

TOWN OF BELLEFONTE
Meeting Minutes
October 12, 2015

Attending: Ross Logan, Scott MacKenzie, Curt Nass, Dave Brenner, and Brandon Dougherty

I) Call to Order @ 7pm

II) Special Guests

III) Public Comments - None

Scott asked for a motion to move Commission membership to the top of the agenda, moved by Ross and seconded by Brandon. The motion passed unanimously.

Commission Membership - Scott explained that we currently have four Commissioners, with one seat left vacant by Kathy McDonough, which terminates in June 2016. Scott nominated David Brenner to fill the vacancy and asked for a motion. Ross made a motion to swear in Dave Brenner as Town Commissioner. Brandon seconded. All in favor. The motion carried. Dave was sworn in.

Legislation - Scott asked for a motion to reorder the agenda moving the legislation next on the agenda. Brandon made a motion to move the pending legislation to the top of the agenda. Ross seconded the motion. All in favor.

Scott asked for a motion to call for the first reading of Ordinance 2015-02 and Ordinance 2015-03. Dave made the motion and it was seconded by Ross, the vote was unanimous.

Scott asked for a meeting to waive the full reading of the ordinances under consideration and to read them in title only. Dave Brenner made a motion to waive full reading of Ordinance 2015-02 and Ordinance 2015-03 and to read them in title only, seconded by Ross, and the vote was unanimous. Brandon read **ORDINANCE 2015-01** and **ORDINANCE NO. 2015-03: ORDINANCE REGULATING THE POSSESSION OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, AND EXPLOSIVES IN MUNICIPAL BUILDINGS IN THE TOWN OF BELLEFONTE** in title.

Scott called for a motion to accept the reading in title of Ordinance 2015-02 and Ordinance 2015-03 as the First Reading of the ordinances, moved by Dave, seconded by Brandon and the vote was unanimous.

Ross asked to be excused from the meeting and left.

IV) Minutes of Previous meeting

Brandon made a motion to waive the reading of the minutes to the previous meeting and to approve them as distributed. Ross seconded. All in favor. The motion carried.

V) Building Inspector Report (Kyle Bender) - No Report

VI) Plumbing Inspector Report (Steve Russo) - No Report

VII) Board of Adjustment (Brian Donovan) - No activity.

VIII) Planning Commission (Dave Brenner)

- Dave reported that a public hearing was held earlier tonight for the Gun and Annexation Ordinances, hosted by the Planning Commission. There were no members of the public in attendance.
- Dave said that the Planning Commission had voted to approve Steve Segretto as chair of the Planning Commission. Dave made a motion to name Steve Segretto the head of the Planning Commission. Brandon seconded. All in favor. The motion carried.
- Animal Control policy is still now in the process of being completed for presentation to the Town Commission.
- Comprehensive Plan is still being worked on. They are redoing the whole plan. They gave out pages to the committee to review and revise.
- Hazard Mitigation Plan is still delayed by DNREC. No progress reported.
- Welcome to Bellefonte sign should be installed on Thursday on Marion Avenue.

Treasurer/Tax Collection Report (Curt Nass) - attached

Dave made a motion to accept the report. Brandon seconded. All in favor. The motion carried.

Reading of the Bills (Brandon Dougherty)

Comcast, month Internet/phone, \$145.63
 Gonser & Gonser, legal fees, \$43.48
 Penny Hill, \$670.95
 Waste Industries, monthly trash/recycling, \$12,370.52
 Delmarva Power, street lights, \$1,415.19
 Delmarva Power, Town Hall power, \$158.97
 Delmarva Power, Town hall gas, \$73.67
 Larry Nagengast, town history 2nd payment, \$1,000

Dave made a motion to accept the bills as read. Brandon seconded. All in favor. The motion carried.

