

## Onley Town Council Minutes of August 1, 2016

VIRGINIA: At the Regular Monthly Meeting of the Onley Town Council held at the VVA Building, 25534 East Main Street, on the 1st day of August, A.D., 2016:

Council Members Present: Jack Pierson, Mayor  
Ned Finney  
Dawn Dize  
Matt Hart  
Susan Rillo  
Woody Zember

Staff Present: John Pavlik, Zoning Administrator  
Jamy Salazar, Treasurer  
Sgt. George Bennett, OPD  
Michael Sterling, Town Attorney

### Call to Order

Mayor Pierson called the meeting to order at 6:30pm.

### Invocation & Pledge of Allegiance

The invocation was given by Susan Rillo and the Pledge of Allegiance was led by Woody Zember.

### Adoption of Agenda

Vice-Mayor Finney asked to add item 7(d) Onley Volunteer Fire Company Proposal under Old Business. Mr. Hart asked to add item 8(b) Moving Meeting Location under New Business.

**Motion: To adopt the agenda with the additions by Susan Rillo and seconded by Ned Finney.**

**Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

### Consideration of Minutes

Ms. Dize asked to strike the portion of the minutes stating that she helped to start the OVFD.

**Motion: To accept the minutes of the July 6, 2016 Regular Monthly Meeting with the change by Dawn Dize and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes.

MOTION PASSED

### Department Reports

#### Police Report & Schedule

Sgt. Bennett stated that Officer Long will be out on a medical leave beginning August 5<sup>th</sup> for three weeks and that he himself will be taking substantial leave in September. In regard to vehicles, Officer Long hit a deer in the 2010 Explorer and it is being repaired at this time. The 2012 Dodge Charger driven by Sgt. Bennett will be taken to Hertrich in Pocomoke tomorrow for the repair of some mechanical issues. He stated that the department is still looking for a fifth officer.

**Motion: To approve the September 2016 and the revised August 2016 schedules by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart=yes; Rillo=yes; Dize=yes; Zember=yes; Finney=yes. MOTION PASSED

#### Treasurer's Report

Ms. Salazar gave the Treasurer's report noting that some of the numbers may change some since the month was not over when the packets went out and it is only the first day of the new month. She

pointed out that the CD at Shore Bank was closed and transferred to the money market per Council's request at last month's meeting.

**Motion: To Pay the July 2016 Payables by Ned Finney and seconded by Susan Rillo. Roll Call Vote:**

Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Ms. Salazar stated that at last month's meeting, Mr. Zember asked her to look into some other avenues of investing. She presented Council with current rates from the local banks explaining that because our money is classified as Public Funds, it has to be handled differently by the financial institutions and therefore does not garner a great deal of interest. She further added that because we are unable to invest in riskier ventures with the possibility of loss, it hinders where we can invest and how much interest we will earn. She concluded by saying that she has been in contact with a government banker at PNC Bank and he agreed with her assessment and added that should any of the Council have questions about this matter, she can provide them with his contact information.

### **Zoning Administrator's Report**

Mr. Pavlik read his report into the minutes. A copy of his report will be attached to the minutes.

### **Attorney's Report**

Mr. Sterling stated that he has been working on some zoning issues and some code enforcement issues. He is also working on a fire inspection ordinance.

### **Planning Commission Report**

**Motion: To appoint John Kluis to the Planning Commission by Ned Finney and seconded by Susan**

**Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

**Motion: To accept the resignation of Wayne Byrum from the Planning Commission by Susan Rillo and seconded by Ned Finney. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Mr. Sterling asked Ms. Salazar if the re-appointed BZA members have been sworn in. Ms. Salazar did not know. Mr. Sterling suggested that she follow up on that matter.

Rose Pierson reported that the Planning Commission met with John Custis, a representative for the new property owner of the Shore Bank Headquarters Building and the surrounding property. She added that the Commission does need a Council liaison and hopes that someone will be appointed very soon.

### **Public Works**

Ms. Salazar stated that there is nothing out of the ordinary to report. They are still cutting grass, cleaning storm drains and continuing with litter pickup. He is still spraying the crepe myrtles and they appear to be flourishing. Ms. Siglin has had someone to help with the beautification project as she has needed and she has been a big help with that. On another matter, she asked Mayor Pierson if he would like to speak about the matter of mosquito spraying. Mayor Pierson stated that Mr. Scott is still having some problem with spraying when and how we would like due to some childcare issues, however, he is going to spray for the next two weeks using his vehicle. He added that he has contacted Chincoteague and they have offered to lend us one of their employees on a temporary basis if we need someone.

