



# The Town of Fenwick Island

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## **TOWN COUNCIL ORIENTATION DECEMBER 10, 2019 AT 10:00 AM**

### **MINUTES**

#### **In Attendance**

##### Town Council Members:

Mayor Langan, Vice Mayor Mais, Treasurer Bunting, Secretary Merritt, Council Member Carmean, Council Member Houser, Council Member Weistling

##### Committee Chairs in Attendance:

Mary Ellen Langan, Winnie Lewis, Becka McWilliams

##### Staff in Attendance:

Town Manager Tieman, Building Official Schuchman, Finance Manager Gary, Public Works Manager Locke, Town Clerk Martin

##### Also in Attendance:

Mary Schrider-Fox

##### Absent:

Tim Collins, Audrey Serio

Mayor Langan began the meeting at 10:00 AM.

#### **Introduction**

Mayor Langan noted that everyone received a green folder with Council orientation information in it for review. Today's orientation will be on FOIA training, which will be conducted by the Town Solicitor, Mary Schrider-Fox.

#### **Orientation Workshop**

Mary provided handouts in regards to Executive Sessions and Public Records.

Mayor Langan questioned about discussing salaries in an Executive Session. Mary replied that salaries are deemed public information. If increases are done across the board, they must be voted on in public. Any changes to the Personnel Manual must also be done in public. However, if the Executive Session is for a specific employee, the debate can be done in the Executive Session but the action must be done in public.

Council Member Carmean questioned if posting of the agenda must be done 7 business days prior to the meeting. Mary replied that it must be posted 7 calendar days prior to the meeting. If an agenda is amended after it was posted, the revised agenda must list the reason why the revision to the agenda was needed and posted less than 7 days prior to the meeting.

Mary noted that emergency meetings are allowed without 7 day's notice as long as they are called in life threatening situations, such as a severe storm.

As for a quorum of the Town Council, if a group of Council members get together and discuss Town business, then that is considered a meeting. If a group gets together socially not to discuss Town business then it is not a meeting. There is also what is referred to as a "serial quorum", which is a series of emails or text messages that could be deemed a meeting if discussion takes place. Mary suggested not to give opinions or have discussions in a group or through emails, even through personal email and text accounts.

Mayor Langan questioned if members of Town Council can individually email one another about Town situations. Mary replied that they can, but just remember that the email is public record so be mindful on what you are discussing.

Council Member Weistling questioned about #8 and #9 on the Executive Session handout in regards to employee disciplinary and dismissal cases and if you must let the employee know about the Executive Session. Mary responded if there is an Executive Session on a disciplinary process, the employee could be contacted to give them the option if they want the disciplinary process done in public. However, there is no legal obligation to notify the employee.

Secretary Merritt asked if minutes must be taken in Executive Sessions. Mary replied that FOIA requires minutes to be taken, even if they are not detailed and just contain who was in attendance and the subject matter discussed. Executive Sessions are protected from public disclosure as long as they need to be but could be disclosed after a decision has been made.

Mary Ellen questioned if instead of amending the agenda if the new additional item could be discussed under new business on the agenda. Mary responded that new and old business are general headings so the additional item could be brought up under new business, however no decisions can be made on the item.

Mary noted that public participation is not required at meetings. Council Member Carmean asked what should happen if a person has multiple topics they want to discuss in public participation. Mary said that it is allowed if the topics are covered within the posted speaking time frame. Mary Ellen asked if an audience member could be removed. Mary replied that they could if they continuously interrupt other participants and are disruptive. Council Member Weistling asked if it was allowable to limit the amount of time per topic. Mary replied yes, that the allocated time per subject and the length of time that each speaker has should be announced. Secretary Merritt asked if it was allowable to only limit public participation to Town residents. Mary replied no.

Mary noted that all Committees are public bodies and need to follow the FOIA rules just like the Town Council.

Becka commented that in her Committee, due to time constraint, she made a decision on something with the rest of her Committee before the actual meeting. Mary replied that the decision made outside of the meeting should then be reaffirmed at the next Committee meeting. Mary added that the Committee could also empower the Chairperson to make certain decisions.

Council Member Carmean noted that at her Pedestrian Safety Committee, some decision-making goes on behind the scenes. She asked if there was less than a quorum at a meeting would it still be possible for the Committee to make a recommendation to Council. Mary replied yes, since Fenwick Island is a

seasonal community, but suggested creating a decision-making structure to allow the Chairperson to make decisions at the Chairpersons best discretion.

Mary then covered the Code of Ethics, noting the conflicts of interest. Some can be criminal: if any person knowingly or willfully violates any provision of the conflicts of interest they shall be guilty of a misdemeanor, punishable for each such violation by imprisonment of not more than 1 year and by a fine not to exceed \$10,000.

Mary commented that there is a conflict of interest if it tends to impair the person's independence of judgment in the performance of the person's duties with respect to matters that would result in a financial benefit to the person or close relative or if the person or close relative has a financial interest by any action on a matter. Mary noted that a personal bias could also be a conflict of interest.

Council Member Weistling questioned if family members could serve on Council at the same time. Mary replied yes, if the Town Charter allows it.

Mary Ellen asked if an item to be decided on by the Town Council involves a Council Member's spouse, should that Council Member recuse themselves. Mary replied that they should.

### **Adjournment**

A MOTION was made by Council Member Carmean, seconded by Council Member Houser, to adjourn the meeting. The MOTION passed unanimously, and the meeting adjourned at 11:38 AM.