

# Town of Odessa

**MINUTES FOR THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL  
MONDAY FEBRUARY 6, 2023  
OLD ACADEMY BUILDING  
315 MAIN STREET  
ODESSA, DE 19730**

Those present at 7:00 PM:

Mayor: Harvey Smith  
Council Member: John Freeman  
Council Member: Yeni Ocampo  
Council Member: Lionel Hynson  
Council Member: Leonard Aguilar  
Treasurer: Debra Schulman  
Secretary: Amy Marie Ottinger  
(5) community members

- 
- I. Call to Order & Pledge of Allegiance – Meeting was called to order at 7:00 PM.
  - II. Roll Call
  - III. Approval of Minutes
    - a. Minutes: Regular Meeting of Mayor & Council 12-5-22

**MOTION BY JOHN FREEMAN, SECONDED BY LIONEL HYNSON TO APPROVE THE MINUTES FROM THE 12-5-22 REGULAR MEETING OF MAYOR & COUNCIL AS WRITTEN.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- IV. Correspondence
  - A letter was received from Barbara Roberts thanking Mayor & Council for her generous retirement gift and for arranging the commendations from New Castle County and the State of Delaware. Attached hereto as Attachment A (1 page letter).
- V. Treasurer's Report
  - Update on M& T Savings accounts – Originally M&T Bank advised the town to switch the commercial money market savings accounts to standard savings accounts to avoid the \$12.50 monthly fee. They have since come back and stated that this account change will not work because we cannot write checks from a standard savings account. They are working on coming up with a solution.
  - a. Balance Sheet / Profit & Loss as of 12-31-22, attached hereto as Attachments B & C (3 page report)
    - Treasurer Schulman reviewed various expenses on the reports such as the retirement gift to Barbara Roberts and deposits for signage for both parks.

- b. Balance Sheet / Profit & Loss as of 1-31-23, attached hereto as Attachments D & E (3 page report)
  - Treasurer Schulman reviewed various expenses on the report such as payment to Carl Samans for computer repairs and upgrades and a refund to a homeowner for an overbilling error.

**MOTION BY JOHN FREEMAN, SECONDED BY LIONEL HYNSON TO APPROVE THE TREASURERS REPORTS FROM 12-31-22 AND 1-31-23 AS SUBMITTED.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

VI. Commission Reports

- a. Historic – Meetings were 12-20-22 (Devlin Review / Architectural Design Standards) and 1-12-23 (Baker Review – 211 High Street)
  - Premium Asphalt Architectural Shingles have been added to the list of approved roofing materials due to the high cost of cedar shingles and metal roofing.
- b. Planning – Meetings were 12-15-22 and 1-19-23 (Comprehensive Plan)
- c. Trees – Meetings were 12-13-22 and 1-10-23 (Master Plan, Brochures, Fliers, Inventory, Grants)

VII. Old Business

- a. Update: Old Academy Repairs
  - The brick walkway has been completed. During the construction a buried oil tank was discovered. The tank was cleaned, sanitized and filled with concrete. There was an additional fee of \$3855.37, which since it was an emergency, Mayor Smith approved the additional cost. Carl Samans' work has been completed as well.
  - Mayor Smith has requested that the deposit paid to Carvers Construction for the bathroom remodel be returned. The deposit was given in June with an anticipated start date of mid September 2022. After several push backs on a start date, the contractor stopped responding and the mayors text messages bounced back. Mayor Smith will contact the town attorney to take steps to recover the deposit as well as recoup legal fees and court costs associated with getting the deposit returned.
- b. Update: Memorial Park and Old Academy playground and signs
  - Matt with RD Collins is still waiting on parts for the playground repairs. Sanding and painting will start once temps warm up. Mulch will appear closer to spring. Signs at Old Academy and Memorial Park are scheduled to be installed next week. There are (2) rules and regulations sign and (1) front sign on order. The signs are COVID compliant and therefore can be paid with ARPA funds. The balance will be paid with a capital improvement grant.