### **Old Business**

Mr. Finney stated that he feels Ted Bliss is the only other person that ran in the election and he should be appointed to fill the Council vacancy.

**Motion: To appoint Ted Bliss to fill the vacant Council seat by Ned Finney.**

Mr. Hart asked to speak at this time. Mayor Pierson asked him to wait until the motion was finished and then asked for a second to the motion. **Susan Rillo seconded the motion at this time.** Mayor Pierson

asked Mr. Hart what he wished to say. Mr. Hart stated that Ted Cathey is no longer interested in filling the vacancy. The following vote was taken on the motion at this time: **Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Mr. Sterling stated that the court has been petitioned to set up a Special Election but we have not heard back at this time.

In the matter of purchasing the property across from the Town Office, Mayor Pierson stated that Council received a letter today from Matt Hart stating that he no longer wishes to sell the property so that matter will be removed from the agenda.

Mr. Sterling spoke about the Statewide Fire Prevention Code. He stated that this started with the concept of the Town appointing the Accomack County Fire Official to be the Town's Fire Official. The problem is the Town does not have a Fire Code. This means that the Town needs to go through some steps. The first being that the Town needs to have their own Code and he has put together a draft ordinance for the Council to consider. There are also no violations in place so Council will also need to adopt the Code written for misdemeanor violations. Ms. Salazar stated that everyone has a draft copy of the ordinance in their blue folders.

Mayor Finney stated that there is no way that the Town can pay \$700,000.00 to repair the OVFD building and hire two people to run calls. He added that he has spoken with C. Ray Pruitt from Accomack County Public Safety and he said that if you hire two people- and you really need four- each person will cost the Town \$70,000.00.

**Motion: To reject the OVFD Proposal for Funding by Ned Finney and seconded by Woody Zember.**

**Roll Call Vote:** Hart-no; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Mr. Zember asked to discuss the OVFD at this time. Mayor Pierson stated that he asked for discussion when the motion was made and no one wished to at that time. There was no further discussion on this matter at this time.

### **New Business**

Mayor Pierson stated that we have some employees that are headed out of town to training in the next few weeks and he does not feel that a \$25.00 per diem is enough to cover three meals a day. He asked that Council consider increasing the per diem amount.

**Motion: To increase the per diem amount from \$25.00 per day to \$50.00 per day by Ned Finney and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Mr. Hart stated that in June, he wrote a letter to the Mayor and Town Council stating that due to health concerns, he will no longer be able to attend the Town Meetings at the VVA building. He added that the building has the strong smell of cigarette smoke and he does not feel it is healthy for anyone. He would like for his fellow Council Members to consider moving the meeting location. Mayor Pierson stated that there is no smoke in the building at this time. Mr. Hart said that there is a strong smell of smoke and were we to perform an air quality test, he is sure we are all breathing in toxic chemicals. Mayor Pierson asked where he would like to meet. Mr. Hart said that he does not care as long as it is not at the VVA building and it is somewhere with cleaner air. He suggested the old Shore Bank building but Mr. Pavlik stated that location is not in Town. Mr. Zember agreed that this is not an ideal meeting place and he would like to look into some other options. Mayor Pierson said we will keep discussing this matter but right now we do not have many options. Mr. Hart asked why no one responded to him after he wrote the letter back in June. Mayor Pierson stated that he (Mr. Hart) did not ask anyone to get back to him on the matter. Mr. Hart replied that he did ask for a response from the Mayor & Council. Mayor Pierson stated that no one had anything to say.

### Public Comments

Rose Pierson signed up to speak but did not wish to at this time.

Billye D. Custis signed up to speak but did not wish to at this time.

Laurice Hohlt stated that last month, she sent a letter with pictures about the flooding that took place on her property when we had the rain on July 1<sup>st</sup>. She stated that the water is getting to Matt Hart's property and then it doesn't go any further. Mr. Pavlik said that he sent our Public Works man over to check the crossover where the gravel driveway is to make sure it is open and clean out the crossover from the street as well. He said that it shouldn't be a problem anymore and added that the rain that she is speaking about was an oddity. We normally do not get that much rain in such a short period of time. Mr. Finney stated that he has been trying to get the County to do some ditch work in Town for about five years now. Billye D. Custis agreed adding that she was working on ditch issues back when she was Mayor. Laura Belle Gordy stated that she has not been notified about the Town needing ditch work and she has to give the County the okay to do it. Mr. Finney said that is not what they told us. He was told that John Lauer from Accomack County would come and clean the ditches but he never did. Ms. Gordy said that if someone will take her, she would like to have a look at these ditches. Mr. Finney said that he will get together with Ms. Gordy to take care of this matter.

