

**Town of Felton
Town Council Meeting
September 13, 2010
7:00pm**

Mayor Kelley called the Town Council of Felton Meeting to order at 7:00pm on Monday, September 13, 2010. Present at the meeting were:

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

Staff: Town Manager, Rebecca Greene; Town Clerk, Sarah Ferguson; Scott Thornton, Planning & Zoning Chairperson.

Public: Residents – Janette Carroll, Henry Twardus, Anita Yapsuga, Isabella McKenna, Bob Kuhling, Karen Kosinski, Stephen Smith and John Whidden; Patty Deputy – Carl Deputy & Son Builders; Finn McCabe – Flexera Inc; Clarence Voshell – Heritage Homes; Paul Jones – Asset Developers; Mary Jean Blades – Building Blocks Daycare

Citizen Concerns:

Councilman Carroll asked why the minutes were not read before each meeting so that citizens would know what happened at the previous meeting and Rebecca answered that the minutes are not official until Council votes on them later in the meeting. Mayor Kelley said that the minutes could be read and asked Council if they would like to have the minutes read before each meeting. Councilman Yapsuga asked how long it would take to read the minutes each month and Rebecca answered that it would take approximately twenty minutes to read the minutes. Councilwoman Clendaniel suggested making copies available before the meeting and Rebecca or Sarah could help residents with any questions. Councilman Fletcher agreed and Rebecca stated that she would have the minutes printed with "Draft" as a watermark and reminded residents that she would be happy to email copies of the minutes to them if requested and that all past month's minutes are available at Town Hall at any time.

Mr. Voshell said that he understands that he did not receive a rebate at the last Council Meeting but asked if he could use the money toward another property and Rebecca explained that Council has given him a credit that can be used on any other property once he pays his taxes.

Solar Power:

Paul Jones representing Asset Developers stated that they would like to place a solar power facility on the commercial lot at the Route 13 entrance to the Hidden Pond Subdivision. He stated that changes in Federal law have increased incentives, rebates and grants that make a solar power facility a viable project but it needs to be built by January 1, 2011 so he would like to get Town Council's thoughts about the project and introduced Finn McCabe of Flexera, Inc to explain the project in more detail.

Mr. McCabe explained that the State of Delaware recently passed Senate Bill 267 and this allows for sharing solar power to multiple electrical accounts. This law applies to roof mounted residential units so the commercial ground mounted units are a grey area since the power is

being sold off site. They would create a private solar club where members sign up and pay into a block account at a set price then receive power from Delmarva Power.

Mayor Kelley asked how this works with Delmarva Power and Mr. McCabe explained that the solar facility would generate power and sell it to Delmarva Power at their wholesale price then the solar club pays Delmarva Power at a rate higher than their wholesale price but lower than their regular price. Mayor Kelley asked what the incentive is for Delmarva Power and Mr. McCabe responded that they earn the difference between their wholesale price and the price the solar club pays and the new State Law requires that Delmarva Power get 25% of their power from usable power sources like solar power.

Mr. McCabe stated that there are no dangers associated with solar power and that there would be no noise or vibrations except during construction. Some parking would be provided and the site would be surrounded by a chain-link fence. Mr. Yapsuga asked if there will be an access road around the fence for police and Mr. McCabe stated that they could provide an access road and that the fence will be alarmed and have security cameras.

Councilman Fletcher noted that the information packet says there will be no reflection on the roadway but he asked if there would be a reflection toward the nearby apartments. Mr. McCabe answered that they use black panels that absorb light and do not reflect any light so there would be no reflection toward the apartment complex.

Mr. McCabe pointed out that there would be less impervious surface area than a retail development since the area around the base of the panels would be planted with low-growing indigenous plants.

Mr. Whidden asked why they would place this on a prime commercial property and not out in the country and Rebecca answered that they already own the property and have not been able to sell it for commercial use. Mr. Myers said that they should look at putting a solar facility on town lands like the Stone Depot and Mayor Kelley stated that the Stone Depot property is currently under a twenty year lease.

Councilman Yapsuga asked how this will affect property values since he feels that it would likely bring them down and that he does not like the way it looks. Mr. Smith stated that he did not live near the property but that he lived next door to Town Hall and that he has solar power at his house and he thinks it is great.

