

MINUTES

FRANKFORD TOWN COUNCIL

July 7, 2014

Town Council	Jesse Truitt, Pres.	
Roll call:	Joanne Bacon, Vice-Pres.	
	Cheryl Workman, Sec/Treasurer	
	Pamela Davis- Absent	
	Charles Shelton	
Town Employees:	Terry Truitt, Town Administrator	
	Chief William Dudley, Police	
Town Solicitor:	Dennis Schrader	
Others:	Elma Gray	Velicia Melson
	Janet Hearn	Marty Presley
	Bernard Lynch	Toni Presley
	Albert Franklin	Barbara Franklin
	Greg Welch	Edward Ash
	Robert Murray	Kathy Murray
	Russell Davenport	Jerry Smith
	Rick Hutchins	Janine Reed
	James Sample	

The regular monthly meeting of the Frankford Town Council was opened by Pres. Jesse Truitt at 7:00 PM.

A motion was made to accept the agenda as posted by Charles Shelton with a 2nd by Cheryl Workman. Motion was unanimous.

Reorganization of Town Council was next on the agenda. Pres. Jesse Truitt announced effective with tonight's meeting he would be stepping down from the roll as President of the Town Council but would be remaining on Council for the remainder of his term. Council then questioned Dennis Schrader, Town Solicitor for the proper way to proceed. Dennis Schrader responded that since it was posted on tonight's agenda the remaining Council members could reorganize and appoint a new President tonight or postpone until the next regularly scheduled monthly meeting. Council debated the subject. A motion was made to table the reorganization of the Town Council until next month's regular meeting by Joanne Bacon with a 2nd by Charles Shelton. Motion was unanimous. Joanne Bacon inquired for clarification purposed of her duties as President of Town Council as to whether or not she could make a motion and would have voting powers.

Dennis Schrader noted she would have the same duties but would have to appoint another member to run the meeting in order to make a motion. A lengthy debate went on within the members of Council as to whether or not to appoint a Pres. of Council tonight and that of the role of Vice President automatically stepping up. Vice-Pres. Joanne Bacon noted if forced to make a decision tonight she would decline the position. Vice-Pres. Joanne Bacon presided over the remainder of the meeting.

Citizen's Privilege:

Vice-Pres. Joanne Bacon called on those present if they wanted to address Council with concerns/ questions on posted agenda items.

Marty Presley questioned if they would be able to address their questions regarding the Town Council Budget for 2014/2015 and would they have to be made now and limited to three (3) minutes or later on the agenda? Councilwoman Cheryl Workman replied they could discuss it later under the agenda of (unfinished business) as long as they kept it on topic and did it in a reasonable time. Mr. Presley questioned her definition of reasonable time. Councilwoman Cheryl Workman replied as long as it stayed on topic. Mr. Presley chose to reserve his question until later on the agenda.

Jerry Smith inquired of the definition of reasonable versus unreasonable. Dennis Schrader noted it was defined under the Rule of Procedure which was adopted by the Council for Citizens Privilege. Jerry Smith noted a time frame. Cheryl Workman noted that she felt three (3) minutes was adequate in getting a question and answer in but if it started to run over for example like ten (10) minutes no.

Kathy Murray directed her question toward Jesse Truitt. She inquired if he was stepping down from President of Council and remaining on Council would having full voting power to vote on topics relevant to his wife. She noted she felt this was a conflict of interest where he would be voting on matters concerning his wife. Councilman Jesse Truitt noted he would not be nor had he ever voted on a subject matter relevant to his wife and the other Council members could confirm that. He added that when the subject matter of the Town Budget was going to be discussed later on the agenda he would be leaving the room.

Jerry Smith remarked that it was his opinion that this was not the case back in the December 2013 Town Council Meeting when the Charter change was voted on. He added that voting on the Charter change regarding the 15% cap to be removed would directly affect his wife. Councilwoman Cheryl Workman noted Jesse Truitt had not voted that night.

