

**MINUTES**

**FRANKFORD TOWN COUNCIL**

**November 3, 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	
	Nathan Hudson, Police	
	David Ward, Maintenance	
Others:	Elma Gray	Anna Sipes
	Kathy Murray	Bryan Murray
	Janet Hearn	Bernard Lynch
	Albert Franklin	Barbara Franklin
	Edward Ash	Marty Presley
	Clarence Quillen	James Sample
	Jerry Smith	Duane Beck
	Greg Welch	Robert Murray, Sr.
	Russell Davenport	Velicia Melson

The regular monthly meeting of the Frankford Town Council was opened by Pres. Joanne Bacon at 7:04 PM.

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

Duane Beck interjected by questioning the removal of the 2<sup>nd</sup> Citizen's Privilege from the agenda of October 6, 2014 as not being done correctly. He noted he felt it should have been done when the Council was approving the agenda during the section (see above). Pres. Joanne Bacon replied that the motion is to approve the posted agenda for the contents of the items being added or deleted as posted. She added the deletion of the 2<sup>nd</sup> Citizen's Privilege had been discussed during the course of the meeting and had been voted on by the Council. She outlined the vote as being 3 to 2 in favor of deleting the 2<sup>nd</sup> Citizens Privilege.

**Citizen's Privilege:**

Pres. Joanne Bacon called on those present if they wanted to address Council with concerns and/or questions pertaining to posted agenda items. She reminded those of the three (3) minute time limit and relevant to posted agenda items only.

Kathy Murray noted that she had several questions she would address and the Council could take as much time following to respond. She noted for the last two (2) months the posted agenda for October and November (2014) they did not reflect anything listed under "unfinished business". She noted that she recalled in previous months there had been several unanswered issues posed to Council in which the Council had remarked that they would look into it. She questioned why they had not been listed under unfinished business or were they still being researched by the appropriate Council liaison? Kathy Murray then called for a better understanding of the role the Council Secretary/ Treasurer has pertaining to the Town and its financials. She then noted that she had detected an error in the September meeting minutes, bottom of page 4. She read that under the Water Report that Jesse Truitt / Cheryl Workman had remarked that he did not think that Artesian was doing a good job with regards to the water quality to which Cheryl Workman agreed. Kathy Murray stated as she recalled that Jesse Truitt had stated the water was the worse it has ever been and yet it is not recorded. She then noted on the top of page 6 it listed Jesse Truitt had excused himself from the remainder of the meeting and yet he had not excused himself during that meeting. She added that in doing so no one had the opportunity to question him on the meaning of his statement was about. Kathy Murray then noted on page 7 of the same minutes at the bottom she had noted an error in the July 2014 minutes and had requested a correction to the GAAP definition. She restated the paragraph is paraphrased and down plays the situation with regards to defining what padding the budget is. Pres. Joanne Bacon noted she did not have the prior agendas in front of her and would have to get back with her. Kathy Murray replied that would be fine as it would be yet another outstanding item. Pres. Joanne Bacon noted that it might be a good suggestion to start using the unfinished business to gather answers to unsolved questions. Pres. Joanne Bacon called on Cheryl Workman to answer Kathy Murrays question regarding the outline of the role of Secretary/ Treasurer. Councilwoman Cheryl Workman replied no. Kathy Murray questioned why as she wanted a better understanding of what her role is. Councilwoman Cheryl Workman outlined her duties as reviewing the Accounts Payable coming in and going out with review of each bill, reviewing the monthly bank statements. Kathy Murray asked if the budget is part of her duties. Councilwoman Cheryl Workman replied that she has been over the budget numerous times.

Robert Murray noted during the July (2014) meeting that the Council agreed that it was their philosophy to operate by a balanced budget. He noted that after reviewing the documents (referring to the prior fiscal year end report for the Town budget 2013/2014) that amounts were varying. He questioned one example as the property taxes revenue amount from September to October 2014 as being less and wanted to know why. Councilwoman Cheryl Workman asked Terry Truitt to reply. Terry Truitt stated the difference without having the detailed information in front of her could be explained by the reduction being refunds on over payments of property taxes between mortgage companies and the property owners themselves. He commented on the figures between the last two fiscal years financial statements and the amounts which he calculates as short falls/ deficits. Terry Truitt noted the financial audited statements prepared by the Town Accountants are not going to match the Quick Books yearend budgeted figures based on the compilation of accounting figures being divided between the two interim accounting funds (General and Water funds). Terry Truitt noted one example is the yearly accruals such as for insurance. The Town's renewal runs September to September so there is an accrual to post within the correct fiscal years. Robert Murray then addressed the remark made by Jesse Truitt with regards to the water quality the prior month. He added he had contacted Artesian and had not been responded to but they had contacted his renter. Jesse Truitt noted that Artesian had notified the Town directly and asked for the contact information. Jesse Truitt noted he also responded on site to the possible water quality concern.