Rebecca asked how large are each of these panels and Mr. McCabe replied that they are three foot by five foot. Rebecca asked how many there would be on the property and Mr. McCabe answered that there would be 2,800 panels.

Mrs. Yapsuga suggested that excluding the residents of Hidden Pond from the solar power club might be a mistake and that if the residents got a benefit from the project they might have a better feeling towards the project.

Rebecca asked about using a wood fence instead of chain-link which would look better and Mr. McCabe said that they will look into it. Mrs. Blade stated that she is for green building but that she does not want parents at her daycare to be scared of the electricity.

Sarah said that as a resident she would like to say that this may be better than what could go in there since it was zoned Commercial it could be any type of strip mall. Mrs. Deputy stated that she lives near the Stone Depot which she does not mind but she fought against an asphalt plant being put in there and she said that the solar facility would have a lot less traffic and trash than a strip mall like they have in Harrington.

Mr. McCabe continued stating that he felt that a solar facility could fit under Felton Planning & Zoning Code under greenhouses or clubs and Mr. Thornton, Chairperson of Felton Planning & Zoning objected stating that a solar facility was neither a greenhouse nor a club and that the closest fit would be a Utility but that Felton Code only allowed for a Public Utility not a Private Utility.

Mrs. Yapsuga said that the solar panels look fine to her but she objects to the chain-link fence. Councilman Carroll asked if the panels could be lowered so that they would not be seen over a wood fence. Councilman Fletcher suggested that they work with residents of Hidden Pond to make it more appealing and to serve residents with power.

Mr. Jones stated that they would look at redesigning the project with a lower profile and wood fencing and would contact the Town.

Police Report:

Rebecca reviewed the September 2010 Police Report (see attached) since Chief Brown was not able to attend the meeting. She stated that the tickets for September 2010 were:

Officer	2009	Regular 2010	SEU 2010	Total 2010
9451	214	103	6	109
9452	265	200	58	258
9453	165	195	0	195
9454	125	144	93	237
9455	324	164	40	204

Rebecca stated that Officer Guild was a way for a couple of weeks last month.

Councilman Fletcher noted that SEU hours were down and Rebecca said that the Chief can't force officers to run SEU. Councilman Fletcher asked if the Officers were burned out and Rebecca answered that the Officer who runs the most SEU is now working part-time for another department and the other Officers don't want to run SEU.

Councilman Yapsuga noted that the income received from tickets went up last month and asked why that was when the number of tickets went down. Rebecca responded that the checks for August and September are for tickets written in June and July.

Rebecca said that the GPS on all Police vehicles is now active and that she is going through the reports, noting any discrepancies and reporting those to Chief Brown.

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

Budget Report:

Rebecca stated the auditors were here for three days and found everything they needed. She is hoping that the audit report will not be in the red. She also noted that there is one item that can not go for another year and that is the water meter handheld and billing system. There are too many problems with the system and the company that we would like to purchase from is willing to breakdown cost monthly.

Rebecca said that the Town has collected \$200,174.09 in taxes and have \$9,825.91 left to collect which is a really good amount. She will be putting the remaining people on payment agreements which state that if they do not make the payments agreed on the Town can attach their wages or sell their house.

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

Minutes:

Mayor Kelley presented the August 9, 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: Councilwoman Clendaniel made a motion to accept the August 9, 2010 Town Council Meeting Minutes. Councilman Fletcher seconded the motion. The motion passed unanimously.

Chesapeake Utility Franchise Agreement

Councilman Yapsuga stated that there was a correction on the first page where the County was listed as Sussex instead of Kent. Rebecca made the correction and asked if there any other corrections. There were none and Rebecca said that she would send the agreement back to Chesapeake Utility for their approval.

Motion: Councilman Yapsuga made a motion to accept the Chesapeake Utility Franchise Agreement with one correction. Councilman Fletcher seconded the motion. The motion passed unanimously.

Request for Abatement of Invoice Interest and Fees

Rebecca presented Council with the D & R Estates past due invoices. Mrs. Deputy stated that she has no problem paying the base amount of the bills but does not feel that she should have to pay the interest and late fees since she did not receive the bills. She explained that the bills were going to their P.O. Box but she did not get them. She came in to Town Hall and requested that all bills go to her home address and she doesn't understand why no one told her about the past due invoices when she came in to Town Hall to pay her water and tax bills.

