

MINUTES

FRANKFORD TOWN COUNCIL

January 5, 2015

Town Council	Joanne Bacon, Pres.	
Roll call:	Pamela Davis, Vice-Pres.	
	Cheryl Workman, Sec/Treasurer	
	Jesse Truitt	
	Charles Shelton	
Town Employees:	Terry Truitt, Town Administrator	
	Nathan Hudson, Police	
	Kyle Gulbranson, URS	
Others:	Edward Ash	Marty Presley
	Kathy Murray	Toni Presley
	Janet Hearn	Bernard Lynch
	Albert Franklin	Dean Esham
	James Sample	Bryan Murray
	Jerry Smith	Greg Welch
	Russell Davenport	Velicia Melson
	Maria Counts, Coastal Point	Rachel Paella, WAVE
	Robbie Murray	Elizabeth Carpenter
	Matthew Melson	Matthew Tower, DOJ
	Ronald Hall	Sandy Hall
	Tyrone Oliver	

The regular monthly meeting of the Frankford Town Council was opened by Pres. Joanne Bacon at 7:03 PM.

A motion was made to accept the agenda as posted by Jesse Truitt with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous.

A review of the Town Council Monthly Minutes from December 8, 2014 was done; A motion was made to accept the minutes as presented by Cheryl Workman with a 2<sup>nd</sup> by Charles Shelton. Motion was four in favor-Pam, Cheryl, Charles, Jesse; One opposed-Joanne Bacon noting she had not read them yet.

Minutes of the Executive Session Minutes from December 8, 2014 were tabled.

A review of the Executive Session Minutes from November 3, 2014 was done; A motion was made to accept the minutes as presented by Cheryl Workman with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

Pres. Joanne Bacon called on Cheryl Workman to read aloud the Financial Report in its entirety. Council reviewed the Financial Report/ Accounts Payable; A motion to pay the bills as listed was made by Jesse Truitt with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous. Cheryl Workman noted she had come into Town Hall during the week Terry Truitt was on vacation to check in on Marilyn Hobbs, p/t clerk.

**Report from Town Departments/ Employees:**

**Water Department:** Jesse Truitt noted he had nothing to report at this time.

**Terry Truitt, Town Administrator:** Terry Truitt presented Council with a listing compiling the names of (48) individuals who had completed voter registration applications for voting in Town elections. She noted of those listed there were (16) individuals registered which would require verification of citizenship. She then outlined the questions posed by Kathy Murray during the December 8, 2014 Town Council meeting. She noted the first acct. #6013-health insurance synopsis will come into play with a few of the following account numbers. She noted it was a case where the expenditure is paid from one fund then allocated by the accountants/auditors for adjustment based on the percentage allocated by the budget. The next account#6562-payroll taxes was also questioned with regard to no figure being shown. Terry Truitt noted the prior explanation would explain this account as well. She then stated that Kathy Murray had noted under the Water Fund there was nothing reflected under wages. Terry Truitt commented that the split in the budget from 75 / 25% would have the payrolls being run on one fund for a portion of the year then the other fund for the remainder. She then outlined 8809.2, #8809.3, #8814, #6562, #6561, # as being a yearend auditing entry. Terry Truitt noted any of the payroll accounts related to wages or payroll taxes would require adjusting year end postings due to the percentage the budget was approved for. Terry Truitt noted the upcoming budget will be separated in its adoption. Kathy Murray questioned the integrity of the reports distributed monthly when there are accounts being shown as zero. Terry Truitt noted the reports are accurate given the reporting form break down between the two funds. She added there is a possibility of human entry error where mistakes can be made. Kathy Murray questioned where the expense for acct. #6013 is since it shows as zero. Terry Truitt reported it was a water fund expenditure and shown under acct. #7009.4. She added the entire expense would be booked there and then adjusting entries made to move the 25% to 6013. She noted next year payables will require having two checks for each expense that requires dual funding sources. She suggested it might be better to have the reports on a quarterly basis. Jerry Smith questioned Terry Truitt on acct. #7009.4 reflected on the adopted budget for 75% in the amount of \$44,000.00. Terry Truitt noted the additional amount in acct. #6013 is the 25% in the amount of \$15,000.00 comprises the total of \$59,000.