Dennis Schrader, Town Solicitor defined the difference between a quorum of Council and a majority of Council at the monthly meeting for December 2013 as being: A quorum of Council is required to be three (3) of the five (5) members present in order to conduct a meeting which was the case in December. A majority of those formed as a quorum of three (3) would be two (2) who had voted to refer the two Charter amendments. Dennis Schrader noted the Charter change is approved by the General Assembly and not the Town Council. He noted it had been discussed for months prior to the December 2013 meeting.

Bernard Lynch stated that he felt it was a conflict of Jesse Truitt when he voted for his wife to be given a Christmas bonus at the December 2013 meeting. Dennis Schrader replied that if Mr. Truitt got up and walked out of the room while the discussion of bonuses were discussed for all Town employees and did not vote to approve said bonuses that it was not a conflict of interest. Dennis Schrader noted that he had explained this to Mr. Lynch in multiple telephone calls, to the attorney General's office and even the Governor's office to which all understood. Dennis Schrader added that Mr. Bernard Lynch was not familiar with the adopted Rules and Procedures of Council.

Robert Murray noted if the number needed to fulfil a quorum as being three (3) during the December 2013 Town Council meeting and if Jesse got up and walked out of the room to recuse himself from the discussion/ topic hadn't they lost their quorum. Dennis Schrader noted you do not lose your quorum based on one topic/ issue when you have a majority.

Russell Davenport remarked that Steve Brought was "kicked" off of Town Council when his wife Cindi worked for the Town. Councilwoman Cheryl Workman replied that this was incorrect that Steve Brought chose not to re-run for council and that neither were kicked off Council or Cindi kicked out. Vice-Pres. Joanne Bacon noted there was nothing in the Town Charter with regards to having family affiliation to Town employees.

Albert Franklin questioned why Jesse Truitt was stepping down (as the role of President) and remarked that if Jesse Truitt was stepping down as Council President he felt he should resign from Council. Councilman Jesse Truitt replied he was stepping down to give someone else the chance to learn the position and that he was elected by the Town residents and would fulfill his term as elected.

Greg Welch then questioned the attendees of the December 2013 meeting as being three (3) and being able to call a meeting. Dennis Schrader responded that there was a quorum of the Council members present and that the meeting was legal.

A review of the Town Council Monthly Minutes from June 2, 2014 was done; A motion was made to accept the minutes as presented by Cheryl Workman with a 2nd by Jesse Truitt. Motion was unanimous.

A review of the Executive Session Minutes from May 5, 2014 was done; A motion was made to accept the minutes as presented by Charles Shelton with a 2nd by Cheryl Workman. Motion was unanimous.

A review of the First Budget Hearing Minutes from May 29, 2014 was done; A motion was made to accept the minutes as presented by Cheryl Workman with a 2nd by Charles Shelton. Motion was unanimous.

Vice-Pres. Joanne Bacon noted the minutes from the Second Budget Hearing on June 23, 2014 have been tabled.

Vice-Pres. Joanne Bacon called on Cheryl Workman, Secretary/ Treasurer 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 Charles Shelton with a 2nd by Jesse Truitt. Motion was unanimous.

Report from Town Employees:

Water Plant: Pres. Jesse Truitt noted the Town's water hydrants had been flushed today (7/7/14) to clear up some rust complaints.

Terry Truitt, Town Administrator: Terry Truitt presented Council with a copy of an email with regards to the Town receiving a onetime grant from Sussex County Councilman Vance Phillips in the amount of \$750.00. She noted the grant had been applied to offset the expense for replacing the picnic tables at the Town Park. Councilwoman Cheryl Workman stated she felt they looked nice.

Maintenance: Pres. Jesse Truitt noted David Ward has been very busy with various summer duties.