Bryan Murray questioned if there could be a larger speed limit sign posted on Frankford Avenue due to speeders. Jesse Truitt noted the street is State maintained and would have to have them do so. Pres. Joanne Bacon noted she had received complaints regarding speeders along Main Street during Halloween/ trick or treating hours. Jesse Truitt noted Pam Davis is the street liaison and she could call the State to request more/ larger signs. Pamela Davis replied she would.

Jerry Smith questioned Council on the reason why the three (3) minute Citizen Privilege was moved to the beginning of the meeting agenda and not the end. He noted he felt Cheryl Workman was the one who had made the suggestion. Councilwoman Cheryl Workman noted the primary reason was to have the meetings running in a more orderly fashion. She added that she had conferred with other Towns and they had their Citizens Privilege at the beginning of the meeting and for only two (2) minutes. Cheryl Workman further explained the deletion of the 2<sup>nd</sup> Citizen Privilege from the end of the meeting as having been tried and found it to be out of hand. Jerry Smith requested why the agenda now has the Citizen's Privilege to the front of the agenda. Cheryl Workman noted that for the last three (3) years the format of the agenda has been with it to the front of the meetings. Jerry Smith noted three minutes is three minutes regardless to whether it was to the front of the rear of the meeting.

Jerry Smith questioned why some of the council members were in favor of the format change. Councilman Jesse Truitt questioned what difference would it make. Jerry Smith responded that he felt it made a big difference in that it effectively shuts the public down from participating in discussions. He requested the Council consider moving it to the end of the agenda. Councilman Jesse Truitt clarified that in moving the Citizen Privilege to the rear would in fact be limiting the public's discussion as it would fall after the items posted on the agenda. Russell Davenport interjected that he felt the decisions should be made by the taxpayers of the Town and stated that the Council should be doing what the taxpayers want and not what they want. Jesse Truitt stated in moving the citizen privilege to the end of the meeting would be doing just that by limiting the discussions after voting has occurred. Pres. Joanne Bacon called for a motion. A motion was made to move the Citizen Privilege (3 minute time limit) to the end of the agenda/ meeting after all subjects have been discussed starting next month as requested by Pamela Davis with a 2<sup>nd</sup> made by Jesse Truitt. Motion was three in favor (Pam/ Jesse/ Joanne) with two opposed (Cheryl/ Charles). Motion was carried.

Bernard Lynch questioned the issues with the Town water and the contract with Artesian. Councilwoman Cheryl Workman noted the Council would be revisiting the contract prior to the six (6) month renewal. Councilman Jesse Truitt noted the two different companies and their operators run water plants in different manners. An example of chemical usage was given.

Marty Presley questioned back in May/ June the \$65,000.00 amount posed in the July budget as reflecting a three (3) year buy in plus current year. He noted he understood the Council was considering voting on a pension plan tonight and stated if so the three (3) year figure is not accurate based on payroll and the figures supplied by the State. Marty Presley had a few comments walking away from the workshop meeting held. He noted by bringing in the officer that the Council put him in an impossible position by having him attend the meeting. Marty Presley clarified the Council would have to fire the Police force in order to disband from the State Pension Plan. He noted that everyone agrees the Town employees should have a retirement/ pension plan. He noted there are two types of plans available: defined benefit plan and a defined contribution plan and felt the employees have not had the opportunity to formalize what plan is better for them or the Town of Frankford. Marty Presley noted there are factors to be considered such as health care cost which need to be considered. He noted the overall cost of employee benefits need to be considered.

Jerry Smith questioned where the money is going to come from for a pension. He noted no one on Council is stating that taxes will not be increased and wanted to know where any employee could go to get three year buy ins.

Dean Esham questioned which employee threatened to quit. Pres. Joanne Bacon replied no one.

Marty Presley noted decisions are made every day with regards to employees going to work and possibly changing jobs. He added that the employees are not contracted to stay with the Town and it would leave the Town obligated to remain on the State Pension Plan and deal with budget shortfalls. Marty Presley noted that if Chief Dudley or the officer present tonight are not looking to better themselves then he is not sure they are the type of employees the Town should want to retain. If another Town can offer the Town of Frankford's employees a better pension plan/ opportunities then I would want them to take it.

Dean Esham hopes the Council does vote against the pension plan and especially the buy-ins being considered. He noted a financial planner had noted it was a stupid idea if investments were made in the State plan. He listed all of the Town employees by name that they would not buy in one hour of time and yet the Town is considering three (3) years. Dean Esham noted that the Town knows Chief Dudley is going to be retiring soon so it will be like the Town is writing him a free check.

Russell Davenport stated there has not been a police presence on his block of Town since he returned back in Town. He stated they should be checking properties and riding throughout the 16 streets in Town looking for speeders. He stated the police are just sitting around Town.