President's Report (Scott McKenzie)

- Scott reported an invoice on the Delaware League of Local Government Membership Dues on whether we wanted to be a part of it. There was discussion. Dave made a motion to pay for membership in the Delaware League of Local Government Membership Dues of \$800. Brandon seconded. All in favor and motion passed.
- Scott said he had a request for a sponsorship from Mt. Pleasant Band. Brandon made a motion to pay for a business ad in the Mount Pleasant High School Music Department for \$25. Dave seconded. All in favor and motion passed.

XII) Old Business

- Town yard sale and picnic went very well.
- Scott gave an update on town historian who is working on a book about the history of the town.

The next Town Meeting is on Monday, November 9, 7 pm and the Planning Commission Meeting is to be held on Monday, November 2, at 7 pm.

Submitted by

Approv. Date

Town of Bellefonte
Monthly Treasurers Report
September 2015 Report

	Town Account	MSAF Account	Property Transfer Account	Town Accounts Sub-Total	August 2014
1 Balance 09/01/15	\$40,068.53	\$10,564.55	\$84,680.37	\$135,313.45	\$182,101.31
Receipts					
2 Town Taxes	115,808.26			115,808.26	
3 Property Transfer Tax			10,476.75	10,476.75	
4 Total Receipts	115,808.26	0.00	10,476.75	126,285.01	95,799.64
Disbursements					
5 Trash Collection	12,365.52			12,365.52	
6 Town Utilities	160.60	1,415.19		1,575.79	
7 Landscaping	670.95			670.95	
8 Community Activities	500.00			500.00	
9 Legal Fees	200.00			200.00	
10 Plumbing Fees	125.00			125.00	
11 Printing	40.00			40.00	
12 Bank Fee	32.12			32.12	
13 Maintenance			10.00	10.00	
9 Total Disbursements	14,094.19	1,415.19	10.00	15,519.38	18,177.40
10 Ending Balance 09/30/15	\$141,782.60	\$9,149.36	\$95,147.12	\$246,079.08	\$259,723.55

Light bills

September Properties:
704 Rosedale
1107 1/2 Monterey
904 Bellefonte
409 Elizabeth

Curt A. Nass
Treasurer/Tax Collector

Town of Bellefonte 2014-2015 FY Operating Budget

	2015 Actual	2014 Actual	Change
	\$	\$	\$
<i>(favorable/unfavorable)</i>			
Cash reserves, beg. balance	193,259	208,043	(14,783)
RECEIVABLE^{1/}			
Tax Collection (@.45/100)	140,318	142,154	(1,836)
Property Transfer Tax	59,838	52,405	7,433
Cable/FIOS franchise royalties	19,313	17,050	2,263
Grants/State Reimbursements	23,081	8,774	14,307
Insurance Reimbursement	11,034	-	11,034
Building Permit Fees	2,280	1,000	1,280
Plumbing Permit Fees	800	1,123	(323)
Other	400	213	187
Interest income	119	206	(87)
TOTAL RECEIPTS	257,184	222,925	34,259
PAYABLE			
Trash Collection	157,266	138,975	(18,311)
Property Maintenance	38,927	7,955	(30,972)
Town Utilities	22,052	22,732	680
Snow Plowing	19,299	33,273	13,974
Tax Commission	7,830	7,533	(297)
Attorneys Fees	16,919	-	(16,919)
Landscaping	10,198	6,793	(3,406)
Audit	7,325	2,810	(4,515)
Insurance	8,543	8,141	(402)
Postage/Mailing/Public Notices/Printing	526	383	(143)
Office Supplies	-	327	327
Building Inspection Fees	1,550	650	(900)
US Treasury	1,511	1,401	(110)
Donations	800	1,100	300
Plumbing Inspection Fees	575	425	(150)
Treasurers Fee	1,847	924	(924)
Secretary Fee	754	-	(754)
Community Activities	1,714	1,620	(94)
Other	3,226	343	(2,883)
Bank Fees	206	-	(206)
Stormwater Costs	770	1,726	955
Security System		600	600
TOTAL PAYABLES	301,857	237,708	(64,149)
ENDING BALANCE	\$ 148,586	\$ 193,259	\$ (44,673)