Chief William Dudley, Police: Chief Dudley reported for the period of June 2 through July 6, 2014 there were 43 tickets written for speed, 3 for driver license violations, 4 for registration, and 10 for miscellaneous for a total of 60 traffic arrests written for this time period. He added there were 25 complaint/ service calls and 4 for criminal arrests. He noted the Town had recently received the \$25,000 Sussex County Grant for 2013/2014. He added the other grants for the County, EIDE, Highway Safety, and Salle had all been approved for the same revenue amounts.

He noted the Town was still having issues with children playing on Honolulu Road and was trying to see if there was grant money available to sponsor another bike helmet safety program.

He commented that the railroad crossing on Hickory Street was slated for repair soon. He added the culvert drain on Thatcher Street had been replaced. He noted with the upcoming heat wave expected that Town resident who do not have adequate air conditioning could seek cooling stations such as the libraries, Town Hall, etc.

Frankford Vol. Fire Co.: Mr. Vincent Hitchens reported there was nothing new to report.

REPORTS:

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

Charles Shelton, Police: He noted he had nothing to report at this time.

Pamela Davis, Streets- Absent, with no report provided at this time.

Jesse Truitt/ Chery Workman, Water- Jesse Truitt noted a few new water meters had been replaced/ installed during the previous month. Velicia Melson noted she was experiencing low water pressure and had been since moving into their new home. Councilman Jesse Truitt replied this was the first he had been appraised of the issue but would be down there tomorrow to check it out. He added it may be the water saving/ energy conservation that new homes come with but could not confirm that until checking it out. Jimmy Sample noted he too was having issues with low water pressure. Councilman Jesse Truitt noted he would check into his concerns as well and offered flushing the hydrant may correct his issues.

Joanne Bacon- Parks- She reported the new pavilion and picnic tables had been installed at the Park. She brought up for discussion the subject of whether or not the Town Council chose to hold the Fall Festival this year. Councilwoman Cheryl Workman notes she works on Saturdays but could assist beforehand with preparations. Councilman Charles Shelton felt it would be a good idea to hold it. The Council discussed the date to hold the Fall Festival and Trick or Treating and it was suggested for Saturday, October 25, 2014. Terry Truitt commented that the issue that has arose previously has been not having the volunteers and support from the community to hold it with regards to manpower. She suggested a letter be sent to the various churches and the Fire Company for assistance. Chief Dudley noted he would check into seeing if a portion of grant money could be used for the expenses similar to Cinco De Mayo.

Charles Shelton noted a signup sheet could be placed at the Town Hall. Terry Truitt replied that with last year it was cancelled to nonparticipation and feared that would reoccur. A motion was made to hold the Fall Festival on Saturday, October 25, 2014 from 12-4pm with Trick or Treating to follow afterwards from 4-6pm by Charles Shelton with a 2nd by Cheryl Workman. Motion was unanimous.

UNFINISHED BUSINESS:

Councilman Jesse Truitt commented that at this time of the meeting he would be excusing himself from the remainder of the meeting.

Vice Pres. Joanne Bacon announced under unfinished business the item on the agenda as: Consideration and the Possible Voting on the Proposed Budget for fiscal year July 1, 2014 through June 30, 2015. She stated a resident of the Town had requested to speak earlier in the evening with regards to the subject. Marty Presley questioned what is the procedure to discuss and implement a (Town) pension plan. Vice-Pres. Joanne Bacon noted first the Town Council would have to approve having one and they have not done so yet. It would be posted to the agenda for that month's consideration but not tonight. Marty Presley questioned the proposed budgeted line item shown as \$63,000 for allocation of a pension and suggested that it be deleted.

