

**MINUTES**

**FRANKFORD TOWN COUNCIL**

**September 8, 2014**

Town Council	Joanne Bacon, Pres.	
Roll call:	Pamela Davis, Vice-Pres.	
	Cheryl Workman, Sec/Treasurer	
	Jesse Truitt	
	Charles Shelton, late	
Town Employees:	Terry Truitt, Town Administrator	
	Chief William Dudley, Police	
Others:	Elma Gray	Maria Counts, Coastal Point
	Greg Johnson	Kathy Murray
	Larry Morris	Justin Tomlinson
	Velicia Melson	Tyrone Oliver
	Janet Hearn	Bernard Lynch
	Albert Franklin	Barbara Franklin
	Edward Ash	Marty Presley
	Toni Presley	James Sample
	Jerry Smith	Duane Beck
	Greg Welch	Harvey Jenkins
	Dora Bell-Isler	Hunter Holland
	Matthew Melson	Robbie Murray

The regular monthly meeting of the Frankford Town Council was opened by Pres. Joanne Bacon at 7:02 PM.

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

**Citizen's Privilege:**

Pres. Joanne Bacon called on those present if they wanted to address Council with concerns/ questions on posted agenda items. Councilwoman Cheryl Workman made a motion to delete the 2<sup>nd</sup> Citizen's Privilege-Open Forum from the agenda noting she felt the meeting format was getting out hand with the open dialogue with a 2<sup>nd</sup> by Jesse Truitt. Pres. Joanne Bacon stated she did feel as though it does get out of hand at times (noting last month's meeting) but disagreed with deleting the 2<sup>nd</sup> Citizens Privilege adding that she felt they (the Council) should hear the people's voices. Pamela Davis voted no. Tie vote -Motion was not carried.

Jerry Smith stated he felt the residents did not get to be heard without interruptions.

Kathy Murray stated she felt some of the blame should fall on Dennis Schrader the Town Attorney.

Greg Welch questioned why the State Pension representatives were present for tonight's meeting? Pres. Joanne Bacon replied that a few members of Council were not present back one (1) year ago.

Kathy Murray questioned what the purpose of the Financial Report was that Cheryl Workman reads aloud that Terry Truitt gives her on a few select few accounts. Pres. Joanne Bacon called on Terry Truitt to reply. Terry Truitt outlined that it did include all of the bank accounts showing the total deposits and withdrawals for the prior month with interest accrued. It also listed all of the vendor/ payables to be approved by Council before release of payment would occur.

Marty Presley suggested that the issues to be brought before the Council on ongoing issues should be put into written form.

Jerry Smith directed his question directly to Pamela Davis by asking her if she had listened to the audio recording of the tape (referring to the meeting held May 2013 with the State Pension officials during a workshop meeting). She replied no. Pamela Davis replied that she had met with Chief Dudley and had reviewed both packets for the Police and Municipal employees.

Pres. Joanne Bacon suggested the minutes be delivered to the Council more timely. Terry Truitt agreed.

A review of the Town Council Monthly Minutes from August 4, 2014 was done; A correction was made to Page 2-3 numerically. A motion was made to accept the minutes with the correction by Cheryl Workman with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

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

Pres. Joanne Bacon noted the minutes from the Town Council Work Shop Meeting on July 31, 2014 have been tabled

Vice-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 Pamela Davis. Motion was unanimous.

**Report from Town Departments/ Employees:**

**Water Plant:** Jesse Truitt noted the monthly report from Artesian was not received yet and suggested the Town Council look into getting someone else if this was going to continue to be an issue.

**Terry Truitt, Town Administrator:** Terry Truitt read aloud the names of the five (5) collection letters which were being handled by the Town Attorney. She then presented Council with the Code Enforcement report for July/ August 2014 which was read aloud. (Copy on file with these minutes). Terry Truitt reviewed with Council the new fiscal year 2014/2015 Budget Report for both the General Fund and Water Fund. (copies were available for attendees). She pointed out the format would be changing slightly to reflect the deletion of the wording "gross profit" as the Town is a municipality and not a for profit business. She clarified account#6027-Street Maintenance under the General Fund Budget Report was showing a balance of \$20,208.88 which is going to be adjusted by the auditor for a one time grant made possible by Sen. Gerald Hocker for sidewalk repairs. The invoice was paid to F & N Velasquez in the amount of \$19,953.80. She then outlined the operating transfer account #9999 was noted as an interdepartmental account for joint expenditures such as payroll, etc. She noted she would begin to enter the prior fiscal year detailed budget as soon as possible.

