

**TOWN OF GEORGETOWN  
TOWN COUNCIL MEETING MINUTES**

**Meeting Date:** Wednesday, May 25, 2011  
**Location:** Town Hall, 39 The Circle, Georgetown, DE  
**Time:** 7:00 P.M. Regular Meeting

**PRESENT:**  
Brian Pettyjohn, Mayor  
Charlie Koskey, Ward One  
Steve M Hartstein, Ward One - Elect  
Sue H Barlow, Ward Two - Elect  
Bob Ricker, Ward Three  
Annie Besche-Martin, Ward Four

**STAFF PRESENT:**  
Eugene S Dvornick Jr, Town Manager  
Angela Townsend, Town Clerk

**7:00 P.M. REGULAR MEETING**

1. **PLEDGE OF ALLEGIANCE**  
Mayor Pettyjohn led the Pledge of Allegiance.
2. **INVOCATION**  
Mayor Pettyjohn led the invocation.
3. **ADOPTION OF AGENDA**  
Motion by Councilman Koskey, seconded by Councilman Barlow, to adopt the agenda as presented. **APPROVED (unanimous).**
4. **APPROVAL OF MAY 11, 2011 TOWN COUNCIL MINUTES**  
Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to approve the minutes as written. **APPROVED (unanimous).**
5. **RECOGNITION OF AN OUTGOING OFFICIAL**  
A plaque was presented to Councilman Koskey, for his service and dedication to the residents of the Town of Georgetown.
6. **OATH OF OFFICE**  
The Honorable Judge of Family Court, of the State of Delaware, Peter B Jones officiated the Swearing in of Stephen M Hartstein for the First Ward.  
**"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.  
**"The Oath of Office is incorporated as part of the minutes."**  
  
Affirmation of the Code of Ethics was signed by Councilman Barlow, Councilman Hartstein, Councilman Ricker, Councilman Besche-Martin, and Mayor Pettyjohn.  
**"Affirmation of the Code of Ethics is incorporated as part of the minutes."**

**7. ELECTION OF OFFICERS**

**A. VICE-MAYOR**

Councilman Barlow nominated Councilman Ricker as Vice-Mayor.

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

**B. SECRETARY**

Councilman Ricker nominated Councilman Barlow as Secretary.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to approve the nomination of Councilman Barlow as Secretary. **APPROVED** (unanimous). **Recused: Barlow**

**8. ENERGIZE DELAWARE PROGRAM – ENERGY AUDIT**

Kimberly Gibb presented the Council with an overview on the Energy Audit and the benefits the Town may receive from participation in the Energize Delaware. The Town has been working with Energize Delaware on various energy saving grant opportunities (lighting, HVAC, etc.). As part of their grant application requirements, an energy audit is required. The Town has received a proposal for this service from StudioJaed in the amount of \$3,400.00 – up to \$2,000.00 is recoverable through the Energize Delaware program. Focus will be on Town Hall and the Police Department. The scope of work will consist of a full energy audit of your facilities including:

- Review and analysis of all existing energy consuming systems including HVAC, lighting, office appliances (computers, copiers, etc.), vending or kitchen appliances, and transformers at each site.
- Review of the building envelope including windows, doors, and roofing systems.
- Analysis of the energy utility usage at each site.
- Economic analysis of energy saving opportunities based upon the walk through findings.

The final deliverable will be a written report that is suitable for submission to any agency for funding of energy-saving projects. In order to facilitate the completion of the report, the client will need to provide utility bills for a period of at least 1 year prior to the report date and will also need to provide access to each facility for a building walkthrough on the same day.

Councilman Ricker: There has to be some sort of an idea of what the potential savings would be before we put the money out. I am in favor with the idea of saving energy, but with the budget situation as it is right now, I really cannot support spending the money right now. I believe we can move forward with submitting the application now with the potential of submitting again next year.

Mayor Pettyjohn asked the Town Manager between now and the next meeting to review Council's options with moving forward, and recommended tabling the item for now.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to table this item at this time. **APPROVED (unanimous).**

9. **2<sup>ND</sup> PRESENTATION – PROPOSED CHARTER AMENDMENT – SECTION 34 – POWER TO BORROW MONEY AND ISSUE BONDS**

The Town has received notice that the items funded through the ODW on the 2010 referendum have been granted 100% principal forgiveness and 0% interest. Council recommended adding 0% interest and 100% principal forgiveness. The amendment has been reviewed and amended by Timothy A Frey, Saul Ewing, LLP, Bond Counsel.