Town of Bellefonte 2014-2015 FY Operating Budget

	July 2015		2015 Budget	Remaining Budget
	YTD Actual			
	\$	\$	\$	\$
Cash reserves, beg. balance	193,259	-	185,000	-
<u>RECEIVABLE 1/</u>				
Tax Collection (@.45/100)	140,318	15,318	125,000	15,318
Property Transfer Tax	59,838	2,838	57,000	2,838
Cable/FIOS franchise royalties	19,313	2,313	17,000	2,313
Grants/State Reimbursements	23,081	15,081	8,000	15,081
Insurance Reimbursement	11,034	11,034	-	11,034
Building Permit Fees	2,280	1,280	1,000	1,280
Plumbing Permit Fees	800	(200)	1,000	(200)
Other	400	200	200	200
Interest income	119	(81)	200	(81)
TOTAL RECEIPTS	257,184	47,784	209,400	47,784
<u>PAYABLE</u>				
Trash Collection	157,286	(14,286)	143,000	(14,286)
Property Maintenance	38,927	(13,927)	25,000	(13,927)
Town Utilities	22,052	2,948	25,000	2,948
Snow Plowing	19,299	(9,299)	10,000	(9,299)
Tax Commission	7,830	170	8,000	170
Attorneys Fees	16,919	(11,919)	5,000	(11,919)
Landscaping	10,198	(2,698)	7,500	(2,698)
Audit	7,325	(2,325)	5,000	(2,325)
Insurance	8,543	(543)	8,000	(543)
Postage/Mailing/Public Notices/Printing	526	474	1,000	474
Office Supplies	-	500	500	500
Building Inspection Fees	1,550	(1,050)	500	(1,050)
US Treasury	1,511	(111)	1,400	(111)
Donations	800	700	1,500	700
Plumbing Inspection Fees	575	(75)	500	(75)
Treasurers Fee	1,847	(903)	944	(903)
Secretary Fee	754	1	755	1
Community Activities	1,714	3,286	5,000	3,286
Other	3,226	(2,726)	500	(2,726)
Bank Fees	206	(156)	50	(156)
Stormwater Costs	770	2,230	3,000	2,230
TOTAL PAYABLES	301,857	(49,708)	252,149	(49,708)
ENDING BALANCE	\$ 148,586	\$ 6,335	\$ 142,251	\$ 6,335

Town of Bellefonte, Delaware

ORDINANCE 2015-2: ANNEXATION

Be it enacted by the Town Commissioners of the Town of Bellefonte, a Majority of Commissioners concurring therein:

1.) In accordance with, and pursuant to, Section 2.2.2 of the Town of Bellefonte Town Charter, the Town shall have the power and authority to extend its boundaries by the annexation of territory contiguous to its existing Town borders. The annexation of any such territory shall be consistent with the procedures as provided for in 22 Del.C. §101.

2.) In addition to those procedures as provided for in 22 Del.C. §101, the following procedures shall apply:

a.) Process - The Town Commission has the authority to annex adjoining property in response to a request from the Planning Commission, resident, or at the request of nonresidents.

To begin the process, the Town Commission shall, by a majority vote of members, pass a resolution initiating annexation and triggering a series of required notifications and the scheduling of a public hearing. This resolution shall specify the area(s) to be annexed and provide the eligible petitioners of the territory(ies) to be annexed (see section on notice below) with a date for the public hearing and the opportunity to petition the Town Commissioners on the annexation. The resolution shall, in addition to identification of the area(s) to be annexed, state the purpose of the annexation, the deadline for filing a petition (30 days after the date of notice), and the date, time, and place of the public hearing. Petitions signed by more than 50 percent of the eligible petitioners will be given consideration by the Town Commissioners regarding whether to proceed with the annexation.