VIII. New Business

- a. 2021-2022 Audit, attached hereto as Attachment F (10 page report)
  - Treasurer Schulman reported that the auditors found that all of the town records were in order, reasonable, accurate and complete. They recommended more timely completion of monthly bank reconciliations from the Town Clerk.
  - Mayor Smith suggested that the council members review the audit over the coming month and ask any questions at the next monthly meeting.
- b. Tree Commission Presentation
  - Quentin Schlieder spoke on behalf of the tree commission. Ordinance 2002-1 requires that the commission submit annually a budget and master plan, attached hereto as Attachment G (8 page report). He provided council with a folder containing all the various work they have accomplished in the past three months. He discussed the state of the street trees which

are in decline and will need to be replaced over the next few years with non-invasive species more compatible with the towns landscape. The commission is also working on enhancing ordinances for future development. All of the commission's minutes are available online for viewing.

- c. Contract Renewal – Honey Dipper, attached hereto as Attachment H (1 page letter)
  - The proposal was received and there will be \$125.00 increase. Last years contract was a \$200 increase from the prior 6 years.

**MOTION BY JOHN FREEMAN, SECONDED BY LENNY AGUILAR TO APPROVE THE ONE (1) YEAR CONTRACT FROM HONEY DIPPER FOR ONE (1) PORTABLE TOILET IN MEMORIAL PARK FROM MARCH THROUGH NOVEMBER.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- d. First Reading: Ordinance 2023-01 Adoption of the 2022 Comprehensive Plan, attached hereto as Attachment I (1 page ordinance)

**MOTION BY LIONEL HYNSON, SECONDED BY JOHN FREEMAN TO APPROVE THE FIRST READING AND MOVE ORDINANCE 2023-01 TO A SECOND AND FINAL READING AT THE MARCH MEETING OF MAYOR & COUNCIL.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- e. 2023 Election
  - The 2023 Town of Odessa election will be April 03, 2023. Offices up for re-election are the mayor, treasurer and (2) council seats. Applications are due March 14<sup>th</sup>, 2023 by 4:30 PM. There are two forms – one town form and one state form that need to be completed. There is no cost to run. Mayor Smith has submitted his application for a second term.

- f. Appointments – Board of Elections, attached hereto as Attachment J (1 page document)

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR, TO APPOINT CAROL SHEATS, DAVID SHEATS AND LINDA SYDNOR TO THE 2023 ELECTION BOARD.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- Mayor Smith discussed purchasing a State flag for council chambers. It will not be more than \$320.00 for the flag, stand and hardware. The funds can come from capital improvements.

**MOTION BY YENI OCAMPO, SECONDED BY LENNY AGUILAR, TO APPROVE THE PURCHASE OF A STATE OF DELAWARE FLAG WITH STAND AND HARDWARE FOR COUNCIL CHAMBERS.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

- An AED machine has been mounted on the wall in the council room in a case with a fresh battery.
- Mayor Smith is in negotiations with New Castle County to take over code enforcement. He is working with Joe Day from the county's office. The town will need to create an ordinance to accomplish this.

- Council members along with the public expressed concerns over large trees being removed from Barry Bakers property (211 High Street) other than the three trees that were approved to be removed. The town will contact NCC Soil Conservation office in regard to concerns. Council members also requested to see the proposed landscape plan for the Osbourne Street development which has been promised but not provided as of yet.

IX. Next Meeting Date and Time: Next meeting of Mayor & Council will be Monday, March 6, 2023 at 7:00 PM with a public meeting at 6:45 PM for the final reading of Ordinance 2023-01.

X. Adjournment

**MOTION BY JOHN FREEMAN, SECONDED BY LIONEL HYNSON TO ADJOURN THE MEETING AT 7:58 PM.**

**MOTION CARRIED. VOTE 5 AYES, 0 NAYS, 0 ABSTAIN**

Minutes Submitted: 02/27/23

By: Amy Marie Ottinger  
Town Secretary

Approved: 3-6-23