**Maintenance:** Pres. Joanne Bacon questioned if a maintenance report was provided. Terry Truitt replied that no report was provided.

**Nathan Hudson, Police:** Officer Hudson reported for the period of December 8 through January 4, 2015. He noted there were 8 tickets written for speed, 2 for driver license violations, 0 for registration, and 3 for miscellaneous for a total of 43 traffic arrests for this time period. He added there were 13 complaint/ service calls and 2 for criminal arrests. Officer Hudson reminded those present that Chief Dudley's last day was December 31, 2014. Kathy Murray interjected by questioning Officer Hudson if there were fines issued for the month of December. Officer Hudson replied yes. Kathy Murray then questioned why there was nothing shown for the month of December under fines received on the reports under account #4004. Terry Truitt replied that the fines are paid directly to the State of Delaware then distributed to the Town and those fines written in December do not reflect income received in by the cut off of the financial reports. Velicia Melson questioned if there was anything received in for the month of November. Terry Truitt replied that she did not understand the question. Russell Davenport remarked that the reports do not reflect receiving any fines to date. Terry Truitt replied the amount shown for year to date from July through November is \$3,355.95. She added it depends on when the State distributes the payments out based on when tickets are written and when paid for.

**REPORTS:**

President Bacon asked for report(s) from Council regarding Parks, Police, Streets and Water.

**Joanne Bacon- Parks-** She noted she had nothing new to report.

**Charles Shelton, Police:** He noted for those present everyone knows that Chief Dudley has retired. He noted the Town would be replacing him and should be advertising for the position soon. He added he still wants to keep the Police Dept. going. Charles Shelton noted he knows there are a lot of questions regarding pensions and health insurance and states the Police force still needs to keep running. He added that anyone who has questions to address them directly to him. Bernard Lynch questioned if the Town could make Nate Hudson the Chief. Charles Shelton responded the Town has not made any decision yet. He added his schedule will be floating and wants the Council to consider hiring subs. Robbie Murray suggested forming a committee to facilitate/representation of the hiring process. Robert Murray noted the residents should have a say in the process. In forming a committee of two members of Council along with 3-4 residents to best serve the Town of Frankford. Then the group would report back to the Council standing shoulder to shoulder. Edward Ash remarked that he wished for Nate Hudson to stay on and possibly become the Officer in Charge for the Town. He noted Nate's seniority and then suggested the Town hire someone under him. Charles Shelton reassured everyone that it was not the intention of the Council to get rid of Officer Hudson.

Kathy Murray remarked that many times the subject matter has been brought up many times to partnering with Council to forming strategic committees on various Town issues. Charles Shelton noted he would chair the committee and asked if Robbie Murray would be interested? Robbie Murray replied he would love to and suggested another Council member also be on the committee. Charles Shelton would be contacting Robbie Murray after the meeting for a date and time when the committee would meet.

**Pamela Davis, Streets-** She noted she did not have anything to report at this time. She questioned Terry Truitt if the Christmas lights were coming down soon? Terry Truitt noted it had already been scheduled with Tony's Electric to have them brought down.

**Jesse Truitt/ Cheryl Workman, Water-** He noted he had nothing further to discuss. Cheryl Workman noted she had been approached by the resident of #9 Knox Street complaining the water has a strong smell. Pres. Joanne Bacon confirmed she too has experienced the same issue. Terry Truitt replied she would contact Artesian to perform a water sample.

**UNFINISHED BUSINESS:** Council agreed to table further discussion of subject matter of a Town Pension. Wide verbal discussions were numerous with regards to the subject matter being tabled indefinitely. Marty Presley remarked about the subject matter being a budget issue and not an employee matter. He suggested the Town hold a few workshop meetings to review options. He presented Council with his recommended suggestion for a timeline of holding workshops.

Dean Esham remarked that Marty Presley has been in attendance for the past six (6) months and he has offered his service and the Council has not taken advantage of his service and knowledge is just nuts.

Marty Presley noted the open window time frame for the Affordable Care Act is February 15<sup>th</sup>.

Kathy Murray suggested that the Council form another committee to review health care. Pres. Joanne Bacon replied that she felt it was a good idea and called for anyone wishing to be a part of the committee. Marty Presley and Elizabeth Carpenter both volunteered along with Council members Joanne Bacon and Pamela Davis to service on a health insurance committee.

