

MINUTES

FRANKFORD TOWN COUNCIL

October 6, 2014

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	
	Chief William Dudley, Police	
Others:	Elma Gray	Rep. John Atkins
	Greg Johnson	Kathy Murray
	Janet Hearn	Bernard Lynch
	Albert Franklin	Barbara Franklin
	Edward Ash	Marty Presley
	Toni Presley	Clarence Quillen
	Jerry Smith	Duane Beck
	Greg Welch	Elizabeth Carpenter
	Robert Murray, Sr.	Robbie Murray
	Mark Walters	Bryan Murray
	Dawn Beck	

The regular monthly meeting of the Frankford Town Council was opened by Pres. Joanne Bacon at 7:01 PM.

A motion was made to accept the agenda as posted by Charles Shelton with a 2<sup>nd</sup> by Cheryl Workman. 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.

Robert Murray questioned if he could pose a question with regards to the August 14, 2014 meeting minutes since they were listed on the agenda. Pres. Joanne Bacon questioned if he meant August 4, 2014 minutes? He replied yes. He stated in the meeting he thought Pamela Davis had made a motion to have the financials to actuals prepared and it was not (then rephrased it) to state the actuals to the yearly budget but noted it was not. He questioned Pamela Davis to recall the motion made.

Councilwoman Davis replied yes. Robert Murray stated the minutes only reflect that Pamela Davis “stated it would be nice to have” but was under the impression that she had made a motion and that the council had approved it. Pres. Joanne Bacon questioned if they had the August 4, 2014 meeting minutes. Terry Truitt noted that the Council had already been given a copy and approved them then noted the purpose for approving them secondly was due to the removal of the address from citizen as shown in the Citizen Privilege section. Pres. Joanne Bacon noted she would have to check into it and get back with him. Robert Murray noted the second item he wished to address with Council was doing away with the second citizen privilege at the end of the agenda. He questioned if Jesse Truitt would be voting on that issue as it does concern employees getting out of here earlier. He noted there was a ruling where he should not have anything to do with regards to employees. Pres. Joanne Bacon replied ok.

Duane Beck noted there was a vote last meeting about giving Christmas bonuses and questioned what line it (of the budget) would they come out of. He questioned if there was an excess from which this was being paid as he was under the impression that the budget isn’t adding up. Pres. Joanne Bacon replied that what was voted on last month was for a correction which already took place back in December 2013 and was affirming the voting as it was not held in the proper manner. Duane Beck stated it still does not answer his question as to what line item it would come from. Pres. Joanne Bacon replied she would assume it would come out of the line item for wages.

Marty Presley noted several people of the Town who had asked to get on tonight’s agenda. After speaking to several people the response was it needed a majority of the Council to vote to have the issue put onto the agenda. Marty Presley noted after speaking to several Council members the question was never even posed to them. Marty Presley then questioned how did that work/ format? Pres. Joanne Bacon replied that a request is made and either by phone poll or email to the Council members and they are asked if they agree to have the item placed on the agenda. Marty Presley noted if a majority of the Council were not even contacted? Pres. Joanne Bacon noted she was not aware of that but stated she had been contacted. Mr. Presley stated speaking for himself he was asked to be placed on the agenda to discuss the pension. Pres. Joanne Bacon replied yes. Marty Presley stated he was told a majority of the Council had voted not to discuss the pension. He affirmed he has knowledge of at least three (3) people on Council who were not query about that then how did a majority agree not to talk about the pension. Terry Truitt replied that she had forwarded his email/ request to all members of Council. Councilwoman Cheryl Workman confirmed her receipt of the email and response. Marty Presley called for a show of who had responded. Pres. Joanne Bacon called for a roll call on the vote. The following vote to or not to have placed on the agenda was taken: Joanne Bacon-yes, Pamela Davis-yes, Cheryl Workman-no, Charles Shelton-no, Jesse Truitt-no. Marty Presley stated he was told not even a majority of Council were even made aware of his request now you are stating the vote is no.

