

**Town of Felton
Town Council Meeting
June 13, 2011
7:00pm**

Mayor Kelley called the Town Council of Felton Meeting to order at 7:00pm on Monday, June 13, 2011. Present at the meeting were:

Council Members: Mayor Kelley, Vice-Mayor Joanne Clendaniel, Joseph Yapsuga, Kevin Fletcher and Anthony Carroll.

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

Public: Patty Smith, Barbara Fajnor, Lori Kenny and Eilsa Havmon – Residents; Mark Ivy – Resident of Frederica; Ronald Berry Jr. – Resident of Frederica

Citizen Concerns:

Mrs Fajnor asked if there was any news about the Dollar General and Rebecca replied that she had heard that they had the property under contract. Mrs Fajnor asked how big it would be and Rebecca answered that she had not heard anything about that and would need to wait until they put in a request with Planning & Zoning.

Mr Ivy stated that he lives in Frederica but he had a concern regarding the Felton Police Department. His son spent Friday night at the Foust's house (E Main St) and during the night his son, the Foust's son and another boy snuck out of the house and went to Royal Farms. His son and the other boy purchased some food but the Foust's son stole two doughnuts although the other two boys did not realize that they had been stolen. They ate their food and returned to the house.

On Saturday morning Officer Swan went to the Foust's house and informed them that their son had stolen two doughnuts. The Foust's went to Royal Farms, their son apologized and they made restitution. Mrs Foust then called Mr Ivy and told him that Officer Swan would like to talk to him. Mr Ivy called the Felton Police Department and left a message. Mr Ivy then talked to Officer Swan.

Officer Swan told Mr Ivy that his son was no longer allowed in the Felton Royal Farms and Mr Ivy questioned that saying that his son had not done anything wrong. Officer Swan responded by saying "Are you accusing me of something?". Officer Swan then said that he wanted Mr Ivy and his son at the Felton Police Station within two hours and hung up. Mr Ivy called back and asked Officer Swan if he knew that he hung up on him. Officer Swan responded that he had two hours to be at the station and hung up again.

Mr Ivy stated that he was angry that Officer Swan had hung up on him twice. He was concerned so he called his brother, a Police Officer in New Castle County who informed him that he did not need to bring his son. When he arrived at the station Officer Swan answered the door and asked where Mr Ivy's son was and Mr Ivy replied that his son was not here and he did not have to bring him. Officer Swan asked who told him that and when he responded that it

was his brother who is a Police Officer Officer Swan wanted his brother's name and the name of his superior and threatened to open an investigation against Mr Ivy's brother.

Mr Ivy called his brother and told him what Officer Swan had said. Officer Swan took the phone closing the door so that he was inside the station and Mr Ivy was still on the front porch. When Officer Swan came back out and gave him the phone Mr Ivy's brother told him to immediately leave the area because Officer Swan was threatening to taser him and arrest him for disorderly conduct. Mr Ivy then left the station.

Mr Berry stated that he teaches at Dover High and that his son was the other boy that was there when the Foust boy stole the doughnuts. He stated that his wife received a call from Mrs Foust explaining the situation and saying that Officer Swan would like them to contact him. Mrs Foust also said that her son had been taken into custody and held for three hours to teach him a lesson. Mr Berry asked his son if he did anything wrong and his son said that he had not then Mr Berry called the Felton Police Station.

After speaking with Officer Swan he agreed to meet him at the Felton Police Station but was frustrated by the lack of cooperation Officer Swan displayed while giving him directions. Eventually Mr Berry went to the Royal Farms in Felton where he met his cousin Phillip Thomas who is also an Officer with the Felton Police Department. Officer Thomas agreed to go with Mr Berry and his son to the station to speak to Officer Swan. Mr Berry said that he felt that Officer Swan just wanted to show that he had the power in this situation.

Mayor Kelley asked Chief Brown if he knew anything about this and Chief responded that while he was running SEU on Saturday morning Officer Swan went into the Royal Farms and found out about the stolen doughnuts. Although Officer Swan wanted to arrest the Foust boy Chief knew that he was supposed to enter the military on Wednesday so he told Officer Swan not to arrest him and that was the last he heard about it.

Councilman Fletcher asked if they could listen to the conversation with Mr Ivy and Rebecca responded that they had video but no audio and that she would pull the video. Chief Brown stated that he would take care of this.