Kyle Gulbranson noted the Council should make a formal motion when formalizing the committees.

A motion was made to form a Police Committee with Charles Shelton and Cheryl Workman as Chairs from Council along with two or three residents Robbie Murray, Edward Ash, and another individual to be added by Charles Shelton with a 2<sup>nd</sup> by Jesse Truitt. Motion was unanimous.

A motion was made to form an Employee Benefit/ Healthcare Committee with Joanne Bacon and Pamela Davis as Chairs from Council along with town residents Elizabeth Carpenter, Marty Presley, and Jerry Smith by Pamela Davis with a 2<sup>nd</sup> by Jesse Truitt. Motion was unanimous.

Russell Davenport questioned the healthcare insurance renewal as stating it would stay as is and roll over; Pres. Joanne Bacon stated she assumed it would then called on Terry Truitt for confirmation. Terry Truitt stated the Town had received the renewal annual information and could cancel the healthcare given notification should the Town elect to change it by going with another provider, etc.

**NEW BUSINESS:**

Pres. Joanne Bacon announced the Town Election is scheduled for Saturday, February 7, 2015 from 1-4pm. Vice-Pres. Pamela Davis questioned if the Town had picked the individuals that would be working the Town Election. Terry Truitt noted they had been selected as a standing committee. Russell Davenport remarked that he felt no one affiliated with the Town should be working the Town Elections noting his reason for being that the polling officers can go outside of the polling area and talk to other people possibly persuading them. Pres. Joanne Bacon noted the Town Charter depicts that they be Town residents. Lengthy verbal debating pursued between multiple residents/ council on the subject matter of the Town Election/ absentee ballots. Pres. Joanne Bacon read aloud an email from Dennis Schrader, Town Solicitor and his opinion regarding absentee ballots/voting. Council acknowledged the opinions of those present and noted the advice of the Town Attorney has been given. She added she would contact Dennis Schrader again for second opinion and noted for all purposes there would not be absentee voting for the upcoming Town Election. Elizabeth Carpenter noted the current Town Charter on the Town website is the original format and given it states the cut off for voter registration is the 2<sup>nd</sup> Friday in January. She suggested the Council consider extending the Voter registration to the 16<sup>th</sup> given she feels the notices were incorrect noting fairness to the public. Terry Truitt noted the legality of proper notification/ advertisements and the dates are advertised. Greg Welch noted the Charter does not have dates given. He read aloud the opinion of Elaine Manlove back from January 2014 regarding the voter registration deadline being 30 day cutoff. Elizabeth Carpenter noted that residents referring to the Town Charter from the Town website would be misinformed and it creates a “cloud of miscommunication and distrust of the citizens”. Several from attendance would like the Election postponed.

Elizabeth Carpenter noted the large population of the Town as being comprised as Hispanic and felt effort should be made to offer translation for them. She questioned correspondences coming from Town Hall and/ or its website as being offered in any other language other than English. Councilwoman Cheryl Workman replied currently only English and noted she does not speak another language. Elizabeth Carpenter noted there are translator abilities on line to offer this service.

Dean Esham suggested that it would be a good idea for the Town have a Hispanic translator be available for the Town Election given the large amount of newly registered voters. Council questioned if anyone on the Board of Election as being bilingual. Terry Truitt replied she did not believe so. Council agreed that it would be beneficial to have an interpreter present. Terry Truitt was directed to contact the Department of Elections for obtaining an interpreter for the upcoming Town Election. Pres. Joanne Bacon noted she would contact Dennis Schrader for clarification on whether or not the Town can postpone the upcoming election. Lengthy verbal discussion prevailed over the postponement of the Election, possible expansion of the voter registration, time of election, and absentee ballots.

Pres. Joanne Bacon acknowledged Kyle Gulbranson who read aloud the second presentation draft of an ordinance referred to as "An Ordinance to amend/ update the Flood Plain Maintenance Ordinance" as required by FEMA. Kyle Gulbranson read aloud the introduction/ synopsis in its entirety. It was noted the adoption must be done by March 15, 2015. It was noted the Council must adopt the ordinance in order for residents to obtain flood insurance. It was noted the flood maps have not been changed since 1990. Kyle Gulbranson noted the roles and responsibility of the Town are more clearly updated. He noted flood proofing as opposed to increasing elevation as being a viable option. It was noted that if the Town did not adopt the amended ordinance the Town residents would not be able to obtain flood insurance.

