and Chief said that officers would spend an additional one to two hours in the office.

Mayor Kelley stated that he did not want to lay anyone off and Councilwoman Clendaniel responded that Chief says that they can manage without the position.

Motion: Councilman Yapsuga made a motion to increase the tax rate by ten cents (.10) per every one hundred dollars (\$100) at 100% of Kent County's assessed value for three (3) consecutive years with an annual review during the budgeting process. Councilman Fletcher seconded the motion. The motion passed unanimously.

Motion: Councilman Fletcher made a motion to eliminate the part-time Police Clerk position. Councilman Carroll seconded the motion. The motion passed unanimously.

Rebecca stated that at the May Town Council Meeting she would present a balanced budget and a Resolution for the tax increase.

Councilman Fletcher asked Rebecca if the Town had looked into a card swipe system for the front door and she said that it was not affordable. She added that she and Chief Brown were looking into GPS systems for the cars that can tell where and for how long the vehicles were idling. Chief Brown stated that he was looking into using a SLEAF grant to purchase the GPS.

Motion: Councilman Yapsuga made a motion to adjourn the meeting. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

Sarah Ferguson, Town Clerk prepared these minutes.

Sarah Ferguson

Date