**Maintenance:** Terry Truitt noted she would pass along the recommendation made by Councilwoman Cheryl Workman in which she suggested that David Ward attend the monthly meetings. Council agreed,

**Chief William Dudley, Police:** Chief Dudley reported for the period of August 4 through September 8, 2014 there were 24 tickets written for speed, 3 for driver license violations, 4 for registration, and 11 for miscellaneous for a total of 42 traffic arrests written for this time period. He added there were 21 complaint/ service calls and 14 for criminal arrests. He noted there had been issues occurring with the Town Park sign lighting being damaged and someone is defecating near the rear of the bathroom/ storage building which he noted as being totally disgusting. There have also been issues with trash, bottles and open alcohol containers in the Park as well. He called for those to assist with reporting any types of offences seen. He added that if the offenses continue it could result in the closure of the Park once David Ward leaves on weekdays at 4pm. Councilwoman Cheryl Workman noted that there has been an increase in bikes using the walk path casing walkers to move from the walk path. Discussion of the Fall Festival pursued with Council and those present. Velicia Melson stated she had brought the subject of helping with the Fall Festival up at the Ladies Auxiliary meeting and no one was interested in helping out. Cheryl Workman noted since no preparations had been made and there was no one willing to volunteer that the Fall Festival be cancelled for this year.

Council discussed holding Trick or Treating on October 31<sup>st</sup> along with other Towns from 5-8pm. A motion to cancel the Fall Festival and have Trick or Treating hours on October 31<sup>st</sup> from 5-8 was made by Cheryl Workman with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

**Frankford Vol. Fire Co.:** Hunter Holland thanked the Town Council for the service of cutting the grass this year at the Fire Hall.

**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 as the damages at the Park had already been discussed by Chief Dudley.

**Charles Shelton, Police:** He noted he apologized for arriving late. He noted he would give his report while standing as he wanted to clarify some issues which occurred after the last Town Council meeting. Councilman Shelton asked if the news media was present. Maria Count of the Coastal Point was acknowledged as being present. He stated the latest article published in the Coastal Point written by Jerry Smith was bashing himself and other members of Council and staff. He said he is fed up with all of the bashing going on. He thought everyone should know that after last month's Town Council meeting Jerry Smith approached him outside of the meeting to state that "us blacks need to stick together". Councilman Shelton noted the words used were a shame to hear and were racist. He continued by stating that I had not shut the other white folks up from making comments and wanted to know why he had only shut him up. Verbal remarks were made by Jerry Smith to which Charles Shelton noted he was giving his report and would not address him right now. Councilman Shelton stated that when someone can make the remarks and attack any member of Town Council by personally attacking them or himself it is wrong. He noted Jerry singled out himself, Charles and Pam as the only black in the meeting to represent the Town and by doing so need to stick together. Charles Shelton went on to state he serves all of the Town resident and does not represent any one color. He added that it is not right for all the other residents of the Town to pay their bills and certain ones are not paying. He noted that he (Jerry Smith) can sit up there and criticize about this and that he needs to pay his bills. Jerry Smith started to reply to which Pres. Joanne Bacon noted not at this point in the meeting.

**Pamela Davis, Streets-** She said she did not have a report at this time.

**Jesse Truitt/ Chery Workman, Water-** Jesse Truitt noted he felt Artesian was not doing a good job for the Town with regards to the water quality to which Cheryl Workman agreed. Bernard Lynch interjected by suggesting the Town go back to Tidewater.

Council agreed to have Terry Truitt pull the existing contract and have it reviewed in its entirety.

**UNFINISHED BUSINESS:**

Pres. Joanne Bacon noted there was nothing to discuss.

**NEW BUSINESS:**

Pres. Joanne Bacon read aloud the request for a formal motion to approve a telephone poll made on August 14, 2014 to reschedule the September Town Council meeting from the 1<sup>st</sup> to the 8<sup>th</sup> due to the Labor Day holiday. A motion to approve a telephone poll made on August 14, 2014 to reschedule the September Town Council meeting from the 1<sup>st</sup> to the 8<sup>th</sup> due to the Labor Day holiday was made by Jesse Truitt with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

Pres. Joanne Bacon read aloud the request for a formal motion to approve a telephone poll made on August 28, 2014 to approve three (3) days of family leave for David Ward due to his mother in laws death. A motion to approve a telephone poll made on August 28, 2014 to approve a three (3) days of family leave for David Ward due to his mother in laws death was made by Pamela Davis with a 2<sup>nd</sup> by Cheryl Workman. Motion was unanimous.

