

**MINUTES**

**FRANKFORD TOWN COUNCIL**

**December 8, 2014**

Town Council	Joanne Bacon, Pres.	
Roll call:	Pamela Davis, Vice-Pres.	
	Cheryl Workman, Sec/Treasurer	
	Jesse Truitt- <b>Absent</b>	
	Charles Shelton	
Town Employees:	Terry Truitt, Town Administrator	
	Nathan Hudson, Police	
	Chief William Dudley, Police	
Others:	Elma Gray	Jack Bauer, Lions Club
	Kathy Murray	Tony Morgan, III
	Janet Hearn	Bernard Lynch
	Albert Franklin	Greg Johnson
	Rollin Hudson, Jr.	Marty Presley
	Clarence Quillen	James Sample
	Jerry Smith	Greg Welch
	Russell Davenport	Velicia Melson
	Maria Counts, Coastal Point	

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

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

A review of the Town Council Monthly 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 Charles Shelton. Motion was unanimous.

Minutes of the Executive Session Minutes from November 3, 2014 were tabled.

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. Vice-Pres. Pamela Davis questioned the billing of Goodyear Tire & Service billing for Public Safety as being for Town maintenance vehicles. Terry Truitt clarified the description of Public Safety referred to the Police Dept. vehicles only. A 2<sup>nd</sup> by Pamela Davis was made to the motion. Motion was unanimous.

**Report from Town Departments/ Employees:**

**Water Department:** Councilwoman Cheryl Workman discussed with Council the email which was distributed by Rich Skilton of Southern Corrosion Control dated 12/5/14. In his email he outlined a proposal for temporarily repairing the existing roof vent on the Town's Water Tower in the amount of \$590.00. Councilwoman Cheryl Workman outlined the pricing and availability was only good for the week of 12/08/2014 since they would have a crew on hand in the area. She requested a formal motion to approve the telephone/ email poll taken where Jesse Truitt, Joanne Bacon and herself had verbally approved the initial expense. A motion was made to formally accept the proposal received in by Southern Corrosion Control in the amount of \$590.00 by Pamela Davis with a 2<sup>nd</sup> by Charles Shelton. Motion was unanimous

**Terry Truitt, Town Administrator:** Terry Truitt read aloud the following names being removed from the Voter Registration Roster for the Town of Frankford listing of eligible Voters for the Town: Greg Johnson, 22 Clayton Avenue (present) no longer residing in Town limits, Edith Wells, 33 Delaware Avenue-deceased, Margie Rust, 18 Thatcher Street-deceased. She supplied Council with a listing of six (6) street lights that were reported to Delmarva Power for repair on November 26, 2014.

**Maintenance:** Pres. Joanne Bacon called on if David Ward was present. Terry Truitt replied no and that no report was provided.

**Chief William Dudley, Police:** Chief Dudley reported for the period of October 27 through December 8, 2014. He noted there were actually only 16 days of coverage given vacation and holiday schedules. He noted there were 25 tickets written for speed, 5 for driver license violations, 3 for registration, and 10 for miscellaneous for a total of 43 traffic arrests written for this time period. He added there were 21 complaint/ service calls and 0 for criminal arrests. Chief Dudley noted the decorations at the Town Park were also installed a little differently than in the past with the use of the walk path. Councilwoman Cheryl Workman commented that she thought it looked very nice. Council agreed. He noted he had nothing more to report at this time.

**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 other than to reiterate the decorations were up at the Town Park.

**Charles Shelton, Police:** He noted everything is quiet around Town.

**Pamela Davis, Streets-** She noted she did not have anything to report at this time.

**Chery Workman, Water-** She noted she had nothing further to discuss other than what had already been covered in the subject matter of the replacement roof vent on the water tower.

**Frankford Vol. Fire Co.:** Pres. Joanne Bacon noted no one was in attendance currently to provide a report.

**NEW BUSINESS:**

Pres. Joanne Bacon acknowledged Jack Bower of the Lord Baltimore Lions Club. He gave a brief presentation of the role the Lion Club plays in the community. He commented that there was a new Dagsboro/ Frankford club being formed to better serve the local area. He noted the Ocean View club as being too far east. He encouraged all in attendance to consider joining the newly forming club.

Pres. Joanne Bacon announced the standing members of the Election Board have been activated for the upcoming Town Election scheduled for Saturday, February 7, 2015.

Pres. Joanne Bacon announced the Town Election is scheduled for Saturday, February 7, 2015 from 1-4pm.

Russell Davenport interjected by questioning if the Town has absentee ballots. Terry Truitt was called on to reply. Terry Truitt responded that it was not an option currently to have absentee ballots for voting as it was not the Town policy nor in the Town Charter. Russell Davenport responded that as a tax payers he should be able to vote and might not be in Town on the day of the election. Greg Johnson noted the Town had never had absentee ballots before. Terry Truitt noted it would require a Charter change and that it could not feasibly occur by the time of the upcoming election for 2015. She added it was the discretion of the Town Council and that she has nothing to do with it. Pres. Joanne Bacon and Councilwoman Cheryl Workman both conceded it would require a Charter change and that it could not be done by the date of the upcoming election in February. They conceded to look into the subject matter.

