

**TOWN OF GEORGETOWN
TOWN COUNCIL MEETING MINUTES**

Meeting Date: Wednesday, May 27, 2009
Location: Town Hall, 39 The Circle, Georgetown, DE
Time: 7:00 P.M. Regular Meeting

PRESENT:

Edwin A Lambden, Mayor
Charlie Koskey, Ward One
Sue H Barlow, Ward Two
Brian Pettyjohn, Ward Four

STAFF PRESENT:

Eugene S Dvornick Jr, Town Manager
Bill Topping, Chief of Police
Angela Townsend, Town Clerk

ABSENT:

Bob Ricker, Ward Three

7:00 P.M. REGULAR MEETING

1. PLEDGE OF ALLEGIANCE

Mayor Lambden led the Pledge of Allegiance.

2. INVOCATION

Mayor Lambden led the Invocation.

3. ADOPTION OF AGENDA

Motion by Councilman Barlow, seconded by Councilman Koskey, to adopt the agenda as presented. **APPROVED (unanimous).**

4. APPROVAL OF MAY 13, 2009 TOWN COUNCIL MINUTES

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to approve the May 13, 2009 Council Minutes, as presented. **APPROVED (unanimous).**

5. OATH OF OFFICE

The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the swearing in of Councilman Charlie Koskey for the First Ward. Mr Koskey took the Oath of Office led by Judge Jones.

"The Oath of Office is incorporated as part of the minutes."

The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the swearing in of Councilman Sue H Barlow for the Second Ward. Mrs Barlow took the Oath of Office led by Judge Jones.

"The Oath of Office is incorporated as part of the minutes."

6. ELECTION OF OFFICERS

A. VICE-MAYOR

Motion by Councilman Koskey, seconded by Councilman Barlow, to approve the nomination of Councilman Ricker as Vice-Mayor. **APPROVED (unanimous).**

B. SECRETARY

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to approve the nomination of Councilman Barlow as Secretary.

APPROVED Yea: 3-1 Koskey, Pettyjohn, Lambden Abstained: Barlow

7. PROCLAMATION – SPECIAL RECOGNITION

BERNICE EDWARDS – NATIONAL COMMUNITY ACTION MONTH

Mayor Lambden presented Bernice Edwards, Executive Director, with a proclamation honoring National Community Action Month.

8. FENCE REQUEST – 613 EDWARD STREET

The Town Manager, Bill Bradley, and Councilman Pettyjohn met with the property owner last Thursday, to discuss Ms Kollock's options to stop pedestrian and vehicular traffic from crossing her property.

The following recommendation is proposed: The property owner would install fencing along her property line, the Town of Georgetown would install 30' of split rail fence (consisting of 4 posts and 6 rails), running from the northwest concrete marker, perpendicular to Edward Street (crosses over Peggy Street), the property owner will continue to mow the grass (current practice), and the estimated cost not to exceed \$150.00.

Motion by Councilman Pettyjohn, seconded by Councilman Koskey, to approve the proposed recommendations. **APPROVED (unanimous).**

9. LANCASTER STORAGE SHEDS – 22044 DUPONT HIGHWAY

Louis Thibault, K & L Sales appeared before Council (May 13th) with a complaint against Lancaster Storage Sheds for not having a business license with the Town of Georgetown. Town Council requested additional information on the history of the business. A summary is as follows:

Business License

- The earliest business license located was issued in January 2001 to Rick Warrington t/a Shed City.
- This license was renewed annually through 2007.
- The business was sold in October 2007 and became Lancaster Sheds.
- In 2008 Mrs Peggy Parkinson brought in the 2007 business license requesting the name and address change; and
- Lancaster Sheds only owe for their 2009 business license.

Rental License

The Town of Georgetown has no history of a rental license being issued for the property. According to a review of rental license fees (back to 2001), the property owner would owe \$485.00 as calculated: 2001-2003 at \$50.00 per yr equals \$150.00, 2004 at \$65.00 per yr, and 2005-2009 at \$54.00 per yr equals \$270.00.

Property Litigation

The Town of Georgetown was notified that the Court of Chancery made its final ruling on May 14, 2009. As part of the final ruling, the purchasers are required "to establish a commercially reasonable easement to access the parcel (parcel that Lancaster Shed is located on)".

Recommendation

- The Town of Georgetown issue a 2009 Business License for Lancaster Sheds.
- The property owner, Mrs Ruhl, remit to the Town of Georgetown, \$485.00 in rental license fees for the period 2001 to 2009, and
- The business makes application with DelDOI for a temporary entrance permit, to be closed once the easement as outlined by the Court of Chancery has been completed.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to approve the proposed recommendations. **APPROVED (unanimous).**

10. DEPARTMENTAL REPORTS

A. GENE DVORNICK – TOWN MANAGER

Pettyjohn Overland Discharge Permit

The Town of Georgetown received the permit from DNREC to begin overland discharge onto the Pettyjohn property on May 26, 2009. The permit is valid until July 31, 2009. As this was the third request for a permit due to elevated lagoon levels, the Groundwater Discharges Section has requested that the Town make formal application for the property as a regular permitted discharge. They are in the process of determining what will be required for analysis.