Pres. Joanne Bacon assumed it was a tie vote (referring to Jesse Truitt's vote not counted. Councilwoman Cheryl Workman commented that all Council members are involved on the subject matter relative to the agenda then are recused from voting matter. Pres., Joanne Bacon agreed that he could not participate in the conversation. Robert Murray interjected by stating he understood Jesse Truitt was not to have any involvement with regards to any employee issues. Jerry Smith noted it should be in any manner. Pres. Joanne Bacon noted she would get a ruling on the issue. Marty Presley then questioned if he understood the agenda to reflect the deletion of the second citizens privilege and wanted to know the Council's opinion on it. Pres. Joanne Bacon noted it would be brought up during that point in the meeting/ agenda. Council member Jesse Truitt questioned if he was going to be permitted to vote on that subject? Pres. Joanne Bacon stated she saw no reason why he could not vote. Council agreed.

Kathy Murray noted she had sent in a request similar to Marty Presley where she had sent in a request to have several items placed on the agenda. Two of the items she would like to see placed on the agenda. She noted she had called Charles Shelton on September 29<sup>th</sup> and as of that time was not aware of anything, She added she had spoken to Pamela Davis on Wednesday the 3<sup>rd</sup> (?) she was not aware of any request and then included Joanne Bacon to which Kathy Murray noted she was not aware of her request. Pres. Joanne Bacon corrected her in stated she was as she had been copied on the original email sent. Pres. Joanne Bacon noted it had not been voted on yet and then Kathy Murray questioned why it was not on the agenda. Terry Truitt replied that her emailed request came in at 4:09pm on Friday, September 26<sup>th</sup> for the agenda to be posted seven days prior to the meeting. To which Mrs. Murray argued she had sent the email at 3:26pm and wanted a receipt given to her tonight. Verbal arguing pursued and accusations and remarks were made. Pres. Joanne Bacon called on Kathy Murray to settle this matter after the meeting.

Greg Welch noted he also had put in an emailed and hand delivered request to be placed on tonight's agenda to discuss the Charter amendments and was also turned down. He noted Pres. Joanne Bacon stated she would give him the minutes and agenda regarding the discussions. Pres. Joanne Bacon stated she understood that completely but after checking he already had everything she has and does not have anything else to give him on the subject matter. Pres. Joanne Bacon noted his request was presented to the Council and it was unanimous to deny his request to be placed on the agenda. She noted the decision had already been made by the Attorney General's (AG) office and noted there was nothing else to be done that the Town had acted correctly. Greg Welch noted the decision of the AG's had nothing to do with the procedure which was in violation of FOIA (Freedom of Information Act) and that they (AG) were incorrect. Pres. Joanna Bacon felt as though the Council had acted correctly in pursuing the Charter changes and Council members agreed.

Greg Welch questioned if he could be placed on a future agenda to discuss the incorrect procedure to which the Charter amendments were done. Vice-Pres. Pamela Davis noted they would have to check on it. Pres. Joanne Bacon clarified his request was only being the procedure to which they (the Charter amendments) were done. Greg Welch responded yes and the whole process. Pres. Joanne Bacon noted they would review his request and get back to him. Greg Welch called for an answer now. Councilmember Jesse Truitt noted it was not on the agenda for tonight to discuss and vote on. Greg Welch commented that he felt they were taking away his ability to discuss it and wanted a vote tonight on his request. Vice-Pres. Pamela Davis noted they would have to review it and do their homework on the subject first. Pres. Joanne Bacon noted his request would be reviewed and considered for next month's agenda.

Dawn Beck questioned the Council if they are the Town or are the residents? She commented that the Council votes on what they can and cannot say and what can be said and what cannot be said. She added they are taxpayers of the Town. Pres. Joanne Bacon replied that the Council represents the citizens. Councilwoman Cheryl Workman replied they (the Council) all are residents of Town. Councilman Jesse Truitt remarked she could also run for office.

Jerry Smith stated in several Council meeting that Charles Shelton made a suggestion that residents be placed on the agenda to address any questions and/ or concerns instead of coming to the meetings and complaining. He stated that discussions are being done behind closed doors referring to Greg Welch's request to be on the agenda. He called for an open vote tonight as to whether or not he could be on next month's agenda. Pres. Joanne Bacon called on the Council for comments. Vice-Pres. Pamela Davis noted she came on late in the midst of the discussion/ vote and would like to have the opportunity to review. A motion was made to grant Greg Welch and Kathy Murray to be placed on the upcoming November Town Council meeting agenda by Pamela Davis. No 2<sup>nd</sup> was made so the motion was declined. .

Bernard Lynch commented that the Town lawyer stated that part of the Charter amendments were done legally and the other part wasn't and the Council approved the 2<sup>nd</sup> part. He stated if the Town lawyer states it was done legally he did not see any reason to continue bringing the subject matter up and rehashing it.