Below is the proposed Charter language including the specifics on principal forgiveness and zero percent interest rate as requested by Councilman Ricker:

(c) Notwithstanding the foregoing provisions of this Section, The Town Council, after conducting a public hearing, may authorize the issuance of bonds, certificates of indebtedness, notes or other obligations of The Town under this Section in an aggregate amount of up to \$5,000,000.00 outstanding at any time, without regard to the requirements set forth in paragraphs (3) - (8) of Section 34(a), if: **(i) the funds to be borrowed are from a Federal or State source; (ii) the interest rate on such borrowing is fixed at zero (0%) percent; (iii) the borrowing comes with one hundred (100%) percent forgiveness of principal upon successful completion of the project financed with funds borrowed pursuant to this paragraph (c);** and (iv) The Town Council, by Resolution (adopted by at least a majority of all of the members of Town Council) approves of the issuance of bonds, certificates of indebtedness, notes or other obligations pursuant hereto for a proper municipal purpose with such Resolution stating the amount of such issuance, or borrowing, the purpose of such issuance or borrowing, the manner, if any, of securing the same, that the amount of all other bonds, certificates of indebtedness, notes and other obligations issued pursuant to this paragraph (c) does not exceed \$5,000,000 and any other facts relating to the issuance which are deemed pertinent by The Town Council and in its possession at that time. Except for the provisions of paragraphs (3) - (8) of Section 34(a), all other provisions of this Section 34, if not in conflict, shall be applicable to the bonds, certificates of indebtedness, notes and other obligations issued pursuant to this paragraph (c).

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Resolution #2011-4 supporting the amendments and forward the proposed amendments to the General Assembly. **APPROVED (unanimous).**

**“Resolution #2011-4 is incorporated as part of the minutes.”**

10. **2<sup>nd</sup> READING & ADOPTION OF ORDINANCES**

**A. ORDINANCE #2011-10 KEEP SIDEWALKS, STREETS, CURBS, AND GUTTERS CLEAN**

Defines the responsibilities of maintaining sidewalks, streets, curbs and gutters. Councilman Ricker's perception is that if someone reads the Ordinance as written they will assume the Town of Georgetown is forcing some of its street maintenance onto the citizens. I agree with the intent, but it needs some

clarification. I have allowed three citizens to read the proposed ordinance and all of them came up with the same conclusion.

Mayor Pettyjohn's recommendation below:

§165-6.3 Duty to keep sidewalks, ~~streets, curbs and gutters~~ clean.

It shall be unlawful for the owner, lessee or tenant of any premises abutting on any sidewalk, ~~street, curb, or gutter~~ in the town to permit such sidewalk, ~~street, curb, or gutter~~ to become covered with sand, leaves, or dirt or to become unclean, or to permit grass, weeds or other vegetation to grow on or extend over such sidewalk, ~~street, curb, or gutter~~ and any owner, lessee or tenant of any premises abutting on any such sidewalk, ~~street, curb, or gutter~~ in the town who shall fail or refuse to keep the same clean and free from sand, leaves, or dirt, grass, weeds or other vegetation or who shall permit such sidewalk, ~~street, curb, or gutter~~ to become covered with dirt, sand, or leaves or to become unclean, or shall permit weeds, grass or other vegetation to grow on or extend over the sidewalk, ~~street, curb, or gutter~~ shall be subject to penalties as outlined in this article.

After some discussion Mayor Pettyjohn recommended keeping curb maintenance in the ordinance; vegetation (grass & weeds) can grow and extend over the curbing.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to adopt Ordinance #2011-10 Keep sidewalks and curbs clean as amended. **APPROVED (unanimous).**

**" Ordinance 2011-10 is incorporated as part of the minutes."**

#### **B. ORDINANCE #2011-11 REVISION TO DEFINITION OF PLANNING DIRECTOR**

Revision to the definition of Director of Planning and Zoning due to the absence of the Director position.

Motion by Councilman Ricker, seconded by Councilman Besche-Martin, to adopt Ordinance #2011-11 Revision to Definition of Planning Director. **APPROVED (unanimous).**

**"Ordinance 2011-11 is incorporated as part of the minutes."**

#### **C. ORDINANCE #2011-12 PENALTIES FOR UNPAID MONIES DUE THE TOWN**

Enables the Town to impose a penalty on all unpaid invoices generated from in-town business and rental licenses, grass cutting, false alarms, or any Town service.

Motion by Councilman Barlow, seconded by Councilman Besche-Martin, to adopt Ordinance 2011-12 Penalties for unpaid monies due the Town. **APPROVED (unanimous).**

**" Ordinance 2011-12 is incorporated as part of the minutes."**

**D. ORDINANCE #2011-13 RUNNING AT LARGE PROHIBITED**

Ordinance 2011-9 Animal Control-At Large was adopted April 27, 2011. The wording for running at large needed clarification. The bold print shows the added language.