Dennis Schrader, Town Solicitor offered one of two methods the Town Council could proceed with possibly adopting the upcoming fiscal year budget. It could be to delete the line item entirely and readopt the budget once the line item has been approved and/ or amending it at a later date. He noted he had reviewed the budget with both the pension and health care costs seeming to be the huge points of contention in the room. Marty Presley noted the issue is the 63,000 was allocated over a year ago under what he felt was "shady circumstances" and a pension plan had not even been approved. Dennis Schrader noted that it was his opinion that a majority of those present tonight either opposed the possible three (3) year buy in feature of a pension plan and/ or the health insurance benefit being paid fully by the Town. He noted it needs to be discussed in an orderly manner. Dennis Schrader noted it was the intention to implement a pension plan back when the previous budget was adopted then the Council realized the Town Charter would have to be amended to accommodate one. He outlined this endeavor had taken an extensive amount of time in doing so. His advisement for the Council would be to meet with 3-5 different types of vendors on pension plans then proceed accordingly once they had.

Dennis Schrader noted he wished to further explain the issue before the Council with necessity in regards to the adoption of the upcoming fiscal year budget. He noted the email sent on Thursday June 26 to members of Council was that on before July 31st the Council must adopt an operating budget. In the event that they do not adopt a budget all governmental functions of paying bills, payroll, etc. will cease.

Marty Presley noted that he felt the resignation of Jesse Truitt as President put an unfair balance on Council with him now voting. Dennis Schrader noted this was not the case as Jesse Truitt would not be voting on the subject matter. The question arose to if there was a tie vote on the subject of securing a pension plan what would occur. Dennis Schrader noted it would not pass.

Chief Dudley noted a representative from the State Pension Office had already met with the Town Council back last May to fully understand the State's pension plan and the various options and the associated cost factors. Vice-Pres. Joanne Bacon acknowledged that was correct. She added that she felt it was advisable to have another type of plan for comparison. Chief Dudley stated that it just wanted it made clear that the Town had met and discussed this plan. He added that remarks have been made to him outside of meetings that this was not the case.

Greg Welch noted that he was in attendance along with another resident when the meeting was held last May 2013 and that they were not allowed to ask any questions. He added this was his concern about the money being left as a line item in the budget where the State will see the line item is allocated and then be used as a discussion point that it had already been discussed and approved.

Vice-Pres. Joanne Bacon called on Dennis Schrader for interpretation of the proposed budget regarding the pension. She questioned if the budget were left as it is could they (the Council) still have the right to make a decision toward another plan should they wish to? Dennis Schrader noted you can always amend the budget. Vice-Pres. Joanne Bacon questioned could it be amended tonight? Dennis Schrader replied yes. Dennis Schrader noted issue being raised by Marty Presley is that the money allocated should be taken out. He noted that if this were the case the Town would have to wait until next fiscal year to fund/allocate the money toward a pension plan. Marty Presley suggested changing the title of the line item to "rainy day fund". Dennis Schrader noted it could be titled encumbered reserve and only used for that civil purpose and if not met then it reverts back to the general fund.

Robert Murray questioned the money (\$44,000) allocated last year toward health care expense and that they have already used some where close to 60,000 and the upcoming year they have allocated \$55,000. He proposed the Town was underestimating health care expenses. Dennis Schrader replied that he did not have the actual figures/ cost in front of him but assuming he was correct if the cost of projected health care is higher than projected then it will come from somewhere such as accumulative reserves.

Kathy Murray questioned the Town Council based on what was just discussed it's been her concern to address the Council. Does the Council work under the philosophy to work under the theory of a balanced budget. All members agreed yes. Vice-Pres. Joanne Bacon acknowledged that sometimes that is not always possible. Kathy Murray noted the Town does not convey a balanced budget by exceeding what was forecast for the last three (3) years by her figures to be 100,000 as advertised. She noted that in essence there has not been a balanced budget based on the reflection that reductions have not been put into place elsewhere. Kathy Murray then asked another question regarding the actual total expenses for fiscal year 2013? Terry Truitt was called on for the availability of information. She replied she did not have that with her at tonight's meeting. Kathy Murray noted that under the above the Town does not appear to be operating nor conveying to be under a balanced budget. Kathy Murray noted that this misinformation is what is giving the wrong idea to its citizens. She added required published budget only reflects an increase of \$6,800 which is only than 1% percent. Dennis Schrader questioned the calculations which were discussed on the figures of the estimated costs. Kathy Murray stated (in her opinion) that the budget being conveyed to the public is being padded, misleading and deceptive. She provided the GAAP definition to those present.

