

**MINUTES OF THE MEETING**  
**SMYRNA TOWN COUNCIL**  
**December 17, 2012**

**REGULAR MEETING**

The meeting was called to order by Mayor Patricia A. Stombaugh at 7:30 p.m. Council members present were Joanne Masten, Valerie M. White, Regina I. Brown, Robert C. Johnson, Jeff Flairty, and Anthony H. DeFeo.

Also present were Town Manager David S. Hugg III, Chief Wilbert R. Bordley, Attorney John Terence Jaywork, and Recording Secretary Valerie L. Heritage.

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

**ADDITIONS/DELETIONS TO PUBLISHED AGENDA**

Mr. Hugg asked that item 9(e) be postponed until the next Council meeting.

Councilwoman Brown made the motion to accept the agenda as amended. Motion was seconded by Councilman DeFeo and carried unanimously.

**MINUTES OF PREVIOUS MEETING**

Councilman DeFeo made the motion to accept the minutes of December 3, 2012 as presented. Motion was seconded by Councilwoman Masten and carried unanimously.

**REPORTS**

- A. Bills & financial statement** – Mr. Hugg stated Council received the statement of account balances via email last week, along with the transfer tax revenues for last month.
- B. Presiding officer** – Mayor Stombaugh wished everyone a very happy and safe holiday and a wonderful New Year. Mayor Stombaugh asked for a moment of silence, prayer and thoughts for the families in Sandy Hook, Connecticut.
- C. Town attorney** – Mr. Jaywork stated he had nothing to bring to Council at this time.
- D. Police chief** – Chief Bordley briefly reviewed his report to Council; he stated they will be meeting with the Smyrna School District to discuss emergency school plans – they do this yearly, but in light of the events in Connecticut they are going to do it this week.
- E. Town manager** – Mr. Hugg briefly touched on a few items from his report to Council. He said the Kent General Smyrna ER will be open for business at 7:00 tomorrow morning. Mr. Hugg stated Delmarva Power & Light, Delaware Electric Coop & the Town

have been getting phone calls from customers who have been called by individuals offering to reduce customer's electric bills, save them money, etc... and this has raised a red flag because the persons making the call have been asking for account information and other kinds of things that we clearly would not ask for on any kind of a cold call.

**F. Committees** – Councilman DeFeo said the Public Safety Committee did not meet this month.

Councilman Flairty said the Long Range Planning Committee met tonight, and the next meeting will be January 22, 2013.

Councilman Johnson said the Utility Committee will meet January 2, 2013.

Mayor Stombaugh said the Finance Committee did not meet in December, and the next meeting is January 9, 2013.

Councilwoman Masten said the Shade Tree Commission did not meet in December, and the next meeting will be January 16, 2013; the Personnel Committee met December 11<sup>th</sup>, and the next meeting will be January 8, 2013.

#### **RECOGNITION OF VISITORS**

Visitors present were Daryl Jester, Ed Ide, Conrad Hebert, John Embert, Peter M. Retzlaff, Ken Fearn, Robin Blendt, and Gary Stulir.

No one came forward.

#### **OLD BUSINESS**

**A. Request from Bombay Woods re: HOA** – this was addressed after 'New business'.

#### **NEW BUSINESS**

**A. Recommendations from Personnel & Finance Committees re: promotion of Pfc. Evans Leighty from Pfc. to Sr. Pfc. effective November 30, 2012** – Councilwoman White made the motion to promote Pfc. Evans Leighty from Pfc. to Sr. Pfc. effective November 30, 2012. Motion was seconded by Councilwoman Masten and carried unanimously.

**B. Approval of new job descriptions recommended by Personnel Committee** – Councilman Flairty made the motion to approve the three job descriptions. Motion was seconded by Councilwoman White. After discussion it was decided to address this item after the executive session.

**C. Discussion and possible action on Strategic Plan for 2013 as recommended by Personnel Committee** – this was a discussion item only.

**D. Discussion and possible action on development of accountabilities for senior management for 2013** – Councilwoman Masten made the motion to prepare for the accountability system introduced into the Town of Smyrna for all senior management including public safety. Motion was seconded by Councilman Flairty and carried unanimously.

**E. Approval of architectural and engineering contracts for police station** – this was deferred to the January 7, 2013 meeting.

**F. Robo courtesy call for delinquent utility customers prior to shut-off** – Councilman DeFeo made the motion to authorize Mr. Markow to institute the robo-call phone call system for delinquent utility customers. Motion was seconded by Councilwoman Brown and carried unanimously.

#### **OLD BUSINESS**

**A. Request from Bombay Woods re: HOA** - Andrea Beck, Bombay Woods, came forward to speak. Ms. Beck spoke about Bombay Woods community issues (HOA); she asked for the town to send out a letter on legal letterhead to the residents of Bombay Woods letting them know the town will proceed legally if the HOA issues are not remedied.

Peter Retzlaff, 21 Gooseneck Lane, came forward to speak. Mr. Retzlaff stated he was a former board member of the previous active HOA in Bombay Woods. He felt that if there was something that told homeowners that this is their last chance it might help (i.e.: letter from the town's attorney).

Councilman Flairty made the motion to ask the town's legal counsel to file for receivership, if necessary and to send letters to the homeowners of Bombay Woods notifying them of the intentions. Mr. Jaywork clarified that the motion is that they would file if necessary, draft a petition, and send out a letter with a copy of the petition. Motion was seconded by Councilman DeFeo and carried unanimously.

#### **OTHER BUSINESS**

There was none.

#### **EXECUTIVE SESSION**

**A. Executive session for the following purposes: (a) strategy session with respect to collective bargaining involving FOP Lodge 22 where an open meeting would have an adverse effect on the bargaining position of the Town, and (b) personnel matters involving non-union employees in which the names, competency and abilities of**

**individual employees will be discussed, and (c) personnel matters involving AFSCME employee(s) in which the names, competency and abilities of an individual employee(s) will be discussed** - Councilwoman Brown made the motion to go into executive session for the following purposes: (a) strategy session with respect to collective bargaining involving FOP Lodge 22 where an open meeting would have an adverse effect on the bargaining position of the Town, and (b) personnel matters involving non-union employees in which the names, competency and abilities of individual employees will be discussed, and (c) personnel matters involving AFSCME employee(s) in which the names, competency and abilities of an individual employee(s) will be discussed. Motion was seconded by Councilwoman Masten and carried unanimously. Council went into executive session at 9:18 p.m.

Councilwoman White made the motion to come out of executive session. Motion was seconded by Councilman DeFeo and carried unanimously. Council came out of executive session at 11:12 p.m.

**B. Possible discussion and action on collective bargaining matters, and matters involving non-union employees discussed in executive session** - Councilman DeFeo made the motion to authorize the Contract Negotiation Committee to offer the town manager the package spoken about/referred to in executive session. Motion was seconded by Councilwoman White. Motion carried with Councilwomen Masten, White and Brown, and Councilmen Johnson, Flairty and DeFeo voting for, and Mayor Stombaugh voting against.

Councilwoman White made the motion that the Contract Negotiation Committee move forward with the second item of discussion in executive session. Motion was seconded by Councilwoman Masten. Motion carried with Councilwomen Masten, White and Brown, and Councilmen Johnson and DeFeo voting for, and Mayor Stombaugh and Councilman Flairty voting against.

**C. Possible discussion and action on personnel matters involving AFSCME employees in which the names, competency and abilities of an individual employee(s) will be discussed** - this was postponed until the January 7, 2013 meeting.

#### **ADJOURNMENT**

Mayor Stombaugh adjourned the meeting at 11:14 p.m.

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Council Secretary