Councilman Charles Shelton suggested the two request be handled and voted on separately

A motion was made to grant Greg Welch to be placed on the upcoming November 2014 Town Council meeting agenda to discuss the Charter Amendments by Pamela Davis. No 2<sup>nd</sup> was made so the motion was declined. .

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A motion was made to grant Kathy Murray to be placed on the upcoming November Town Council meeting agenda to discuss two of the three items submitted in her emailed request of 9/26/14 by Pamela Davis with a 2<sup>nd</sup> made by Charles Shelton. Motion was unanimous.

Marty Presley inquired if the Town Council was going to continue discussion of a Town employee pension plan. Pres. Joanne Bacon replied it had been postponed and she had not received feedback in order to direct a vote on the pension plan at this time. Marty Presley then outlined during his presentation in July 2014 he had provided the names of several companies that were approved by the State of Delaware to come in and give a presentation. He asked if a direction should be read into the Council by not contacting these companies. Pres. Joanne Bacon replied no and that the Council should talk about it and make a decision.

A motion was made to grant Marty Presley to be placed on the upcoming November 2014 Town Council meeting agenda to discuss Pension options by Pamela Davis. 2<sup>nd</sup> to the motion was unclear. Councilman Charles Shelton noted that he was unsure if he was going to have answers for him since the same questions are still being asked with no answers given. Pres. Joanne Bacon suggested that the subject be placed on the next month' agenda. Council outlined holding a workshop meeting whereas they could meet to discuss the pension and the public input by comments/ remarks.

Marty Presley clarified the remarks made earlier to be not an answer he wants to hear but to explore all of the viable options and make a rational decision in the best interest of the Town of Frankford.

Dean Esham called on Charles Shelton to disclose the cost of the pension to the Town is considering "buy-in" as he had told him previously that the Town was considering buying in back to day one of Nathan Hudson's hire date. Councilman Shelton noted that was not the case. Pres. Joanne Bacon noted they would discuss that next month.

Duane Beck noted the Town of Seaford bought in their eleven (11) officers at a cost of \$130,000 which does not seem to add up to the Town's cost.

Robbie Murray stated he knows the cost the County is going to be exactly based on an actuary study. He questioned if the Council had those figures? Pres. Joanne Bacon replied yes.

Marty Presley noted the Town was looking at a cost of 40-50% of payroll cost to fund a Town Employee pension plan.

Dean Esham noted in the May 2014 Town Council meeting –Charles, Pam, and Cheryl were prepared to vote on a pension plan without having the cost. He added no one was allowed to discuss the subject. Councilman Jesse Truitt commented that the subject matter had been removed from the monthly agenda at the advice of the Town Attorney. Dean Esham added that before he left the meeting Bill Dudley spent more time discussing how many hamburgers and hot dogs were distributed at the Town Park during the Cinco de Mayo festivities. He said since that point it has been noted the budget isn't right, the Charter amendments were done illegally with the cost of the pension and health care not disclosed yet. He noted that honesty needs to be upfront.

Councilman Jesse Truitt noted that he had had a conversation with Pres. Joanne Bacon in regards to adding two (2) people each month to the monthly agenda and then things would get done.

Councilwoman Cheryl Workman commented that she wanted to be frankly honest with regards to the Town getting a pension plan and it including 1, 3, or all years of buy ins as she has not made up her mind yet and even what type of a pension plan.

A review of the Town Council Monthly Minutes from September 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 unanimous.

A review of the Second Budget Hearing Minutes from June 23, 2014 was done; A motion was made to accept the minutes as presented by Pamela Davis with a 2<sup>nd</sup> by Cheryl Workman. Motion was unanimous.

A review of the Town Council Work Shop Meeting Minutes from July 31, 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.

A review of the Town Council Monthly Minutes from August 4, 2014 as amended to reflect the deletion of the street addresses from the citizen privilege was done; A motion was made to accept the minutes as presented by Jesse Truitt with a 2<sup>nd</sup> by Cheryl Workman. 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 Charles Shelton with a 2<sup>nd</sup> by Pamela Davis. Motion was unanimous.