Mayor Kelley said that he takes this very seriously and that he and council have worked too hard to make Felton a nice town to allow something like this to continue. He also said that although he does not doubt a word of what Mr Ivy and Mr Berry have said he wants to hear Officer Swan's side of the story.

Mr Ivy stated that this is a serious problem and that Officer Swan is going to hurt someone or someone is going to hurt him. Mayor Kelley stated that council appreciated their coming in to notify them and that once he and Chief Brown have spoken to all parties he will contact Mr Ivy and Mr Berry with the outcome.

Councilman Carroll stated that a yellow crop duster dropped a liquid all over his property. He described the liquid as forming in small droplets like oil but not as dark. Mayor Kelley said that he would find out about the crop duster and what was being used.

Police Report:

Chief Brown presented the Police Report for May 2011 (see attached). He stated that the tickets for May 2011 were:

Officer	2010 Reg	2010 SEU	2010 Total	2011 Reg	2011 SEU	2011 Total
9451	232	98	330	63	119	182
9452	305	92	397	200	82	282
9453	60		60			0
9454	84	24	108	144	27	171
9455		67	67	144	106	250
Totals	681	281	962	551	334	885

Chief Brown stated that the new hire that was scheduled to begin has decided to stay with the Capital Police Department. Since there are no other certified officers available he will be starting the interview process again looking for an applicant to put through the academy. They will start the academy in October which will last six months then they will have twelve weeks of ride-along patrol and will be ready for solo patrol for next summer.

Chief Brown stated that he expects Officer Guild to be sent over seas very soon. Councilman Yapsuga suggested hiring a part-time officer until the new hire is active and Chief answered that in general you can't count on a part-time officer showing up for their shift so he would rather not do that.

Chief stated that a new gym has opened next to Wal-mart in Camden that is open 24 hours and officers would like to be able to use their police vehicle to go to the gym right from work instead of having to go home in the opposite direction to get their vehicle and Council agreed that officers should be allowed to use their patrol vehicle to go to this gym.

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

Budget Report:

Rebecca presented the May Budget Report and asked if there were any questions. Councilman Yapsuga asked when recycling will begin and Rebecca responded that containers will go out at the end of the month and recycling will begin in July. Council reviewed the Budget Report and had no other questions.

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

Minutes:

Mayor Kelley presented the May 9, 2011 Town Council Meeting Minutes asking if there were any questions or corrections. Councilman Fletcher responded that he had read the minutes and he had no corrections.

Motion: Councilwoman Clendaniel made a motion to accept the May 9, 2011 Town Council Meeting Minutes. Councilman Fletcher seconded the motion. The motion passed unanimously.

Fencing at IOOF Park:

Rebecca reminded Council that they had decided to review the possibility of an additional donation to the Odd Fellow's fence at the last meeting of the fiscal year. Councilman Yapsuga asked how much they had been asking for and Rebecca responded that they had requested at least half of the cost of the project which would be \$684.50.

Councilman Fletcher asked how the Town was looking financially and answered that they were able to pay that amount if they would like to but that it must be paid this month before the end of the fiscal year.

Motion: Councilman Yapsuga made a motion to donate an additional \$684.50 to the IOOF for the construction of a fence at the Odd Fellows Park. Councilman Carroll seconded the motion. The motion passed unanimously.

Closing Paper Street:

Rebecca described the paper street that Mr. Sennett is requesting be closed. Councilman Carroll asked what happens to the land if the street is closed and Rebecca answered that it would be split in half with each half going to the property owners on either side. Councilman Fletcher stated that the street was put there for a reason and if Mr Paskey wanted to develop the property behind the street he would have no access.

Motion: Councilwoman Clendaniel made a motion to leave the paper street as it is. Councilman Fletcher seconded the motion. The motion passed unanimously.

Rebecca stated that Ralph was back to work and that his grandson was born today.

Councilman Yapsuga stated that the Fun Day Committee would like Council to help with preparing for Fun Day and getting donations. He said that even if Councilmembers can not be there on the day they can help ahead of time and that he would appreciate their help getting the word out.

Council Meeting was adjourned for Executive Session to discuss Personnel Issues.

Motion: Councilwoman Clendaniel made a motion to adjourn Council Meeting. Councilman Carroll seconded the motion. The motion passed unanimously.

Sarah Ferguson, Town Clerk prepared these minutes.

Sarah Ferguson

Date