Pres. Joanne Bacon introduced the ordinance “An Ordinance to amend/ update the Flood Plain Maintenance Ordinance” as required by FEMA. Pres. Joanne Bacon read aloud the introduction/ synopsis in its entirety. Pres. Joanne Bacon questioned Terry Truitt on the number of readings to be performed before the ordinance would be approved. Terry Truitt replied this was the introduction/ First reading and stated there would be at least one more before its adoption which must be done by March 2015. She noted this mainly affects those properties along Thatcher Street for flood insurance.

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 called for open discussion from the other council members. Marty Presley stated the Town Council had scheduled a workshop meeting last month to review alternatives pension plans and since there was a lack of a quorum the workshop meeting had been cancelled. He stated he felt the workshop / discussion would have been scheduled for tonight but was concerned over the Council being prepared to vote on a specific plan tonight. Pres. Joanne Bacon noted she thought the workshop was going to be rescheduled or the pension plan was going to be discussed further tonight. Vice-Pres. Davis commented that the agenda read that a Town Pension would be reviewed and discussed. Kathy Murray remarked that it was her understanding from a meeting that she was in attendance with the Town Attorney last week that he advised Charles Shelton and Pamela Davis that the subject matter of a Town pension plan should be tabled indefinitely but not eliminated until the Town's financials of this Town are clearly known and decisions on health care issues have been made. Greg Johnson questioned why other citizens of the Town were not present at this meeting or able to be in attendance of this meeting. Kathy Murray replied that the meeting was with regards to a complaint she and her husband (Robert Murray) had filed. A verbal debate pursued regarding the use of the Town Attorney and his billing for the meeting. Kathy Murray elaborated a full disclosure of their complaint was for the purpose of the meeting with the Town Attorney. Councilwoman Cheryl Workman noted she would clarify the meeting held was with regards to a complaint she had filed against Terry Truitt and herself and that she had not been formally made aware of the complaint nor asked to represent herself in such meeting. Another verbal discussion pursued with regards to the use and the attendance of the Murrays with selective Council members and the filing of a grievance. Pres. Joanne Bacon replied they were in a meeting with the Town Attorney because it related to a Town Personnel matter and should have been private. Marty Presley offered to give a presentation tonight on alternative pension plans but felt the Town should consider the whole issue with health care and pension combined. He added the healthcare cost for some businesses have tripled and even quadrupled. He stated that given the renewal timeframe the Town would only have six (6) weeks to make a decision and the insurance agent would "put the hammer down on the Town to make a quick decision". Pres. Joanne Bacon noted she was not in favor of the State Pension Plan due to being too costly and suggested the subject matter be tabled until the healthcare cost are known. A motion was not made to table further discussion of a Town Pension Plan. All Council members were in agreement.

Kathy Murray questioned Council on why employees are allowed to be present while discussing benefits other than Terry Truitt? Pres. Joanne Bacon replied they can be present to listen but are not able to vote.

Pres. Joanne Bacon read aloud the next item on the agenda as being Review and Possible Approval to give consideration to paying Christmas bonuses to Town Employees. She noted this subject would be deferred until after the Executive Session. Council members were in agreement to deferring the subject until after the Executive Session.

**Citizen's Privilege:**

Pres. Joanne Bacon called on those present if they wanted to address Council with comments from the citizens.

Greg Johnson stated that he has heard from various Towns that the Town of Frankford was thinking of disbanding their police force. He added that if this occurred the Town would be required to return items purchased with County or State grants. He added the Town would be "opening a can of worms". He noted when the Town initially started the process of looking into getting their own police department it took almost two (2) years to get the required approvals from the Department of Justice because this Town cannot seem to hold a police department together for one reason or another. He added that should this occur (referring to the police dept. disbanding) the chances of the Town of Frankford getting another chance at it was between slim and zero. Pres. Joanne Bacon noted it was not her intention to disband the police department and could not speak for the Council members. Councilwoman Cheryl Workman acknowledged Greg Johnson worked very hard to formally creating a Police Department while on Town Council and would hate to see it go. Pres. Joanne Bacon noted while it is not her intention to lose the police department but she must look and the Towns financial of the Town of Frankford as well for the cost of a pension they are wanting and the health insurance for the employees. She noted it (referring to the cost) as being astronomical. The residents and tax payers pay these bills but also want to look out for the employees as well.

Rollin Hudson, Jr. addressed Council on the investment it has in its employees and felt the Town should work to retain them. He added the Council will be looking back wondering what happened. He stated the police officers do a great job for the Town and he values their worth. He added that if an officer can go to a higher paying job they just might do so and leave. Pres. Joanne Bacon replied it was not her intention and if an employee decides to do so she can't stop them either. Rollin Hudson noted if an employee can go somewhere to get a pension then he would be foolish for not doing so. Pres. Joanne Bacon stated she was not denying the fact but had to make sure the Town could afford it (referring to benefits).