Sarah explained that she does the invoicing and she did not know that D & R Estates was owned by the Deputy's so she did not change the address when requested and did not mention the past due invoices to Mrs. Deputy. She explained that as soon as she understood that the Deputy's owned D & R Estates she sent the bills to the P.O. Box and the home address and that is when Mrs. Deputy received the bills.

Councilwoman Clendaniel stated that Mrs. Deputy should have known the bills were due and Mrs. Deputy explained that the invoices were for reimbursement of engineering fees and as the

developer she doesn't know what the engineers do for the town. Rebecca clarified that the base fees have been paid and only the interest and fees are outstanding. Councilman Fletcher asked why it had not been brought to the Council's attention that someone is a year past due and Councilman Yapsuga replied that they have given Rebecca the responsibility for collecting payments and it should be left up to her. Councilman Fletcher stated that due to the confusion in addressing the interest and fees on these invoices should be abated.

Motion: Councilman Fletcher made a motion to abate the interest and fees on the D & R Estates past due invoices. Councilman Carroll seconded the motion. Councilman Carroll voted yes, Councilman Yapsuga voted no, Councilman Fletcher voted yes, Mayor Kelley voted yes, and Councilwoman Clendaniel voted no. The motion carries.

Request for Abatement of Water Leak

Rebecca explained that there was a water leak at 14 W Sewell Street so their water bill was \$211.20 more than it normally would be and that the tenant was requesting an abatement of that overage. Rebecca added that they have never had a leak before and that the property owner had fixed the leak. There was discussion about abating the overage.

Motion: Councilman Yapsuga made a motion to waive the overage of \$211.20 due to the water leak. Councilman Fletcher seconded the motion. Councilman Carroll voted yes, Councilman Yapsuga voted yes, Councilman Fletcher voted yes, Mayor Kelley voted yes and Councilwoman Clendaniel voted no. The motion carries.

Permits and contracting license

Rebecca stated that contractors were working in town without a Town of Felton Contractors License or Compliance Letters since there are no penalties if they do not. She continued saying that the Town needs to look at the current codes to make it more specific and to hold general contractors responsible for fines if they do not get the required documentation. Councilman Fletcher said that he agrees that general contractors should be fined if they do not get the required license.

Motion: Councilman Carroll made a motion to hold general contractors responsible for getting a Contractor's License for themselves and all subcontractors and that they will pay a fine if they are working without a Town of Felton Contractors License. Councilman Yapsuga seconded the motion. The motion passed unanimously.

Mr. Twardus would like the town to do something about door-to-door solicitors. Rebecca stated that door-to-door solicitors are required to have a Town of Felton Solicitors License and we should remind residents in the newsletter that anyone coming to their door needs this license. Councilman Yapsuga suggested that the Town post signs on the border of Town that say that Solicitors or Contractors Licenses are required.

Abatement a Grass Cutting Fee

Rebecca read letter from a property owner requesting that the grass cutting fees be abated since the notice for grass cutting went to her tenant who has since moved out. Rebecca clarified that the owner of a property is ultimately responsible for all fees against the property and that grass cutting notices are now sent to both the tenant and owner of a property.

Motion: Councilman Carroll made a motion that the property owner is responsible for paying the grass cutting fees. Councilwoman Clendaniel seconded the motion. The motion passed unanimously.

Board of Adjustment

Rebecca stated that Mrs. Corti would like to be on the Board of Adjustment and asked Council to appoint her.

Motion: Councilman Carroll made a motion to appoint Mrs. Corti to the Board of Adjustment. Councilman Yapsuga seconded the motion.

Rebecca stated that the Board of Adjustment still have one vacancy and Mrs. Carroll volunteered to fill that position.

October Meeting Date Change

Rebecca reminded Council that next months meeting would fall on Columbus Day and asked what day they would like to have the meeting on instead. It was decided to have the Town Council Meeting on the following Monday which would be October 18th.

Halloween

Rebecca stated that Felton will be celebrating Halloween on Sunday October 31st with the Costume Contest starting at 4:30pm at Town Hall and Trick-or-Treating from 5:00 to 7:00pm. Rebecca asked if any Councilperson would like to be judges at the Costume Contest. Mayor Kelley, Councilman Fletcher and Councilman Yapsuga volunteered to be judges.

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

Sarah Ferguson, Town Clerk prepared these minutes.

Sarah Ferguson

Date