A review of the Town Council Monthly Minutes from October 6, 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 Executive Session Minutes from October 6, 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 Work Shop Meeting Minutes from October 28, 2014 was done; A motion was made to accept the minutes as presented by Pamela Davis with a 2<sup>nd</sup> by Charles Shelton. 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 with date correction was made by Pamela Davis with a 2<sup>nd</sup> by Jesse Truitt. Motion was unanimous.

**Report from Town Departments/ Employees:**

**Terry Truitt, Town Administrator:** Terry Truitt read aloud the Building Permit report for the month of October 2014. She reported the listing of six (6) street lights that were reported to Delmarva Power for repair had been repaired on November 3, 2014.

**Maintenance:** Pres. Joanne Bacon called on David Ward. He noted during October 6-10 her had performed mowing throughout Town. Christmas lighting was being worked on in anticipation of being hung next week. He added one water meter pit had been repaired and flushed a few hydrants for water quality issues.

**Officer Nathan Hudson, Police:** : Officer Hudson reported for the period of October 6 through October 27, 2014 there were 18 tickets written for speed, 3 for driver license violations, 0 for registration, and 8 for miscellaneous for a total of 29 traffic arrests written for this time period. He added there were 11 complaint/ service calls and 2 for criminal arrests. He noted he had nothing more to report.

**Frankford Vol. Fire Co.:** Robert Murray, Sr. noted there was nothing to report.

**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 noted she did not have a report at this time.

**Jesse Truitt/ Chery Workman, Water-** Jesse Truitt noted if someone is experiencing discolored water they need to report the problem so the Town can flush the hydrants.

**NEW BUSINESS:**

Pres. Joanne Bacon read aloud the Proclamation declaring November 2014-“Pancreatic Cancer Awareness Month” in its entirety. Proclamation was signed and dated.

Pres. Joanne Bacon called on Kathy & Robert Murray for their request to be placed on the agenda to discuss water quality issues and status updates for the last (3) years, 12 month planned budget to actuals.

Kathy Murray questioned the status on obtaining the last three (3) year's budget reports for the 12 month planned budget to actuals. Terry Truitt replied that the Town had already produced the current year and the prior fiscal year. She noted she could not produce the prior fiscal years report for fiscal year 2012/2013 as she would be unable to go back further due to entries entered under retained earnings/adjusting/ reversing entries being made. Kathy Murray questioned the process by which the Town makes accounting entries as to either being monthly or yearly. Terry Truitt replied annually.

Marty Presley wanted to offer the availability to have someone come in and meet with Council one more time to outline the viable options before making a decision (regarding the pension). He noted he felt a decision could be made by no later than January/ February 2015.

Pres. Joanne Bacon read aloud the next item on the agenda as being Review and Discuss with possible consideration on voting for a Town Employee Pension Plan. Pres. Bacon noted she felt the Council should table consideration on voting tonight until the Town can have a better understanding on the defined contribution plan and have a spokesperson come in to meet with Council. Charles Shelton noted he has received several telephone calls regarding discussion on the pension. He added it is causing animosity in the Town resident and hopes it will settle down once a decision is made. Councilwoman Pamela Davis noted she felt she wanted to do more homework and suggested they take time to go through the issue. Councilman Jesse Truitt commented that no one is getting any answers noting the workshop did not solve anything.

Marty Presley suggested the Council give him a date and he will bring representatives to a workshop to assist the Town. Council agreed on November 17, 2014 @ 6:30pm to schedule a workshop.

Pres. Joanne Bacon called for a formal to approve the purchase of a new weed trimmer in the amount of \$390.93 following verbal approval. A motion was made to approve the purchase of a new weed trimmer in the amount of \$390.93 by Jesse Truitt with a 2<sup>nd</sup> by Cheryl Workman. Motion was unanimous.

Pres. Joanne Bacon called for formal motion to approve the annual QuickBooks payroll subscription in the amount of \$479.00. A motion was made to approve the annual QuickBooks Payroll subscription in the amount of \$479.00 by Jesse Truitt with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous.

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Meeting Minutes  
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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 8:32 PM by Cheryl Workman with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous.

Council returned from Executive Session at 9:52 PM with a formal motion to be made.

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

As a result of the Executive Session, Council discussed giving Marilyn Hobbs working as a p/t clerical position for the Town a \$1.00 increase in pay after a 180 day review/probationary period. A motion was made to increase Marilyn Hobbs hourly pay rate by \$1.00 increasing her hourly rate from \$11.00 to \$12.00 by Cheryl Workman with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous.

There being no further business, a motion to adjourn was made by Charles Shelton with a 2<sup>nd</sup> by Pamela Davis at 9:54 PM. Motion was unanimous.

Respectfully submitted,

Terry H. Truitt  
Town Administrator  
Town of Frankford