

**MINUTES OF THE MEETING**  
**SMYRNA TOWN COUNCIL**  
**November 16, 2015**

**REGULAR MEETING**

The meeting was called to order by Mayor Joanne Masten at 7:00 p.m. Council members present were Andrea C. Rodriguez, Valerie M. White, Regina I. Brown, Robert C. Johnson, and John L. Embert III. Councilman Anthony H. DeFeo was excused.

Also present were Town Manager David S. Hugg III, Lieutenant Phillip Klink, Attorney D. Barrett Edwards, and Recording Secretary Valerie L. Heritage.

Mayor Masten asked everyone to rise for the Pledge of Allegiance. Mayor Masten asked everyone to remain standing for a moment of silence.

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Councilwoman White made the motion to accept the agenda as presented. Motion was seconded by Councilman Johnson and carried unanimously.

**MINUTES OF PREVIOUS MEETING**

Councilwoman White made the motion to approve the regular council minutes of November 2, 2015 as presented. Motion was seconded by Councilman Embert and carried unanimously.

**REPORTS**

**A. Bills & financial statement** – Mr. Hugg said Mr. Stulir sent the most recent transfer tax amount.

**B. Presiding officer** – Mayor Masten spoke about meeting with the Duck Creek Regional Library Guild and read two proclamations: the first proclamation recognizing the Painted Stave on the occasion of their 2<sup>nd</sup> anniversary; and the second proclamation to the Smyrna Cards & Gifts on the occasion of their first anniversary.

**C. Town attorney** – Mr. Edwards said he had nothing at this time.

**D. Police chief** – Lt. Klink said they had received a grant to address pedestrian safety in Town.

**E. Town manager** – Mr. Hugg touched on a few items from his report to Council.

**F. Committees** – Councilman Embert said the Public Safety Committee met November 12<sup>th</sup> and the next meeting will be December 10<sup>th</sup>.

Councilman Johnson said the Finance Committee met November 10<sup>th</sup>; the IT Committee will meet November 19<sup>th</sup>; and the Utility Committee met November 4<sup>th</sup>.

Councilwoman Brown said the Economic Development Committee met November 5<sup>th</sup> and the next meeting will be December 3<sup>rd</sup>; Business Development Committee will meet November 19<sup>th</sup>; and the Personnel Committee will meet December 1<sup>st</sup>.

Mr. Hugg said the Smyrna Slum Clearance and Redevelopment Authority will meet November 18<sup>th</sup>.

### **RECOGNITION OF VISITORS**

Visitors present were Bill Evans, Jennifer Antonik, Jason McClafferty, Robert Ott, Peter M. Retzlaff, and Conrad Hebert.

### **OLD BUSINESS**

**A. Discussion and possible action on third reading: Ord. No. 017-15, an ordinance to amend Chapter 58 (“Streets, sidewalks and other public places”), Article V (“Snow removal”) to require the removal of ice and to make violations of snow and ice removal regulations civil violations and to authorize the Code Enforcement Department to enforce these regulations and to make other clarifications to the ordinance** – Councilman Embert made the motion to make this the third reading of Ord. No. 017-15, an ordinance to amend Chapter 58 (“Streets, sidewalks and other public places”), Article V (“Snow removal”) to require the removal of ice and to make violations of snow and ice removal regulations civil violations and to authorize the Code Enforcement Department to enforce these regulations and to make other clarifications to the ordinance. Motion was seconded by Councilman Johnson and carried unanimously.

