

# Town of Odessa

**MINUTES FROM THE REGULAR TOWN MEETING OF MAYOR AND COUNCIL  
MONDAY, JUNE 3, 2024 - 7:00 PM  
OLD ACADEMY BUILDING  
315 MAIN STREET  
ODESSA, DE 19730**

Those present at 7:00 PM:

Mayor: Harvey C. Smith Jr.  
Council Member: Lenny Aguilar  
Council Member: John Freeman  
Council Member: Lionel Hynson  
Council Member: Yeni Ocampo  
Secretary: Amy Marie Ottinger  
Guest: Todd Feeley – M&T Bank  
Guest: Mike Hoffman – Connolly Gallagher LLP  
(2) community members

---

- I. Call to Order & Pledge of Allegiance – The meeting was called to order at 7:00 PM.
  
- II. Roll Call

**MOTION BY JOHN FREEMAN, SECONDED BY LIONEL HYNSON TO EXCUSE TREASURER DAVID SHEATS FROM THE JUNE 3, 2024 MEETING OF MAYOR & COUNCIL.**

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

- III. Approval of Minutes
  - a. Minutes: Public Hearing for Breezeline Cable Franchise Renewal 5-6-24

**MOTION BY LIONEL HYNSON, SECONDED BY JOHN FREEMAN TO APPROVE THE MINUTES FROM THE MAY 6, 2024 PUBLIC HEARING.**

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

- b. Minutes: Budget Workshop 5-6-24

**MOTION BY LENNY AGUILAR, SECONDED BY LIONEL HYNSON TO APPROVE THE MINUTES FROM THE MAY 6, 2024 BUDGET WORKSHOP.**

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

- c. Minutes: Regular Meeting of Mayor & Council 5-6-24

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO APPROVE THE MINUTES FROM THE MAY 6, 2024 REGULAR MEETING OF MAYOR & COUNCIL.**

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

IV. Correspondence - None

V. Treasurer's Report

- a. Balance Sheet / Profit & Loss as of 5-31-24, attached hereto as Attachments A & B (3-page reports)
- b. Various expenses on the balance sheet were reviewed. In the Odessa Community Account, expenses consisted of normal operating expenses and included the heater repair for Old Academy. In the PNC Operating Account, expenses consisted of normal operating expenses and included payments to Austin & Pruitt for performing yearly service to the fire extinguishers and Pratt Insurance for the town clerk's yearly bond. There were two American Rescue Planning Act (ARPA) expenditures paid this month consisting of a payment to National HVAC in the amount of \$2,821.00 for an instant hot water heater and a payment to PHB Inc in the amount of \$7,020.00 for basement structural repairs at Old Academy. Total assets are \$689,155.87.

**MOTION BY LIONEL HYNSON, SECONDED BY JOHN FREEMAN TO APPROVE THE TREASURER'S REPORT FROM 5-31-24.**

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

VI. Commission Reports

- a. Historic – Meeting was 5-9-24 (Paul Thien Renovations, Old Academy Roof)
- b. Planning – Meeting was 5-16-24 (New Member Introduction, Selection of Chairperson & Secretary, Review of PND Zoning)

VII. Old Business

- Mayor Smith informed council that due to manufacturing issues, the DaVinci roof shakes that were approved for installation at the Old Academy are delayed and will not be received for a minimum of (20) weeks. Therefore, installation of the new roof at Old Academy will not occur until around October.

VIII. New Business

- a. M&T Bank – Bank Account Consolidation
  - Todd Feeley, M&T Bank Senior Vice President and Government Banking Relationship Manager, addressed Mayor & Council. He reviewed a packet that his government banking team put together, attached hereto as Attachment C (18-page presentation). He explained that M&T Bank has a dedicated government banking team which will be our first point of contact moving forward versus the local branch. Any monies in excess of \$250K is collateralized by the bank, which provides all public funds protection from bank failures. Meaning that there are a lot of regulations in effect to protect our town funds. He wanted to review the accounts that the town has with the bank. There are currently four separate accounts which are getting very little interest, and he is here to recommend that the town consolidate those separate accounts, move the funds over to government banking and add a product offering which can bring the town some interest earnings on our deposits. One such offering is their IntraFi cash sweep service which is currently yielding 2.10% on balances. It will provide the same service and functionality that we have on our accounts today. A cash sweep pulls the money into an investment overnight and the bank would pay us interest on that amount. We can get higher interest amounts on higher balances as there are tiers. There is no requirement for the funds to remain in the accounts for a prolonged period.

- The Mayor stated that this matter has been discussed with our accounting firm and we have verified that consolidating accounts will not be an issue. The town clerk will continue to account for the funds separately even though the funds will be in one account.

