

**Charter Review Committee Meeting
November 5, 2020 @ 10:00 a.m.**

In attendance were Committee Chairwoman Barbara Ryer; Committee Members Sharon Brienza, Pat Plocek, Tim Roe, and Town Manager Debbie Botchie; Town Finance Director Lisa Wynn; and Town Clerk Matt Amerling.

1. **CALL TO ORDER:** Committee Chairwoman Barbara Ryer called the meeting to order at 10:00 a.m.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** All Committee members were present.
4. **ADOPTION OF MINUTES**
 - A. October 1, 2020

Committee Member Pat Plocek motioned to approve the October 1, 2020, Charter Review Committee meeting minutes. Committee Member Sharon Brienza seconded the motion. Motion carried 5-0.

5. **OLD BUSINESS**
 - A. Continue discussions on possible Charter amendments.

Town Finance Director Lisa Wynn stated she looked at the finance end of the Charter sections, and she somewhat referenced the Town of Milton's charter sections since it's done and the towns are similar. Ms. Wynn stated most of the changes she's made are the wording. Ms. Wynn stated the first thing she added to section twenty-three (23) was a Delaware licensed certified public accountant or accounting firm to examine financial statements and accounts of the Town. Ms. Wynn stated she changed the auditor delivering a report to Council limit of days from ninety (90) to one-hundred-twenty (120); and the Town's fiscal year end date is April 30, so the extension was put in to make sure there's time to get the audit finished. Ms. Wynn stated the advertising was changed too. Ms. Ryer asked if the advertising time was changed to comply with any regulation. Ms. Wynn stated it was just to have the verbiage in the charter. Ms. Wynn stated the Town currently does not put the audit on the Town website, but the Town does put its monthly financial statements and annual budget on the website. Ms. Brienza asked if we could put the audit report on the Town website. Town Clerk Matt Amerling stated he would have to contact the State office which helps maintain the website, but Mr. Amerling thinks there is enough room to put the audit on the website. Town Manager Debbie Botchie stated the Town can always put on the management letter, which summarizes everything, on the website, and if someone wants to view the full audit report, they can come into Town Hall to get a copy. Ms. Botchie asked Ms. Wynn if she wanted to do take that approach. Ms. Wynn stated yes.

Ms. Wynn stated for section twenty-seven (27), the real estate transfers, a lot of verbiage was added to include Mayor and Town Council. Ms. Wynn stated she wants to add "no tax shall be imposed on conveyances when the actual value of the property being transferred is less than one-hundred dollars (\$100.00)," which is what every town usually does. Ms. Wynn stated for

item D, Ms. Wynn highlighted “or of the fair market value of the real property so transferred,” because the Town bases it on the sale price, not on the fair market value; and who is the Town to say what the fair market value is? Ms. Wynn stated she would like to take that highlighted portion out. The Committee agreed. Ms. Wynn stated, regarding section twenty-eight (28), the levy of annual taxes, she did include long-term capital improvements and replacements to show what this covers under the budget. Ms. Wynn stated she highlighted items two (2), four (4) and five (5) because the Town doesn’t do the per capita, but asked if the Town wants to leave the items in there in case it is that way in the future. Ms. Botchie stated yes, you may want to leave it in just in case future Council members want it. Ms. Botchie stated the Town used to charge per capita and it’s something like two dollars (\$2) per person aged over eighteen (18) per house, but the Town took it out when it raised taxes from twenty cents (\$0.20) to fifty cents (\$0.50) per one-hundred dollars (\$100). The Committee requested to take out item number two (2). Ms. Wynn asked to add “and other revenue” onto this section title. The Committee agreed. Ms. Botchie stated she would like to discuss numbers four (4) and five (5) with Town Solicitor Seth Thompson because we don’t know the distant future of the Town and whether we will be responsible for water and sewer. Mr. Plocek asked, regarding number four (4), if the Town currently charges a fee for licenses. Ms. Botchie stated yes. Ms. Wynn asked, regarding item C with the language “After the day fixed for hearing tax appeals,” if that is only if the tax rate has changed. Ms. Botchie stated this is if a resident is sent their property tax bill and they choose to appeal the cost, and this is mostly found with towns which do their own assessments; but the Town goes with County assessment. Ms. Brienza stated there should be a deadline date for when you can appeal your taxes. Ms. Wynn stated the deadline for paying taxes is July 31, so it is ninety (90) days from the tax billing.