### **NEW BUSINESS**

**A. Discussion and possible vote on Borrowing Resolution – Resolution proposing the borrowing of up to \$975,000 from the United States Department of Agriculture Rural Utilities Service to fund and/or refund from an already approved line of credit the North Duck Creek water line extension along Route 13 from Paddock Road to the DelDOT Rest Stop, including certain water utility improvements**

**B. Discussion and possible vote on Borrowing Resolution – Resolution proposing the borrowing of up to \$1,200,000 from the Delaware Department of Natural Resources and Environmental Control from the Clean Water State Revolving Fund to fund the North Duck Creek sewer line extension along Route 13 from Paddock Road to the DelDOT Rest Stop, including certain sewer utility improvements:**

Councilwoman White made the motion to set the schedule the public hearing for December 7<sup>th</sup> for the resolution proposing the borrowing of up to \$975,000 from the United States Department of Agriculture Rural Utilities Service to fund and/or refund from an already approved line of credit the North Duck Creek water line extension along Route 13 from Paddock Road to the DelDOT Rest Stop, including certain water utility improvements; and a public hearing for December 21<sup>st</sup> for the Resolution proposing the borrowing of up to \$1,200,000 from the Delaware Department of Natural Resources and

Environmental Control from the Clean Water State Revolving Fund to fund the North Duck Creek sewer line extension along Route 13 from Paddock Road to the DelDOT Rest Stop, including certain sewer utility improvements. Motion was seconded by Councilwoman Brown and carried unanimously.

**C. Presentation of the 2016 Budget** – This item was removed from the agenda.

**D. Executive session to discuss a personnel matter involving the names, competencies, and abilities of an individual employee**

**E. Possible discussion and action on a personnel matter in which the names, competency, and abilities of individual employees discussed in executive session**

**F. Consideration and possible vote on an additional electrical fee discount to utility customer as a result of billing discrepancies:**

Councilman Johnson made the motion to approve the additional discount to Collett and Sons. Motion was seconded by Councilwoman White. Motion carried with Mayor Masten, Councilwomen White and Brown, and Councilmen Johnson and Embert voting for, and Councilwoman Rodriguez abstaining.

**G. Appointment of Alan Robinson and James Cabbage to the Board of Adjustment**

– Councilwoman White made the motion to appoint Alan Robinson and James Cabbage to the Board of Adjustment. Motion was seconded by councilman Embert and carried unanimously.

**H. Discussion on legal services** – This item was for discussion only.

#### **OTHER COUNCIL BUSINESS**

Councilman Johnson thanked all members of Council who came to the Finance Committee meetings and gave their input during the budget process.

Councilwoman White spoke about the overwhelming response to the event held by the Painted Stave commemorating for their 2<sup>nd</sup> anniversary.

Councilman Johnson thanked Peter Retzlaff for coming back to the Finance Committee.

Councilman Embert thanked Mr. Evans and the electric crew, and Ms. Thompson for their help with the Veteran's Recognition program.

#### **EXECUTIVE SESSION**

**A. Executive session for the purpose of holding a strategy session for collective bargaining where an open meeting would have an adverse effect on the bargaining position of the town; and to discuss the sale of real property** – Councilwoman White made the motion to go into executive session for the purpose of holding a strategy session for collective bargaining where an open meeting would have an adverse effect on the

bargaining position of the town; and to discuss the sale of real property. Motion was seconded by Councilwoman Brown and carried unanimously. Council went into executive session at 7:35 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilman Embert and carried unanimously. Council came out of executive session at 8:04 p.m.

**B. Possible discussion and action on: the purpose of holding a strategy session for collective bargaining where an open meeting would have an adverse effect on the bargaining position of the town; and to discuss the sale of real property:**

Councilwoman White made the motion to approve the resolution authorizing the Town of Smyrna to enter into a contract with the State Board of Pension Trustees to allow the Town to participate in the State of Delaware County and Municipal Police/Firefighter Pension Plan. Motion was seconded by Councilwoman Brown and carried unanimously.

Councilman Johnson made the motion to authorize the Town Manager to proceed as discussed in executive session. Motion was seconded by Councilwoman Brown. Motion carried with Mayor Masten, Councilwomen Rodriguez and Brown, Councilmen Johnson and Embert voting for, and Councilwoman White voting against.

**ADJOURNMENT**

Councilwoman White made the motion to adjourn, seconded by Councilman Johnson. The meeting was adjourned at 8:05 p.m. by unanimous vote.

vlh