Comprehensive Plan Update

The Preliminary Land Use Service meeting regarding our Comprehensive plan took place this afternoon in Dover. I am pleased to report the meeting went well. Some areas in need of further attention include: transportation, verification of public participation, Pollution Control Strategies, Storm Water Management, applying for Tree City USA certification, summary appendix with implementation items and intergovernmental coordination for the corridor along the new Park Avenue from South Bedford Street to Lewes-Georgetown Highway.

Georgetown Transit/Transfer Hub

The Delaware Transit Corporation (DTC) is drafting a MOU/MOA with respect to the transit/transfer (bus) hub on the property currently leased from Norfolk Southern. They are also in the process of preparing a site plan for our review.

Community Video Guide

The Community Video Guide has been placed on the Town Website. Special thanks to all the local businesses supporting the project through their advertising.

Miscellaneous

- Resurfacing of South Bedford Street (in the area of the recent water leaks) – should begin shortly – East Market Street will be next. Thanks to Representative Booth for assisting with the funding.
- The HP Layton Partnership has paid \$37,772.53 for the past due taxes (2004 – 2009).
- Sports at the Beach has made two payments of \$2,000 towards the Sewer Impact Fees due the Town – this is in keeping with our agreement. Current balance due is \$37,580.00 (original amount due: \$41,580.00).
- The Town has received notice from the Delaware Department of Insurance of our qualification for a 12% premium discount on our Worker's Compensation premium (effective July 2009). This is the result of our recently completed Safety Audit – thanks goes to all our employees for following up on items identified in previous audits and keeping our working spaces safe.
- I wish to thank the police department and public works for helping out on Sunday for the Memorial Day Service. Well over 100 persons attended.
- One apology to Councilwoman, and veteran, Barlow, who was in attendance at the Memorial Day Service and not recognized.
- Delaware League of Local Governments will meet on Thursday, May 28 at 6:30 PM, Dover Sheraton.
- Chesapeake Utilities will be having a ribbon cutting, recognizing their first natural gas customer, on Friday, May 29 at 2:00 PM, at Del Tech.
- The Sussex County Association of Towns will meet on Wednesday, June 3 at 6:00 PM, Venus on the Half Shell, Dewey Beach is hosting.

Employee Service Anniversaries:

Eric Rust Wastewater 24 Years

Wayne Dawson Wastewater 3 Years
Gary Lewis Public Works 3 Years

B. BILL TOPPING – CHIEF OF POLICE

Chief Topping presented Council with a comparison of statistics from 2008 and 2009. Chief Topping attended a briefing in New Castle County on the JAG application, the Town will be receiving funding from that, in addition to being eligible for an additional grant in the amount of \$25,421, which they will be applying for. Detective Hammond left the department for employment with the City of Milford.

11. 2ND READING & ADOPTION OF RESOLUTIONS & ORDINANCES

A. RESOLUTION 2009-5 IDENTITY THEFT PROGRAM

Resolution acknowledges and endorses the legislative policy set forth by the Fair and Accurate Credit Transaction Act of 2003.

Motion by Councilman Koskey, seconded by Councilman Barlow, to adopt Resolution 2009-5 Identity Theft Program. **APPROVED (unanimous).**

“The Resolution is incorporated as part of the minutes.”

B. ORDINANCE 2009-10 IDENTITY THEFT POLICIES & PROCEDURES

Ordinance to protect the customers and employees of the Town of Georgetown from unauthorized use or attempted use of any identifying information of a customer or employee. The policy will outline pertinent rules regarding the sharing of information and protection of individual identity information.

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to adopt Ordinance 2009-10 Identity Theft Policies & Procedures. **APPROVED (unanimous).**

“The Ordinance is incorporated as part of the minutes.”

12. PUBLIC COMMENT

No Public Comment.

13. EXECUTIVE SESSION

The Town Council will meet in Executive Session for the discussion of potential litigation.

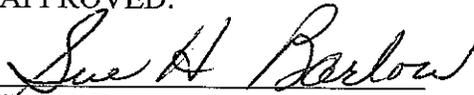
Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to adjourn to Executive Session at 7:33pm. **APPROVED (unanimous)**

Town Council exited Executive Session at 7:50p.m.

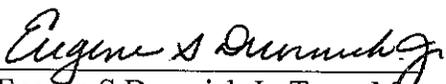
14. ADJOURNMENT

Motion by Councilman Pettyjohn, seconded by Councilman Barlow, to adjourn at 7:51p.m. **APPROVED (unanimous).**

APPROVED:


Sue H. Barlow, Secretary

ATTEST:


Eugene S Dvornick Jr, Town Manager