Fred Gardner asked where the PA system is that was purchased a few years ago. Ms. Salazar stated that it is broken. Mr. Gardner thanked Council for not giving the OVFD any money and stated that he is not in favor of giving them anything in light of the past couple of years at the fire company.

Robert Buckner stated that he is speaking in regards to the police officer vacancy. He stated that he applied three to four months ago and has not had a response. Mayor Pierson said that he should come into the Town Office and speak with Chief Spivey once he returns from vacation on August 6<sup>th</sup>.

Chief Chris Davis, OVFD, stated that he does not know how the fire department got to be public enemy number one but he would like to fix that. He said that the fire department is a very important entity. He apologized to the Council and stated that the proposal was not meant to be an ultimatum. He spoke about the statistics of the OVFD and stated that they will be fine. They are taking measures to cut costs and will be working reduced hours to answer calls. Mayor Pierson said that there is no accountability at the OVFD and we have been asking him for numbers for a long time. Chief Davis disagreed adding that no one has asked to see numbers. Mr. Finney asked Mr. Davis if he knew about the smoke bombs that were dropped outside the door at the last meeting. Chief Davis said he thought that was a car and Chief Spivey confirmed that. Mayor Pierson disagreed and said that was not a car. Mr. Finney asked if any restitution has been made from the embezzlement case. Chief Davis said that they have paid \$85,000.00 and it went into the Operating Budget. Mr. Finney asked how much money they receive from Accomack County. Chief Davis replied \$100,000.00 -\$120,000.00. Mr. Finney said that he would like to see the financial records and see where all this money is being spent as well as sit down with the Board of Directors. He then asked Chief Davis who is on the Board. Chief Davis stated John Roache is the President, Josh Medina, Greg Spady, J.D. Kirk and Chief Davis himself serve on the Board. Mr. Gardner asked if any of them are residents of the Town. Chief Davis said they are not. Mr. Gardner asked if there are any residents that are members of the fire department. Chief Davis said there are not. Mr. Finney asked who is the Treasurer. Chief Davis replied, "Josh Medina". Mayor Pierson asked how many homeless people are living at the firehouse. Chief Davis said there is one homeless person. Laura Belle Gordy said that when Chief Davis came to her house on Saturday, he said there were four to five people living in the firehouse. Chief Davis clarified that there are four to five members living at the firehouse, there is only one homeless person who is not a member. Ms. Gordy said that she checked with C. Ray Pruitt and it is legal for the members to live there. Mr. Finney asked Chief Davis how much money is owed to Mike Truitt. Chief Davis responded "\$29,000.00". Mr. Finney asked Mr. Truitt if that number is correct. Mr. Truitt said that there is another outstanding bill and the total owed to him is "about \$39,000.00". Mr. Finney stated that there was no mention of that debt or how it will be paid on the

proposal given to the Town. Chief Davis stated that they will pay Mr. Truitt with ambulance revenue and fire tax. Mr. Finney said you are selling your good ambulance and the other is very old and in need of repairs. Chief Davis acknowledged that the old ambulance is having a transmission repair. Mr. Finney asked how old that ambulance is. Chief Davis did not respond to that question but did state that you can purchase an ambulance off of state contract and he is planning to try to acquire funds from a Rescue Squad Assistance Fund Grant which just became available. He stated that he does not want to go into debt with funds he doesn't have adding that he is cleaning up mistakes from the past. Mr. Finney asked if it is true they purchased leather furniture for the firehouse. Chief Davis said that some furniture was purchased about two and a half years ago but it was fake leather and very cheap. He said there was some leather furniture purchased from the thrift store for \$15.00. Mr. Gardner asked if he could show receipts. Chief Davis said that he could. Mr. Finney said that he talked with Chief Davis a year ago about the pagers that the Town purchased for the fire department to use and he asked where they are. Mr. Finney said, at that time, Chief Davis did not know where the pagers were. Chief Davis responded that he gave Mr. Finney a signed accountability statement. Mr. Finney asked if Chief Davis can produce the pagers. Chief Davis responded "absolutely". Chief Davis then asked Ms. Salazar if he (Chief Davis) came by the Town Office and gave her the signed accountability statements. Ms. Salazar said that the only thing she received was a roster and when she received it, she emailed Chief Davis and asked if the names on the roster were the people that have our pagers. She said Chief Davis responded to the email by saying yes they were the people in possession of the pagers. She concluded by saying that Mr. Finney has all of that information and added that the signed accountability statements that she has on file appear to have been done when Bill Ferguson was the Chief. Mr. Finney stated that we need to know where those pagers are. Chief Davis said they still have them and they are all being collected to be sent for re-conditioning. Fred Gardner stated that the day after Council gave them the money for the pagers, they found out that Accomack County has a free app for your cell phone that does the same thing. Chief Davis said that everybody has that app and it is useful as a good backup to the pagers but not a primary tool.