Ms. Wynn stated, regarding section twenty-nine (29), a collection of annual taxes, she also added onto the heading “and other revenues.” Ms. Wynn stated what was changed here – since they are doing other revenues – was adding “collecting taxes and other charges and fees” since it’s all under revenue. Ms. Ryer stated when she’s reading in item F “at the annual meeting of the Town Council,” what is considered the annual meeting? Ms. Botchie stated it would be the March Town Council meeting since that is the first meeting held when Council titles are appointed. Ms. Brienza stated under item A, rather than say “as soon as the Mayor and Town Council shall have placed in his or her hands a duplicate Annual Tax List,” can it rather say “... when the Mayor and Town Council have received ...”? Ms. Wynn stated yes. Ms. Botchie stated when she was doing the annexation portion of the charter, Ms. Botchie noticed Milton just had Town Council but they added Mayor and Town Council; but Milton’s mayor is elected which is why they most likely put the language “Mayor and Town Council.” Ms. Botchie stated she is thinking the Town doesn’t have to add “Mayor and.” Ms. Botchie stated she will research whether the Town has to take out “Mayor and Town Council” and change it to just “Town Council.” Ms. Botchie stated in relation to item A, Town Council doesn’t receive a duplicate Annual Tax List and pass it along to the Town administration. Ms. Wynn stated regarding item E, this was so much different than Milton’s. Ms. Botchie stated she will have to review a majority of this with Mr. Thompson as the Town doesn’t give a list to the Treasurer. Ms. Wynn stated under item G, there is a program with the State where the Town can attach the refund if there is any, and Ms. Wynn didn’t know if the Town wanted to put any verbiage regarding this or not. Ms. Botchie stated yes, it was passed two (2) years ago in General Assembly because a lot of municipalities were having a difficult time collecting taxes; so now, municipal governments can get a person’s tax return. Ms. Ryer asked what the charge or fee reference

other than tax? Ms. Wynn stated licenses or anything else the Town bills for. Ms. Ryer asked if the State law provides a government can attach other than taxes. Ms. Botchie stated no, just for taxes. Ms. Ryer stated the charger fee may need to be thought out. Ms. Wynn stated the Town may need two (2) separate. Ms. Brienza stated if someone is late with their licensing fee, does the Town charge interest? Ms. Wynn stated the Town charges a late fee. Ms. Botchie asked – regarding the real properties, lands and tenements – if this was a change in Milton. Ms. Wynn stated yes. Ms. Wynn stated under number four (4), any sales of lands and tenements of a delinquent taxpayer shall be advertised changed from five (5) public places to four (4). Ms. Ryer asked if the Prothonotary’s office has a fee for doing this filing. Ms. Wynn stated it is listed they will be responsible for any additional fee. Ms. Wynn stated number eleven (11) states “a petition representing the facts and praying for an order ...,” but maybe it’s a typo and should rather say “paying.” Ms. Botchie stated she will look into it. Ms. Wynn stated number twelve (12) was added in Milton, and Treasurer should be changed to Town Manager. Ms. Wynn stated she will double-check numbers twelve (12) and thirteen (13). Ms. Wynn stated, in regards to section thirty (30), Town budget, under item C-7, the budget shall be presented at a Council meeting followed no more than fifteen (15) days later at a public hearing. Mr. Amerling stated the Town needs more time to advertise for a public hearing meeting as it must be advertised fifteen (15) days in advance of the meeting in a newspaper, so having a public hearing meeting in fifteen (15) days or less of a regular meeting is not very plausible. Ms. Brienza stated she knows what Mr. Amerling is saying and it should be changed to thirty (30) days. Ms. Wynn stated it could also be introduced at the workshop meeting and then have a public hearing at a regular Council meeting. Ms. Botchie stated for the annexation section, she would like the Committee to review it again and if there are any additional amendments, the Committee can address it at the next meeting.

Committee Member Tim Roe stated for section twenty-two (22), the police force, he cleaned it up with the recommendations from the last Committee meeting. Ms. Roe stated one of the changes was having the police officers reporting to the Chief of Police rather than Council. Mr. Roe stated some towns have the Chief subject to direction by both the Mayor and Town Manager. Ms. Botchie stated this aspect is at the Town’s discretion; for instance, at Ocean View, their Chief reports to the Mayor but their Charter stated the Chief had to report to the Town Manager and they didn’t get along. Ms. Botchie stated in that case, the Charter superseded the Chief’s contract. Mr. Roe stated he kept the Chief should establish his own standard operating procedures (SOPs). Ms. Botchie asked Mr. Roe if he had the exact State Code citation for item B. Mr. Roe stated he can find it. Mr. Roe stated he left in the Justice of the Peace in case the Town ever did need to use it. Ms. Botchie stated, regarding section twenty-four, board of assessment, the County usually does the assessment of Town properties. Mr. Roe stated he might recommend to take most of this section out as the Town doesn’t really need it. Mr. Amerling stated he doesn’t see the need for a board of assessment in even the near future. Mr. Plocek stated he would just leave in item D, the adoption of Sussex County assessments. Mr. Plocek stated he thinks section twenty-four (24) should be postponed to the next meeting.

6. CITIZENS PRIVILEGE

There were no comments.

7. ANNOUNCEMENT OF NEXT MEETING – DECEMBER 3, 2020 AT 10 A.M.

8. ADJOURNMENT

Ms. Brienza motioned to adjourn the meeting at 11:04 a.m. Mr. Plocek seconded the motion.
Motion carried 5-0.

Respectfully submitted and transcribed
by Matt Amerling, Town Clerk