**Report from Town Departments/ Employees:**

**Water Plant:** Jesse Truitt noted there was nothing new to report.

**Terry Truitt, Town Administrator:** Terry Truitt noted she had nothing to report at this time.

**Maintenance:** Pres. Joanne Bacon noted there was nothing to report at this time.

**Chief William Dudley, Police:** Chief Dudley reported for the period of September 8 through October 5, 2014 there were 22 tickets written for speed, 3 for driver license violations, 5 for registration, and 8 for miscellaneous for a total of 38 traffic arrests written for this time period. He added there were 26 complaint/ service calls and 3 for criminal arrests and 9 pending warrants. He noted he had nothing more to report.

**Frankford Vol. Fire Co.:** Robert Murray, Sr. noted there was nothing to report. He offered to pass along any information from the Town back to the Fire Company.

**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 he had nothing to report at this time.

**Pamela Davis, Streets-** She said she did not have a report at this time. Councilman Jesse Truitt reported that Dawn Beck had reported a street light out on her street. Dawn Beck confirmed there were two street lights out now.

**Jesse Truitt/ Chery Workman, Water-** Jesse Truitt noted he had nothing to report. Cheryl Workman stated she had nothing to report as well.

Kathy Murray asked for clarification on the water report as to the quality issues reported during last month's meeting. Councilman Jesse Truitt noted the water has been irony and will require being flushed to correct but noted it was safe to drink.

**UNFINISHED BUSINESS:**

Pres. Joanne Bacon noted there was nothing to discuss.

**NEW BUSINESS:**

Pres. Joanne Bacon read aloud the posted agenda topic to Review and Discuss consideration in changing the posted agenda format used by Council to reflect the deletion of the second Citizen's Privilege –Open Forum.

A motion was made to change the posted agenda format to reflect the deletion of the 2<sup>nd</sup> citizen's privilege-open forum by Cheryl Workman. Kathy Murray interjected by requesting the members of Council to give their reasons for the vote when casting their vote. A 2<sup>nd</sup> was made by Jesse Truitt. Motion was three in favor of deleting with two opposed. Jesse noted his reason was to support people being placed on the agenda to give more time to hear their concerns and get their answers back to them. He added it gives the Council time to be better prepared and not having to wait thirty days to answer/reply. Cheryl Workman noted she was also in favor of having the residents get onto the agenda to be better prepared to answer questions. She felt it kept topics from being rehashed over and over with repetitive people speaking.

Bernard Lynch felt having three (3) minutes to discuss new complaints is what the purpose of the 2<sup>nd</sup> citizen's privilege is for. He noted everything else going on is not what was intended as it should be for new complaints.

Robbie Murray expressed his concerns on being on the agenda then it was thirty days before an answer could be given. Noting everything being voted on would not give the citizen's time to remark. Councilwoman Cheryl Workman noted the time to discuss posted topics would be in the front of the meeting and the residents still have the opportunity to speak.

Chief Dudley clarified the process to discuss agenda posted topics.

John Atkins noted he felt he had walked into a hornets nest. Feels as though the Council is doing what they were elected to do. He offered to suggest the Council consider appointing a committee of no more than two Council members and a few Town residents and you will get more done. He noted cooler heads will prevail.

Kathy Murray questioned if the questions posed from last month were going to be answered. Pres. Joanne Bacon replied this was one of her reasons for being in favor of having the 2<sup>nd</sup> citizen's privilege-open forum.

Jerry Smith noted the agendas from surrounding Town of which 6-7 of them they do not prevent citizens from speaking. Councilwoman Cheryl Workman replied the Town of Millsboro only allows for its residents to speak two (2) minutes.

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John Atkins offered the assistance /services of the State Pension office, the AG's office or an attorney to the Town Council by contacting him and he would make the resources available. Kathy Murray interjected by stating they don't want the State Pension as they can't get out of it.

**Correspondence:**

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

Pres. Joanne Bacon requested a motion to go into Executive Session to discuss personnel matters. A motion was made to enter into Executive Session to discuss personnel matters and employee evaluations at 8:00 PM. by Cheryl Workman with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous.

Council returned from Executive Session at 8:42 PM with no formal motions to be made.

Pres. Joanne Bacon requested a physical check of those who were in attendance earlier to rejoin the meeting. Chief Dudley volunteered to check the waiting area for those present to resume the Town meeting.

There being no further business, a motion to adjourn was made by Charles Shelton with a 2<sup>nd</sup> by Pamela Davis at 8:45 PM. Motion was unanimous.

Respectfully submitted,



Terry H. Truitt  
Town Administrator  
Town of Frankford