“It shall be unlawful for the owner of any dog, from the date of passage of this article, to permit any male or female dog owned or maintained by him, whether vaccinated or unvaccinated, licensed or unlicensed, sterilized or unsterilized, to run at large, within the corporate limits of the Town of Georgetown. **The owner shall always keep such animal from running at large by either:**”

Motion by Councilman Ricker, seconded by Councilman Barlow, to adopt Ordinance 2011-13 Running at large Prohibited. **APPROVED (unanimous).**  
**“Ordinance 2011-13 is incorporated as part of the minutes.”**

**11. DEPARTMENTAL REPORTS**

**A. GENE DVORNICK – TOWN MANAGER**

**Budget versus Actual (Apr 11) – Twelve Months (100% of the Year)**

<u>Revenue</u>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>	<u>%</u>	<u>Note</u>
General Fund	\$2,550,960	\$3,027,224	(\$476,264)	119%	1
Water Fund	\$1,247,000	\$1,285,103	(\$38,103)	103%	
Sewer Fund	\$1,635,000	\$2,314,431	(\$679,431)	142%	2
<b>Total</b>	<b>\$5,432,960</b>	<b>\$6,626,758</b>	<b>(\$1,193,798)</b>	<b>122%</b>	
<b><u>Expenditures</u></b>					
General Fund	\$3,233,843	\$3,271,536	(\$37,693)	101%	
Water Fund	\$784,587	\$768,945	\$15,642	98%	
Sewer Fund	\$1,414,530	\$1,813,869	(\$399,339)	128%	3
<b>Total</b>	<b>\$5,432,960</b>	<b>\$5,854,349</b>	<b>(\$421,389)</b>	<b>108%</b>	

1. General Fund Revenue – Real Estate Transfer Tax Revenue; Municipal Street Aid; Eddie Byrne Grant
2. Sewer Revenue – Loan Proceeds (SRF Loan, SBE Loan & Impact Fees)
3. Sewer Expenditures – South Bedford Street pump Station Upgrade

The monthly report has been distributed for your review.

Other Key items (versus the same time period last year):

- Real Estate Transfer Tax Revenue, **Up 6.68%**
  - YTD FY 2008 \$482,310
  - YTD FY 2009 \$104,396
  - YTD FY 2010 \$120,310
  - YTD FY 2011 \$128,343
- Building Permit Revenue, **Down 16.59%**

**Completion Guarantee and Escrow Agreement – Carpenter’s Union Site**

The Town has been working with the Metropolitan Regional Council with regard to the completion guarantee for the Carpenters Union Training Center. We have received a check in the amount of \$265,663.50, which represents 150% of the estimated cost for the utility improvements. Request that Council authorize the Mayor and Secretary of Council sign the Escrow Agreement; and the opening of an interest bearing checking account at Fulton Bank.

Motion by Councilman Ricker, seconded by Councilman Barlow, to authorize (1) signing of the escrow agreement and (2) approve the opening of an escrow account at Fulton Bank. **APPROVED (unanimous)**.

**Village of Cinderberry**

Representatives of the Town met with the Village of Cinderberry Boards regarding an update on various issues:

- County Bank has selected a builder – LBG Homes from Laurel;
- County Bank has selected a contractor for the street work;
- Representatives from telecommunication providers have been working with the community and the board; and
- The Town and Young, Conaway, Stargett & Taylor have been working on a modified Public Works Agreement covering streets, sewer and other items.

**Miscellaneous**

- Reminder: Town Offices will be closed on Monday, May 30 in observance of Memorial Day
- Upcoming Events:
  - Delaware League of Local Governments
    - Dover Sheraton, Thursday, May 26, 6:00 PM
  - Georgetown Memorial Day Service
    - The Circle, Sunday, May 29, 1:30 PM
  - Delaware League Legislative Reception
    - Legislative Hall, Tuesday, May 31, 12:00
  - Sussex County Association of Towns
    - Dewey Beach, Wednesday, June 1, 6:00 PM
  - Charter Review Committee Meeting
    - Town Hall, Monday, June 6, 5:30 PM
    - Town Hall, Thursday, June 9, 5:30 PM
- Service Anniversaries for April:
  - Eric Rust Wastewater 26 Years

**12. PUBLIC COMMENT**

Lawrence Sammons, North Bedford Street, asked Council to revisit the issue of yard waste, which is becoming a burden on residents with a fixed income. Mr Sammons suggested that perhaps collection could be limited to either once or twice a month versus weekly. Mayor Pettyjohn stated that the Town is looking at other options for collection at this time.

**13. EXECUTIVE SESSION**

Mayor & Council will meet in Executive Session for the discussion of a personnel issue in which the names, competency and abilities of individual employees are discussed.

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn to Executive Session at 7:49p.m. **APPROVED (unanimous).**

Executive Session exited at 8:21p.m.

Motion by Councilman Ricker, seconded by Councilman Barlow, to deny the appeal request of Officer Cooper, finding that the termination is substantiated, based on Town documents and Federal and State rulings. **APPROVED (unanimous).**

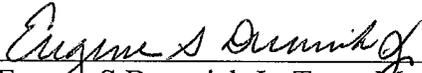
**14. ADJOURNMENT**

Motion by Councilman Ricker, seconded by Councilman Barlow, to adjourn at 8:23p.m. **APPROVED (unanimous).**

APPROVED:

  
Sue H Barlow, Secretary

ATTEST:

  
Eugene S Dvornick Jr, Town Manager