

TOWN OF HARTLY  
P.O. Box 181  
HARTLY, DE 19953

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**MEETING MINUTES**  
Thursday, August 13, 2020

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**I. Call to Order and Roll Call**

Meeting was called to order by Mark Maguire at 7:00 PM.

Council Present:

|                |                |
|----------------|----------------|
| Suzanne Morris | Robert Graves  |
| Mark Maguire   | Megan Raughley |

Guests Present:

|                |
|----------------|
| Kevin Hovis    |
| Charlotte Fox  |
| Gary Madden    |
| Raymond Greene |
| Raymond Morris |

**II. Invocation & Pledge of Allegiance**

Suzanne provided Invocation.

Suzanne led in the Pledge of Allegiance.

**III. Approval of Previous Meeting Minutes and Tonight's Agenda**

Suzanne motioned MMs and tonight's agenda be accepted, Robert 2<sup>nd</sup> approval of June 2020 Meeting Minutes and August 2020 agenda. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |

**IV. Reports**

**a. Treasury** (Suzanne Reported)

**i. Citizens Bank Account**

As of 07/31/2020, balance of \$20,529.51. Expenses included lawn maintenance, reimbursement of expenses to Suzanne and Megan for supplies and postage, Jobs for Blue (police presence), DelMarva for electric and reimbursement to CTF Funding to pavement company totaling:

\$203,560.76. Revenues including receipt of CTF Funding check, past due taxes, Richie Casson, traffic violations and cell tower totaling: \$203,842.07

Savings Account: Reported balance 8/01/2020 balance of \$25,001.02.

**ii. Restitution from Richie Casson**

Payments have been received in the amount of \$50.00 per month as agreed; current balance due \$84,476.50

**iii. Delaware State Police Accounting Record**

The 2020 summary: total expenses \$2,116.92; total income: \$637.75.

**iv. Property Tax and Street Light Tax**

Suzanne reported that 2020 taxes were sent out beginning of August; total outstanding balance of \$11,010.00. Total Past Due taxes including penalties is \$3,269.94 of which \$708.07 has been received. 2020 Street Light Tax total outstanding balance of \$4,060.00.

Megan motioned, Rob seconded, to accept the Treasury Reports. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Roughley | X           |               |        |               |

**b. Building Permits**

Rob reported 1 permit for Kingdom Kids roof; they will be requesting additional permit for property expansion but no information received at this time for review.

**c. Correspondence**

Suzanne distributed mail received; none required follow up. An anonymous letter was received regarding a noise complaint from Smyrna Well Drilling Complex; Mark spoke with property owner, Wesley Burris.

**V. Unfinished Business**

**a. Sidewalks (TAP)**

Mark and Rob reported no update; last email provided the company was surveying. Rob advised after public inquiry that this phase will include Arthursville Road from town limits to the school on the west (school) side; he is also working to have them include the opposite side as well if budget allows.

**b. Street Light Update:**

Mark reported no new updates.

**c. Vacant Building Registration update**

Mark advised we will get further into discussion on this to move forward. After public inquiry, Mark explained more detail on the plan to include a vacant building tax/fee schedule in an effort to alleviate unoccupied structures in disarray.

**d. Town Police update**

Mark reported that we now have to go through Jobs for Blue to contract officers for shift coverage in town. A few issues: they are charging an additional 4% fee (roughly \$15-20/shift) in addition to what DSP was, the company is not local so we are not contributing to our area for employment and no daily activity log is required to be completed. Mark will work to communicate the issues we are experiencing directly to DSP to see if they can assist with improvements.

**e. Town Charter Update**

Suzanne talked to the Town Solicitor and we have decided on a full upgrade; Suzanne has initiated a full review and is working on updates (up thru Sect. 17 at this time). Current Charter is from 1983, Suzanne would like for the approval to be completed to be submitted to Solicitor by September. advised we need to hold a Public Workshop.

**f. Building Ordinance Amendment Final Reading**

Megan presented the approved draft and Town completed the final official reading. See New Business for acceptance

**g. Grass Maintenance & Ordinance Letters Update**

Megan reported all letters sent have been received and corrected except for Scott property. New letters to be sent including Scott Property for several issues.

**h. CTF Funds for Hartly Volunteer Fire Department**

Suzanne reported we received a letter from Kevin Hovis that the project has been completed to their satisfaction for the funds to be relinquished. Suzanne advised contractor payment was released.

**i. 2020 Comprehensive Plan Committee Update**

Suzanne reported no update due to COVID break; Mark advised for public knowledge that update is due every 5 years; COVID stopped the ability to meet regularly as planned. Parts of this will be included in the Public Workshop as well.

**j. Land and Zoning Use Plan Update**

Rob reported he and Mark are working to amend and update the information; next meeting will have additional updates. Once a draft is completed it will be updated to the website and posted for public review.

**k. DHSS Drinking Water Grant Program**

Megan advised that no correspondence has been received due to COVID break. Tabling until future correspondence is received for review/discussion.