Russell Davenport questioned the eligibility of Tracy Hudson as being a registered voter of the Town. He noted his property is not in town limits. Terry Truitt noted they pay a percentage of Town tax for the property being in town limits. Lengthy discussion pursued regarding the eligibility requirements. Terry Truitt conferred with Kyle Gulbranson and they would be obtaining an aerial map to see if the actual residence was inside of Town limits as opposed to just land. Discussion of the water meter service as being an out of Town user/ limits for the property pursued. The process of reviewing voter registration cards prior was discussed and their approval as outlined by Dennis Schrader. Council discussed the requirement of being a US Citizen and the notices as being advertised as such.

Pres. Joanne Bacon read aloud the next item on the agenda as being Review Listing of Newly Registered Voters to be added to the "Listing of Eligible Voters for the Town of Frankford". Kathy Murray called for the names to be read aloud. Pres. Joanne Bacon read all of the names out loud.

**Citizen's Privilege:**

Pres. Joanne Bacon called on those present if they wanted to address Council with comments from the citizens noting she felt everything had already been addressed.

Marty Presley elaborated his concern over topics related to employee benefits being discussed behind closed doors during executive session. He further elaborated on the necessity of simplifying the process of getting on the monthly agenda. Pres. Joanne Bacon agreed that the process should be revisited.

Dean Esham questioned council on receipt of his recent email regarding his concern for accounting to the police training funds and expenditures. He added the moneys allocated for the Town Pension as being used through grant funding. Pres. Joanne Bacon noted the pension amount budgeted as being encumbered.

Jerry Smith questioned the three (3) year buy-in money allocated for supporting a pension funding as being \$55,000. He questioned if the amount was still available for this year's budget. Terry Truitt responded that since the subject matter of securing a pension and the line item funding was never approved the money was absorbed back into the budget. She noted it covers overages from any portion of the budget which may go over allocation.

Velicia Melson questioned the line item under consultant's acct. #6009 and the amount shown as \$10,342.00. She was requesting clarification as to what that is used for. Kyle Gulbranson, URS noted it was for the various projects the Town is working on such as drainage, annexation and storm water studies. He added portions of the expenditures are reimbursed back to the Town.

Kathy Murray publicly requested to be placed on the next month's agenda to address the complaint she filed on Terry Truitt and Cheryl Workman. She noted she has not had a response to date. Pres. Joanne Bacon recused herself from the discussion. Councilwoman Cheryl Workman noted she was not aware that a response was to be given noting she was not given a copy of the complaint.

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Kathy Murray continued questioning Cheryl Workman and Terry Truitt with regards to the wording use of "litigation" pertaining to her complaint. Terry Truitt referred to the numerous accounts turned over the Town's Attorney for collection during April, May, and June 2014 noting theirs was on the listing. Kathy Murray made reference to not being given a hearing as the form notes. Terry Truitt replied she was not sure of what hearing she was expecting. Kathy Murray made reference to prior conversations and emails leading up to the complaint being filed. Cheryl Workman noted she had no problem with her being on the agenda. Charles Shelton noted he felt as though the Council had taken the subject matter as far as the Council could go with it noting the lack of quorum to pursue. A motion was made to Kathy Murray placed on the February 2015 agenda by Cheryl Workman with a 2<sup>nd</sup> by Charles Shelton. Motion was three in favor. Noting Jesse Truitt and Joanne Bacon were not voting.

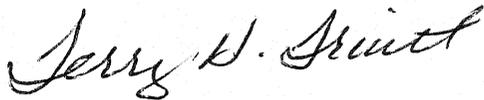
A motion was made to go into Executive Session to discuss Personnel Matter and Employee Evaluations at 9:50pm by Charles Shelton with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

Council returned from Executive Session at 10:45 PM with no formal motion to be made.

Pres. Joanne Bacon requested a physical check of those who were in attendance earlier to rejoin the meeting.

There being no further business, a motion to adjourn was made by Cheryl Workman with a 2<sup>nd</sup> by Pamela Davis at 10:48 PM. Motion was unanimous.

Respectfully submitted,



Terry H. Truitt  
Town Administrator  
Town of Frankford