Town of Greenwood

Minutes of

Town Council Charter Workshop

**Tuesday, September 10, 2019 at 7pm**

**Call to order**

 Mayor Donald Donovan called the meeting to order at 7:02 pm.

**Councilors Present**

Willard Russell, Mike Moran, Norman Reed and Donald Torbert

**Officials Present**

Town Manager, Hal Godwin and Town Attorney, Barrett Edwards, Esq.

**Review and Discussion of the Proposed Town Charter Amendment**

* Territorial Limits – revising the boundaries of the town was researched by the Town Manager and found that it’s optional per our Attorney and our Town Engineer. It was decided to not visit this at this time.
* Annexation – the Attorney discussed annexation procedures and his recommendations for abbreviating some processes.
* Structure of Government – no changes
* Qualifications – no changes
* Election Procedures –the Attorney explained that the Town Manager is the gate keeper of the election process and qualifies candidates for elections. If someone doesn’t qualify then the Town Manager would recommend a special meeting of the Council. Can poll workers be on the Board of Elections was asked and Mr. Edwards advised current Charter procedures require no changes.
* Regular and Special Meetings – the Attorney explained that the current Charter requires a monthly meeting. He recommended that the Town Council have the ability to cancel a meeting if not necessary and also to advise such cancellation to the members by means of electronic communications.
* Voting – the Attorney recommended that the Charter be updated from the majority of those present to be the majority of the seated members.
* Rules and Minutes of Council – keep minutes of proceedings.
* Contracts – the Attorney recommended that the aggregate amount involved over $50,000 should go to public bid. Under $50,000 requires no public bids. Discussions ensued regarding bids and the need to define the term “responsible” in the new Charter since the lowest bid is not always the best. The Town Manager is responsible to vet the bidders.
* Duties of the Mayor – the current Charter says that the Mayor only votes to break a tie. The Attorney recommends and the Council concurred that the Mayor should vote on every motion, as he is a duly elected member of the Town Council. It was also recommended removing complaints from this section from the Mayor and add to the duties of the Town Manager.
* Duties of the Secretary – discussed that the Charter be updated so that the Secretary will “oversee” the custody of the books, records, seal of the Town of Greenwood, etc. and will file and keep the same in a safe and secure place within the Town Hall.
* Duties of the Assistant Secretary – no changes
* Duties of the Town Manager – the Attorney discussed the current Charter provides the opportunity for an employment contract with the Town Manager if the Council chooses to do so. Recommended adding, that except for the Town Manager (Section 19) and the Police Force (Section 22), employees are hired for an indefinite term and are at will employees. It was also agreed to remove verbiage regarding signing of warrants.
* Duties of the Treasurer – no changes
* Town Solicitor – agreed to remove Sussex County restriction for office location.
* Police Force – addition was made for the Chief of Police which would provide the opportunity for an employment contract with said Chief if the Council chooses to do so.
* Annual Audit – no changes
* Tax Assessor – no changes
* Assessments – the Town Attorney recommended that Section (d)(1) be updated so that the Town Manager shall annually provide the Town Council with a list of charges that include the following: sidewalk assessments; water line assessments; water service charges; weed and grass cutting bills; sanitary sewer service charges; trash collection bills; past due electric charges; cost for demolition or repair to a building and costs the Town incurred to remediate code violations. When these charges are adopted by resolution by the Mayor and Council the amounts on the list shall be included as taxes and so collected.
* Levy of Annual Taxes – addition of annual tax list as mentioned above added to this as well, including the ability to collect those amounts on the tax list as soon as possible following receipt of the tax list, including any additional tax bills. All such taxes shall constitute a lien upon all the real estate of the taxable for a period of 10 years, unless the property is still owned by the original person against whom the assessment was made in which case it shall remain a lien indefinitely.
* Town Budget – no changes
* Enumeration of Powers – discussion and recommendation by the Council to remove (a)(6) regarding the observance of the Sabbath.
* Streets – no changes
* Curbing and Paving – added sidewalks to verbiage
* Borrowing Money – addition reasons to borrow money now included. Added section giving the Town Council the authority to borrow up to $100,000, with limitations, including at least 4 members of Council (super majority vote); it is repayable within 15 yrs. and secured by a promissory note. Also added that should anyone wish to contest this; they have 60 days’ notice to file complaint.
* Actions or Suits; Compendium and Revival of Powers and Validating Section were reviewed.

The attorney will update the changes and will send us 2 copies of the proposed Charter for the Town Council for review. The 1st document will show yellow highlight changes made from the reviewed copy used in this workshop.

The 2nd document will be the actual legislation that we use to move on to the General Assembly. The Attorney will prepare a Resolution for our October meeting (10/1/19) to recommend that the General Assembly make these changes and he will send a letter to our Representative and Senator. The bill will only include what is being taken out or put in.

**Adjournment to Executive Session** – N/A

**Actions requiring approval from Executive Session**

1. N/A

**Adjournment –** Moved by Councilor Reed, Seconded by Councilor Moran to adjourn the meeting at 8:20 pm. CARRIED by Unanimous Vote: Vice-Mayor Russell – Yes; Councilor Moran – Yes; Councilor Reed – Yes and Councilor Torbert.

Attested \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Town Manager