Jan Siglin signed up to speak but did not wish to at this time.

Mary Wardius commented that Council should ask some of the churches in Town if they have some meeting space that we could use. Ms. Siglin stated that there is the separation of church and state. Mr. Sterling said that churches are used all of the time, it should not be a problem.

Bill Ferguson stated that he was interested in the vacant Council seat and then congratulated Mr. Bliss. He said that he would be willing to field any questions about the OVFD if Council wished. He stated that when he was the Fire Chief and discovered the embezzlement, Chief Davis jumped in to help and he is most appreciative of that. He spoke about his time with the fire department and said he does feel safer having one and hopes the Town and the OVFD can work things out. Mr. Finney asked Mr. Ferguson where the trophies are and if some were destroyed. Chief Ferguson said he did not know where they are adding that some may have been destroyed and some may be in storage.

Laura Belle Gordy stated that she is glad that this much conversation has taken place tonight but she feels there are many things that have not come to the surface. She added that we are hearing things from both sides and she hopes we can get all of that ironed out and stop the lying and jealousy. Mayor Pierson disagreed and said that he doesn't believe both sides are lying.

Fred Gardner said that he believes the burden of proof is on the OVFD. Mayor Pierson agreed saying there needs to be more accountability on their part. Mr. Zember asked to see a copy of their audit. Chief Davis said he will get it to him after the meeting.

**Council Comments**

Mr. Finney stated that he had nothing else to say at this time.

Mr. Zember would like to look into getting a PA system. He said that he is a numbers man and in the matter of the fire department, he needs to see numbers or a spreadsheet. He added that the Town of Onley is in no way connected to the OVFD. He said the answer is not to keep running to the Town for bailouts just because the Town has the money. The answer is to work together and manage things better. He volunteered to find the information to present to Council and the Public about the new Town Office. He concluded by saying he would like to order some Town banners and he will work with Ms. Siglin on this under the guise of beautification. He asked that someone from Council volunteer to help with the town office project. Mr. Bliss said that he would be happy to meet with him about the project. Ms. Dize thanked Mr. Zember for his suggestion and stated maybe a representative from the Town could get together with the fire company to resolve some of these matters. She said that it is unfortunate that we are still holding the \$10,000.00 grant and she thinks we should release it when the Council feels comfortable to do so. She would like to stop the rumors and work together for the betterment of the community. She said that she would like to see the hospital as an agenda item at next month's meeting. She would like to ask if there is anything we can do to help them with the move. Mayor Pierson stated that we have been in contact with the hospital throughout this process and they know we are willing to help in any way we can. Ms. Dize said that there has been no mention of that. Mr. Pavlik stated that he has mentioned meeting with them in some of his reports. Ms. Dize said that was only in reference to signage.

Ms. Rillo welcomed Mr. Bliss to Council and thanked him for agreeing to help Mr. Zember with the building project. She agrees that the Town and the fire company need to get together and try to work through some things.

Mr. Hart welcomed Mr. Bliss and Mr. Kluis. He thanked the OVFD that was in attendance for all that they do. He stated that these are people that are volunteering their time to help people and feels terrible about some of the things that are being said about them. He would like the Town and the fire company to sit down together and work through our differences. He would also like to give them the \$10,000.00 grant as soon as possible. He asked Council if they would be willing to have him contact VDOT about putting in a crosswalk at Coastal Blvd & Main Street. He is also very concerned about the mosquitoes especially where the Zika virus is concerned. Mr. Hart thanked the employees for all of their hard work. He reiterated that he does not want to continue to meet at the current location because he strongly feels that it is an unhealthy environment.

Ms. Rillo spoke about a letter in last week's ES Post in which someone questioned why the ticket revenue from the Town of Onley cannot be used to bail out the OVFD. She stated that this is another misconception that the Town and the fire company are one entity.

**Adjourn/Recess**

**Motion: To adjourn at 8:07pm by Matt Hart and seconded by Susan Rillo. Roll Call Vote:** Hart-yes; Rillo-yes; Dize-yes; Zember-yes; Finney-yes. MOTION PASSED

Respectfully submitted by,

Jamye Salazar  
Clerk/Treasurer

Jack Pierson  
Mayor