b.) Notice – Notice of said public hearing for annexation shall be published in a newspaper having a general circulation in the area to be annexed at least seven days in advance of the public hearing. The notice shall contain the description of the area to be annexed, time, place,

and date of the election, and the eligibility of those who are entitled to petition the Town Commissioners regarding the annexation pursuant to Section 2a of this Ordinance. In addition to the publication, the notice shall be posted on the Town Notice Board and one the Town website.

c.) Petitioner Eligibility – All persons, partnerships, corporations or associations who own real estate to be annexed shall be entitled to petition the Town Commissioners regarding the Annexation pursuant to Section 2a of this Ordinance.

d.) Petitions regarding annexation shall be collected, analyzed and included in the minutes to the public hearing, as presented by the Bellefonte Planning Commission, and shall be retained as part of the permanent record of the annexation.

e.) Contest – Any annexation under this Ordinance may be contested as provided by law.

First Reading: __10-12-15_____

Town of Bellefonte, Delaware

ORDINANCE NO. 2015-03

ORDINANCE REGULATING THE POSSESSION OF FIREARMS, AMMUNITION,
COMPONENTS OF FIREARMS, AND EXPLOSIVES IN MUNICIPAL BUILDINGS IN
THE TOWN OF BELLEFONTE.

WHEREAS, by and through adoption of House Bill 192 by the 148th General Assembly of the State of Delaware (“HB192”), codified at Title 22, Section 111 of the Delaware Code, municipalities are permitted to adopt Ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in municipal buildings.

WHEREAS, The Bellefonte Town Commission desires to add a new section to the Town of Bellefonte Land Use Code to prohibit possession of firearms, ammunition, components of firearms, or explosives in municipal buildings to the fullest extent permitted by HB 192;

WHEREAS, The Town of Bellefonte has introduced this Ordinance in accordance with procedures established by law.

NOW THEREFORE, IT IS HEREBY ORDAINED, by the Town of Bellefonte, that the following Code changes and revisions are adopted:

Section 1. Amend/Add Section 1.1 of the Bellefonte Land Use Code to add the following language:

Section 1.1 - Possession Of Firearms, Ammunition, Components Of Firearms, Or Explosives In Municipal Buildings.

(a) Prohibition. Except as set forth in section (e) below, possession of firearms, ammunition, components of firearms, or explosives in municipal buildings is prohibited in all municipal buildings.

(b) Municipal Building Defined. For purposes of this section, “municipal buildings” are defined as any building where the Bellefonte Town Commission meets (Town Hall) in its official capacity.

(c) Required Signs. In all municipal buildings, a conspicuous sign shall be posted at each

entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may but is not required to also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

(d) Immediate Departure. Any person who immediately foregoes entry or immediately exits any municipal building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.

(e) Exemptions. Nothing in this section 1.1 shall be deemed to prevent the following in municipal buildings (Town Hall). Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

(1) Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

(2) Compliance by persons subject to protection from abuse court orders;

(3) Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;

(4) Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

(5) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(6) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(f) Penalties. As necessary to protect public safety, any intentional violation of this section 1.1 by any person shall be subject to a fine of at least \$500.00 and not to exceed \$1,000.00 or by imprisonment for not more than 60 days, or by both fine and imprisonment.

Section 2. Severability. The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that the Bellefonte Town Commission would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with Bellefonte Town Commission's intent. To the extent that this Ordinance is deemed to exceed the statutory authorization provided by HB 192, the Bellefonte Town Commission's intent is to implement the provisions of HB 192 to the fullest extent permitted, and the Ordinance should be interpreted so that any invalid provision is limited only to the maximum authorization permitted by HB 192.

Section 3. No Repeal Of Existing Firearms Related Ordinances. Adoption of this Ordinance shall in no way repeal or alter any law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985. To the extent that this Ordinance conflicts with any similar ordinance prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or ammunition enacted before July 4, 1985, the more stringent of the two ordinances shall govern.

Section 4. Effective Date. This Ordinance shall become effective immediately upon its adoption by the Bellefonte Town Commission.

First Reading: __10-12-15_____