**l. Overdue Tax Update**

Suzanne reported 6 properties remain outstanding: 2 from 2019: Terry Swiney and Hazel Price. CoreLogic contacted us for the past due tax information; Suzanne advised this may be paid by them and she will see if it is received; will update in October. 4 are multiple years past due: David Brown, Francis Ennis, James Scott, Anita Turner. Scott's letter includes violations of ordinances and taxes. Information not sent to Tony Mannon; Benson Legal Firm contacted the Town and indicated that it has been sold and taxes will be included in the closing.

**m. Town Yard Sale Update**

Mark suggests due to COVID break to set a date for next year. He will discuss with the President of the Fire Department.

**n. Post Office Parking Update**

Mark met with DelDOT to discuss the request; they will engineer parking lines in front of the Post Office; expecting 4-5 lines. The Town will need to install and to maintain the lines (fading, age, etc.). If the state ever comes through for a project, they would replace it. He will provide updates when received.

**o. Town Property Search Update**

Suzanne advised there is a small triangle at Slaughter Station Road and Main Street next to the Verizon building that has delinquent tax issues; Ennis.

**p. Other unfinished business as may be necessary for discussion and/or action**

None

**VI. New Business**

**a. Nazelrod Kingdom Kids Daycare, Inc. Variance Heating**

Suzanne advised a certified letter was sent to Mr. Raymond Greene, property owner of the parcel next to the requested pole barn site. Mr. Greene asked for further clarification on the letter and the request. Request: Erect the proposed structure within the 5' variance that Kent County allows, as opposed to the 10' variance currently dictated by the Land and Zoning Use, on the side of the property line that connects to his property. Public inquiry provided additional discussion on the plans of the proposed, enclosed structure; Megan relayed the information in the email received from the Daycare Property owner. Mr. Greene noted he is against the placement of this structure in the proposed request.

Suzanne motioned, Rob seconded, to vote to approve or deny the variance request for Kingdom Kids Daycare, Inc as presented. Motion tied:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris |             | X             |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley |             | X             |        |               |

Rob noted that the sewer line is the issue for following the 10' variance set by The Town; tabled until the next meeting. Property owner to be advised of the current tied vote and encourage a representative of Kingdom Kids to attend the next meeting for further discussion.

Suzanne motioned, Rob seconded, to table the variance request for Kingdom Kids Daycare, Inc as presented due to a tie vote. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |

**b. Building Ordinance Amendment Acceptance**

Megan motioned, Suzanne seconded, to accept Amendment 1 of Building Ordinance 10-03-2016-001 as presented on its final reading. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |

Suzanne to update signed copy to website.

**c. Food Truck Proposal in Town**

Public inquiry from Gary Madden requesting information on rules and regulations for a food truck in town. Mark responded there are no set regulations that Council is aware of; it would be based on state requirements and property owner approval. You are not able to set up without permission from the property owner.

**d. 150th General Assembly for Municipal Maintenance, Streets and Population**

Suzanne reported funding has passed and The Town will receive \$621.61 this year.

**e. Previous Year MFA Expenditures**

Suzanne reported she completed the necessary report for submission.

**f. Kent County Levy Court Promotional Grant**

Funds received for marketing purposes for Town events in 2020; Mark reached out to the representative to discuss the return of unused funds; Suzanne will draft a check to be returned to them. \$750.00 to be returned and requested for next year's events.

**g. Upgrade WiFi in Speed Signs**

Suzanne reported she received the updated 5G plugs; Mark and Rob to complete with Suzanne's assistance.

**h. Annexation and Consolidation of Morris property**

Suzanne made an official request; Raymond H. and Suzanne Morris, Property ID: 9-10-06319-01-3600-00001, to be annexed and consolidated to include the small strip of property in the driveway.

Rob motioned, Megan seconded, to form a committee accept the request to annex and consolidate the Morris Property, ID: 9-10-06319-01-3600-00001. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris |             |               |        | X             |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |

Mark will appoint a committee. Rob will Chair the committee.

**i. Public Workshop**

Date chosen for presentation to the Town for updates to the Town Charter and the Land & Zoning Use plan; Thursday, September 17th from 4-7p. Mark requested that it be updated to the website and Facebook once Fire House approves the date.

**j. Appointment of Open Seat on Commission**

Mark nominated Raymond Morris to fill the open Commissioner position for the Town. Raymond would continue until next year's election; he would have to run should he choose to continue.

Rob motioned, Megan seconded, to appoint Raymond Morris to the Commissioner at Large to fill the vacancy within the Town Council. Motion carried:

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |

Mark noted that Raymond meets all requirements to be on the Town Commission at this time. Raymond will be officially sworn in at next meeting

**VII. Public Comment / Council Member Comment**

None

**VIII. Adjournment**

Suzanne motioned, Rob seconded to adjourn at 8:08 PM. Motion carried.

| Council Member | Yes - Agree | No – Disagree | Absent | Withhold Vote |
|----------------|-------------|---------------|--------|---------------|
| Mark Maguire   | X           |               |        |               |
| Suzanne Morris | X           |               |        |               |
| Robert Graves  | X           |               |        |               |
| Megan Raughley | X           |               |        |               |