**MOTION BY LIONEL HYNSON, SECONDED BY YENI OCAMPO, TO CONSOLIDATE THE FOUR OPEN M&T ACCOUNTS TO ONE INTRAFI INTEREST BEARING ACCOUNT.**

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

- Mayor Smith requested that council also consider closing all the ING Accounts (Reserve Account) and keep those funds separate but with the overall goal of placing the towns money in two banking institutions versus three. He is requesting that all the ING accounts be closed, and the money transferred to M&T Bank to be placed in a separate government banking account with the IntraFi cash sweep service so it can start earning the 2.10% interest.

**MOTION BY LENNY AGUILAR, SECONDED BY YENI OCAMPO, TO CLOSE ALL ING ACCOUNTS AND TRANSFER THE FUNDS TO M&T BANK TO BE PLACED IN A SEPARATE INTRAFI INTEREST BEARING ACCOUNT.**

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

b. Osbourne Street Development Agreement

- Mike Hoffman with Conolly Gallagher addressed council for approval of the Osbourne Street Development Agreement, attached hereto as Attachment D (10-page agreement). He stated that since the project has been approved, it now enters the construction plan phase. There are two key things that need to happen before construction occurs: the first is for the construction plans to be reviewed and approved by the town engineer and the second is the need for a development agreement. The agreement before council today was prepared in coordination with the town secretary and our town solicitor and is consistent with the town's ordinances and addresses things such as bonding that is required and obligations that the developer has as they move forward with construction.
- Councilman Freeman inquired as to whether Item #13 covers any damages that may occur on Osbourne Street during construction with heavy equipment utilizing the street. Mr. Hoffman clarified that until all the improvements (streets, utilities, etc) are completed and signed off by the town, the developer must carry a bond that will cover the cost of any repairs that may be needed after construction is complete; that is the contract of law.
- Construction plans will address where construction traffic goes. When the plan set is in and approved, Mike Hoffman stated he will make a note to highlight the traffic logistics that the town agrees to.
- Mayor Smith stated that the town engineer and town solicitor have reviewed the proposed agreement and had no additional revisions or comments.

**MOTION BY LIONEL HYNSON, SECONDED BY JOHN FREEMAN, TO APPROVE THE OSBOURNE STREET DEVELOPMENT AGREEMENT.**

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

- c. Women’s Club of Odessa – Christmas in Odessa Requests, attached hereto as Attachments E & F (2 one-page email requests)

**MOTION BY YENI OCAMPO, SECONDED BY LENNY AGUILAR, TO ALLOW THE USE OF BOTH DOWNSTAIRS ROOMS AT OLD ACADEMY DURING CHRISTMAS IN ODESSA.**

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

**MOTION BY LENNY AGUILAR, SECONDED BY LIONEL HYNSON, TO ALLOW THE CLOSURE OF FOURTH STREET BETWEEN MAIN AND HIGH STREET ON SATURDAY, DECEMBER 7, 2024 FOR CHRISTMAS IN ODESSA.**

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

IX. Public Comment

- Sean Mattingly, High Street resident, expressed concern over increased wrong way traffic on High Street entering from Rt 13 NB onto High Street. He is requesting that Mayor & Council install a speed bump on High Street between Fourth and Fifth Streets. He said that people ignore the do not enter sign on High Street and speed down the street in both directions. He feels that the addition of a speed bump will deter people from speeding. Mayor Smith stated that he will obtain a quote for the requested speed bump and will address it again at the next council meeting. He tasked Councilman Aguilar with reaching out to the State Police Troop 9 to bring the matter of wrong way traffic and speeding on that section of High Street to their attention.

- X. Next Meeting Date and Time: Next meeting of Mayor and Council will be Monday, July 1, 2024 @ 7:00 PM.

Miscellaneous:

- The Odessa Fire Company will be holding its annual open house on Saturday, June 15, 2024 from 10am- 2pm. Main Street will be closed between 2<sup>nd</sup> and 4<sup>th</sup> street from 9am – 3pm. Fire police will be available to assist with parking and directing traffic around the event.
- The University of Delaware entomology department has been issued a scientific collection permit for the capture and collection of wildlife species Triatoma Sanguisuga (kissing bug) at the Memorial Park. They will be sampling in the evenings approximately every other week. Community outreach and education is an important part of their work, so please feel free to stop and ask questions if you see the team out there.

XI. Adjournment

**MOTION BY LIONEL HYNSON, SECONDED BY LENNY AGUILAR TO ADJOURN THE MEETING AT 7:35 PM.**

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

Minutes Submitted: 6/18/2024  
By: Amy Marie Ottinger  
Town Secretary  
Approved: \_\_\_\_\_