Jerry Smith noted part of the driving force behind burdening the taxpayers of this Town with \$65,000 figures when all the figures are added in is closer to \$100,000 to buy pensions. He noted part of this agenda is driven by the police department. It is the police department which is stating that they will leave if there is no pension. He added he does not know how a Town this small with two police officers cannot have an officer on duty during holidays and have visibility to seeing them. He questioned the Council of getting what they are paying for. Pres. Joanne Bacon responded that she thinks they are.

Russell Davenport asked what is the Police Department bringing in in a year and what are we paying out? Pres. Joanne Bacon replied she did not have that information in front of her at that moment. Russell Davenport replied Charles Shelton should know. Charles Shelton replied he too did not have the exact figures in front of him tonight. Greg Johnson stated the Police Dept. is not a "for profit" and is for public safety.

Rollin Hudson stated that one officer is retiring shortly and another is being hired out from underneath you. Bernard Lynch stated then the Town will keep a police department and will just hire another officer should one leave. Rollin Hudson stated that you can look for another officer but you will have to train them in a two year transition.

Tony Morgan commented that he has six properties here in Town and of which he has built five homes. He states they are rental properties and his renters expect safety. He stated he appreciates the duties of the Council and would really like for the Council to work to keep and maintain a police department. He questioned if hiring a retired officer who already has paid benefits with insurance and a pension is an option. He added that the Town could possibly offer a higher wage in the absence of paying benefits.

Marty Presley noted back in May 2014 when the Town started discussions on a pension plan he stated everyone agreed that the Town employees should have a pension. There was never any discussion about the Town of Frankford not having a pension plan. He noted the discussions were on the type of plan the Town should have whether it was the State defined benefit plan or the other thirteen thousand options out there that the Council has never even taken a look at.

Jerry Smith questioned where did the option of going back three years to pay on a pension plan come from? Pamela Davis noted it was only projected. Chief Dudley noted it started when he applied for the Federal grant to hire a 2<sup>nd</sup> police officer. He stated it was posed to him when applying for the grant to see if it would cover pension expense. He added pension expense was not an allowable expense under the federal grant and he advised Council. It would however cover healthcare expenses. He added the Council then decided to continue with accepting the Federal grant and would pursue getting a pension plan started. He stated that it has been three years and this is how the figure came up. He noted this has been ongoing for three years with no resolve.

Bernard Lynch questioned if the Town had considered joining the two police departments together for the Town of Frankford and Dagsboro. Pres. Joanne Bacon responded no.

Jerry Smith stated he just did not know where anyone could go and expect to get three year buy in's into a pension. Pres. Joanne Bacon replied the subject matter had been tabled.

Kathy Murray stated she a few questions regarding the financial reports which were distributed at the beginning of tonight's meeting. She stated on the General fund for account #6013 it reflects a zero (0) balance for November and year to date. She noted no health insurance has been paid? Then she referenced to account #6050 for payroll expenses she stated it too shows no payroll expenses as being paid for November (2014) but only \$51.24 for year to date. Kathy Murray then stated under the Water Fund report there are no year to date wages shown at all. She noted it appears as though the expenses are being severely under reported making the budget look better than it actually is. She then noted account #8809.2 and account #8809.3 for Public Safety payroll taxes as being zero (0), account#8814 as being (0) year to date with the encumbered figure was \$65,000.00 and stated she did not recall that figure being amended. She then outlined account #6561 under the Water Fund as showing (0), account#6565 as being (0)year to date, account#6563 wages showing (0). She stated the financial report deserves better scrutiny. Pres. Joanne Bacon called on Terry Truitt to respond. Terry Truitt noted she would defer any remarks until she could comprise a full response with back up documentation.

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 8:04 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.

Pres. Joanne Bacon referenced that as a result of the Executive Session that the following suggestions were made with regards to paying Christmas bonuses to Town Employees as follows: Chief William Dudley \$500.00, Terry Truitt \$500.00, Nathan Hudson \$300.00, and David Ward \$100.00, Marilyn Hobbs \$50.00. A motion was made to pay employee Christmas bonuses in the outlined above amounts by Pamela Davis with a 2<sup>nd</sup> by Charles Shelton. Motion was three in favor (Pamela Davis, Charles Shelton, and Cheryl Workman) with one vote opposed (Pres. Joanne Bacon).

Page 8  
Meeting Minutes  
December 8, 2014

There being no further business, a motion to adjourn was made by Charles Shelton with a 2<sup>nd</sup> by Pamela Davis at 9:53 PM. Motion was unanimous.

Respectfully submitted,

Terry H. Truitt  
Town Administrator  
Town of Frankford