Pres. Joanne Bacon read aloud the request for a formal motion for the approval of paying Christmas bonuses to the Town Employees on December 2, 2013. A motion to approve the paying of Christmas bonuses to the Town Employees on December 2, 2013 was made by Cheryl Workman with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

Pres. Joanne Bacon acknowledged Trina Giddings of the State of Delaware Pension Office in attendance. She suggested that all questions from those in attendance be directed to the end of her presentation.

Ms. Giddings outlined the Police Pension plan offered through the State of Delaware. Copies of the distributed packets are on file with these minutes. She noted she would drop of the State plan for municipal employees later in the week as she was only prepared to address the Police Pension plan tonight. She noted that once the Town joins it is considered irrevocable and it must be a 100% enrollment. She noted the current rate for 2014 as being 14.18% for the employer and 7.0 % to the employee.

**Correspondence:**

Pres. Joanne Bacon noted there were no correspondences to discuss/ review.

Councilman Jesse Truitt excused himself from the remainder of the meeting.

**Citizen's Privilege: Open Forum:**

Pres. Joanne Bacon announced the Citizen's Privilege which would follow the same three (3) minute time limit but for generalized conversational topics.

Jerry Smith would like to address the remarks made earlier in the meeting by Charles Shelton. He noted he did have a conversation with Charles and did note that African Americans are a divided group of people. He added that Charles Shelton has not disapproved any part of the content of his letter written to the Coastal Point. Case in point by walking in late tonight. Jerry Smith reiterated his trash billing as not having trash service since 1993. Jerry Smith then stated that the Town permits Jesse Truitt to not have water or sewer service to the property he runs his business from. Pres. Joanne Bacon noted she would look into the details regarding that matter. Terry Truitt noted she would like to respond as there is a valid answer. He is not required by the State to have a connection to the sewer based on the fact that he is self-employed with no employees. He does have water service which is shared jointly with the rear property/ landlord which he pays the full water and trash/ recycling billing on. The property was grandfathered in and was never connected to the sewer or water system. Jerry Smith noted the property in mention also stock piles old lawn mowers.

Robert Murray questioned if the budget had been reviewed by Council. He stated nothing is shown for health care as being zero balance. He questioned if it was paid quarterly? Pres. Joanne Bacon replied it was paid monthly. Robert Murray then questioned the figure shown for salaries as being \$1,431.00. He stated he felt the budget deserved a little more scrutiny to come up with better figures.

Robert Murray then addressed his concerns directly to Terry Truitt with regards to two (2) checks submitted during the month of July for his 2014 rental license and gross receipts tax. He questioned why he had not received anything on either check nor were they cashed. Terry Truitt noted that he was correct in that both checks were held to address questions with the Town Attorney regarding "litigation" where the gross receipts tax was paid late (7/31/14). She replied that his account along with other accounts were discussed at the August meeting which were delinquent and pending. Robert Murray questioned if the Council was aware that the checks were held six weeks? Cheryl Workman replied she was in the Town Hall when Terry was on the telephone with the Town Attorney discussing the delinquent accounts and heard the discussion related to your payment. Terry Truitt noted the issue being addressed was the penalty/ late fees.

Bernard Lynch stated all the talk about getting a pension plan started when the streets and infrastructure are being neglected.

Albert Oliver addressed his concerns over the maintenance of the tax ditches near his property. Pres. Joanne Bacon noted she would look into his maintenance concerns. She added she would see about sending a letter out to DNREC.

Velicia Melson questioned when the minutes for the tabled minutes would be done. Pres. Joanne Bacon noted the minutes would be ready by the following month's meeting noting they were quite lengthy.

Bernard Lynch suggested sending the Town's maintenance man to become licensed in operating the Water Plant. Councilwoman Cheryl Workman noted they had done that before and the employee left after becoming certified.

Jerry Smith remarked that he understood that Jesse Truitt had become certified and was intending on working for the Town. Terry Truitt clarified that Jesse Truitt did take the course to become familiarized with the running operations but had no intention in working for the Town.