Chief Dudley questioned Terry Truitt if the Town undergoes a full annual budget each and every year? Terry Truitt replied yes. He then asked if the Town had ever ended in the red. Terry Truitt replied no. Kathy Murray replied that an audit has nothing to do with a budget. Chief Dudley remarked that it does resolve the question of the Town ending prior fiscal years over budgeted as alleged. Dennis Schrader noted the purpose of the Town Budget is to set the Town tax rate accordingly. Terry Truitt noted the money allocated in the police training line item was placed there with the intention to have the adopted budget amended once the Town Charter amendment was approved. Then the line item for Town Pension could be created and the discussion continued toward various plans with the Councils approval. Terry Truitt noted the discussion of a Town Pension plan has been ongoing for over 14 years. She added it seems to come "up to bat but never materializes". She added that the newly hired police officer has been solicited by other Towns that currently have a pension plan. Audible remarks were made by too many talking at the same time to disclose who made the remarks regarding the officer could leave, the Town did not need a police department, the Town could operate as years previous under State Police coverage. Various verbal debates occurred. Vice-President Joanne Bacon called the meeting back to order.

Jerry Smith noted the meeting held May 2013 the public was not allowed to talk or ask questions regarding the State Pension plan. He questioned the Council if the new Police Officer was promised a pension plan and where could he go to obtain a three (3) year benefit (toward pension)? Councilwoman Cheryl Workman replied the Council had not promised one but that the Town Council did imply that it was going to forth coming.

Kathy Murray suggested that Council should consider setting up committee's to advise and gather information on the various issues that come before Council such as with pensions, healthcare, etc.

Elizabeth Carpenter questioned when was the last time the Town had a balanced budget? She suggested the Council consider adopting one and that the Town Council become more transparent in decisions that affect tax payers and the residents of the Town. She added that those present "quit quarreling" and agree to come back as a team.

Dennis Schrader, Town Attorney clarified that Freedom of Information Act gives the citizens the right to observe but not to participate.

Vincent Hitchens questioned if it would be possible for the Council to adopt the new budget then amend it down the next few months. Dennis Schrader replied yes.

After quite a lengthy conversation the Council agreed in the best interest of the Town it would adopt the upcoming fiscal year budget with line items revisited for pension and health care. A motion was made to formally adopt the 2014/ 2015 Budget with lines items to be revisited for pension and health care expense in a few months by Cheryl Workman with a 2nd by Charles Shelton. Motion was unanimous.

NEW BUSINESS:

Council reviewed a letter received in from Bernard Lynch regarding his request to have the three (3) minute time limit under Citizens Privilege removed. Council reviewed his request and felt in the best interest of all involved to open communication between both the Council and the residents they would create a second "Citizens Privilege" at the end of the posted agenda for general communication and conversation still within a three (3) minute time frame.

Elizabeth Carpenter raised concerns over excessive speeds violations occurring on Frankford Avenue. She questioned how long it was going to take before something serious occurs and corrective measures are taken. She added she never sees any enforcement of speeders. Chief Dudley noted they have been enforcing speed limits along Frankford Avenue but noted it may not be visible to her on the occasions the violation occurs. He offered to add additional signage along Frankford Avenue as well.

Russell Davenport noted that he feels like the Town Council shuts the resident out and does not enable them to voice concerns.

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Correspondence:

There being no further business, a motion to adjourn was made by Cheryl Workman with a 2nd by Charles Shelton at 9:06 PM. Motion was unanimous.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Terry H. Truitt".

Terry H. Truitt
Town Administrator
Town of Frankford