Elma Gray discussed her concerns with debris and junk in people's yards. She noted she had turned a complaint into the Town Hall about the property across from her and was told it was tires. Chief Dudley noted everyone needs to be clear in the process to remedy the problems. He noted just because someone has tires in their yard you will need to fully undertake all the enforcement issues such as those living in trailers, unregistered vehicles, etc. He said the Town of Selbyville utilizes their officers as Code Enforcement Officers as well. He added that the Town needs to apply consistency across the board to all.

Kathy Murray noted she had collected a gathering of other attendee's three minutes granting her their time allotment to speak. She noted after reviewing the published July Meeting minutes she would like a revision on page 8 of the definition of GAAP definition of a padded budget. She requested to have minutes corrected to accurately reflect her statement. She noted the paragraph paraphrases her remarks and down plays the situation as outlined. She then read aloud the remarks noted between Terry Truitt and Chief Dudley to the Town ending their fiscal year in the red. She questioned how the Town could afford to pay for a pension based on the Town taxes when there has not been a balanced budget in some time. She stated she felt the employees should have objective documented performance evaluation. She then stated the Town needs to be run and operated like a business and not a "good ole boys club". Kathy Murray then remarked over the presented copy of the fiscal year July and August 2014/2015 budget to which she felt it falsely gives the impression that the Town is doing very well and should have the budgeted amount prorated based on a monthly representation of the figures.

Albert Franklin noted the Town is small in comparison to the other surrounding Towns and feels as though the Council is going to break the Town. Pres. Joanne Bacon assured him they would be reviewing and addressing concerns.

Greg Welch addressed his concerns over the Charter issues which were discussed at last month's meeting noting the procedure to proceed is a BIG deal. The Charter amendment with regards to Jesse Truitt does benefit his wife in which she would receive benefits. He reiterated the voting process which took place at the December 2013 Town Council Meeting as being incorrect. He discussed the legal fees associated with the Charter amendments and stated it was solely for the purpose of getting a pension plan through and had nothing to do with health care expenses. Pres. Joanne Bacon replied that she disagreed with him on that as she was the one who brought up the threshold needing to be increased based on the accountants recommendation and not based on securing a pension.

Marty Presley wanted the individual Council members to give their opinions on which Pension plan the Town should go with. Council replied as a whole that they did not feel comfortable doing so quite yet as they wanted to review the information outlined in tonight's meeting. He questioned if they had reviewed any of the plans available to which Cheryl Workman replied that she had reviewed the information he had presented. He questioned if they had googled "pension plans" to see the various options and suggested the Council do their homework as he did not feel as though they were taking it seriously. He added the minimum amounts quoted by the State could go higher up to 40%. He noted the Affordable Health Care Act open forum window is approaching.

Dora Bell addressed Council in the concerns raised that if the Town is hurting for money why won't the Town consider running water down Delaware Avenue so there would be income coming in. She added they have been trying for years to obtain water. Cheryl Workman noted the reason for not pursuing the project further was based on the cost expense to run the water lines. Duane Beck noted the County had placed the casement under the railroad for the purpose of running water lines but noted the residents would need to be annexed into Town. Dora Bell noted they were residents of the Town. Duane Beck questioned if they were paying Town taxes to which no answer was given. Informal discussion took place between the meeting attendees.

Jerry Smith questioned if the Town employees were paying for the family coverage would the cost have exceeded the 15% cap? Pres. Joanne Bacon noted she was unsure without calculating the figures.

Kathy Murray questioned when the Town reviews health care will it considering eliminating paying for family member coverage and having the employees do cost share which could reduce the Town from being in the red. Pres. Joanne Bacon replied yes.

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Robert Murray noted he has heard a lot of good things have come out of tonight's meeting and suggested concerns be in writing to follow up and does not become a complaint fest with names filed with it. Cheryl Workman agreed that it would give the Council the opportunity to formulate their own opinions and know what issues need to be followed up with.

Toni Evans noted she felt putting concerns in writing would alleviate the same old topics being revisited month after month. Council agreed

There being no further business, a motion to adjourn was made by Pamela Davis with a 2<sup>nd</sup> by Cheryl Workman at 9:09 PM. Motion was unanimous

Respectfully submitted,  
Terry H. Truitt  
Town Administrator  
Town of Frankford