

TOWN OF TOWNSEND
September 2, 2009 @ Townsend Fire Hall
Public Hearing @ 7:00 pm
Council Meeting Minutes @ 7:30 pm

7:00 pm – Public Hearing

- I. Call to Order:** 7:00 pm
 - II. Roll Call:** Mayor Dave Raughley, Councilwomen Sandy Sturgis and Karen Jennings, Councilman John Ness, Attorney Fred Townsend, Engineer Tom Wilkes, Code Officer Mike Jester. (Councilman John Hanlin came in late.)
 - III. First and Second Reading - Revision #1 - Ordinance #1, Overgrown grass and weeds:**
Councilman John Ness:
 - a. Sturgis motioned, Jennings seconded with unanimous vote to read by title only.
 - b. Jennings said she had some language she wanted to add to protect nature habitats.
 - c. Sturgis and Raughley said it was hard to understand.
 - d. Jennings said there is language that can be added to the ordinance to protect people who are certified with national organizations for habitats.
 - e. Fred said when he looks through the existing code section regarding overgrown grass, there is a section, 26-48, failure to remove rubbish, comes under article 3, overgrown weeds and grass, which reads if the owner of the property fails or refuses to remove the collection of rubbish, grass and weeds 10 days after receiving notice, he shall be guilty of common nuisance. Each day the violation is left after 10 days, each day will constitute a separate offense. It wasn't my impression that you wanted to remove that section and if we remove this section from the code, there isn't another section in the code about the prohibition of rubbish and trash accumulation so I have incorporated it into this ordinance.
 - f. Raughley said he doesn't have a problem leaving it in there, it now makes sense.
 - g. Fred said that section refers to the offensive nuisance, where as we have been focusing on criminal revenue, recovering expenses for us going in and cleaning up the mess. To allow your grass to grow beyond what is permitted by ordinance and not responding to a notice can be construed as a nuisance and can be prosecuted in JP Court. It's important to keep the two processes separate.
 - h. Bud Higgins asked if this means the garbage residents have picked up. There are residents that put their garbage out on Saturday and Sunday and pickup isn't until Wednesday.
 - i. Raughley said there is another ordinance for that type of garbage and it isn't supposed to be put out more than 24 hours prior to pickup.
 - j. Raughley stated he doesn't feel the habitat piece we're adding needs to go into as much detail as the piece Karen has presented.
 - k. Karen said she agrees, she wants to define a wildlife habitat and state it is an exemption to the high grass ordinance.
 - l. Raughley asked Karen and John to work together to come up with something reasonable to add to the ordinance at the workshop and vote to have this for the first and second reading.
 - m. Fred said it would add a new section, labeled F, and put in as little language as possible. I haven't seen the language; I may be able to condense it.
 - n. Raughley said Karen and John will work with Fred before the workshop to get the language in the ordinance for habitats.
 - IV.** Raughley explained to the residents that some changes were made to the ordinance, one being the height of the grass and second is the time frame they have to respond. We've also raised the penalty. However, we wanted to make sure that people with wildlife habitats are protected within the ordinance.
 - V.** Sturgis motioned, Jennings seconded to approve the 1st and 2nd reading with the above additions. Vote: Sturgis, Jennings and Ness - aye, Hanlin – abstain. Motion carried.
 - VI. Adjournment:** 7:25 pm, Sturgis motioned, Jennings seconded with unanimous vote to adjourn.
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7:30 pm – Council Meeting

I. Call to Order: 7:36 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Dave Raughley, Councilmen John Hanlin and John Ness, Councilwomen Sandy Sturgis and Karen Jennings, Attorney Fred Townsend, Engineer Tom Wilkes, Code Officer Mike Jester, Financial Officer Azure Wright.
- b. Pledge of Allegiance: Pledge was said
- c. Recognition of Visitors: 10 – 15 present

III. Additions/Deletions to Published Agenda: None

IV. Council Minutes – August council minutes on back table (approved at workshop)

V. Unfinished Business

- a. 2009-2010 Budget Approval:
- b. Raughley said there are copies on the table. The Town has really cut back this year, cut events, payroll, law enforcement and a lot of other stuff. The state took \$13,000.00 from the town which was used to pay for street lights and law enforcement. We hope homes start selling in Townsend again. That is what our budget is based on. We finalized everything to the tune of \$69,000.00 to the black.
- c. Sturgis motioned, Hanlin seconded to approve the budget for fiscal year 2009-2010.
- d. In the following discussion Hanlin asked to move \$50,000.00 from our capital funds to the park funds. Per the estimates from Jester we still need \$38,000.00 worth of work to be done and as of right now we are approximately \$6,000.00 over budget. I'd like to add \$50,000.00 to it now so we can get the park completed.
- e. Raughley explained to all that this money will go under capital expense and will be used in the park. We had allotted \$000.00, will now have \$50,000.00. It is a fixed asset. We have a spreadsheet showing all of the money spent on the park to date if anyone would like to see it.
- f. Hanlin asked Fred if he should state what the items are for the record.
- g. Fred said he can announce them if he wishes.
- h. Hanlin said for the record we are looking at stonework around the gazebo, have an estimate for \$3,800.00, handicap ramp for the gazebo, estimate \$20,000.00, rail for the gazebo and concrete pads for the pavilions, estimate \$ 12,000.00, finish basketball court, estimate \$900.00, totals approximately \$30,000.00. Asking for \$50,000.00 to cover any unforeseen items.
- i. Raughley added that part of the reason we are short was fees to Delmarva Power, equipment fees and \$30,000.00 fee to Artesian water. Also numerous fees to town engineer that weren't originally in the estimate.
- j. Raughley reviewed the budget overall for the residents in attendance.
- k. Hanlin asked Raughley if the other items that were questioned on the budget had been fixed.
- l. Raughley said the electric was the biggest one which has been fixed.
- m. Jennings said the community events budgeted money was discussed at the workshop and decided to leave it as is, Sandy will work hard to stay within budget.
- n. Raughley informed residents that the state took the municipal street aid money away this year. We always used the money to pay 60% of our police and street light bills.
- o. Vote to approve budget with \$50,000.00 added in was approved unanimously.

VI. New Business

- a. No new business.

VII. Reports of the Officers

- a. State Police – Troop 9: Lt. Logan gave the report for August 2009. There were a total of 27 calls as follow: 3 – crashes, 1 – alarm, 1 – criminal mischief, 2 – disorderly conduct, 3 – domestic, 1 – medical call, 1 – noise complaint, 1 – parking violation, 3 – public relations, 3 – suspicious persons/vehicle, 4 – theft, 3 – traffic violation, 1 – wanted person. There were also 44 traffic citations issued. Sturgis said a resident called her about vehicles parking the wrong direction on the streets. Lt. Logan said state law says they have to be parked facing the way traffic is going. Lt. Logan announced Captain Paige has left our area.
- b. State Representative: Quinn Johnson: Quinn apologized, he won't be able to stay tonight, his sister is expecting twins tonight and he will be babysitting his 2 nieces. Paper sport betting was legalized in session and the NFL filed suit against the state. The case was supposed to be heard in December but the league kept going higher. It has been determined that it is not legal unless the team existed in 1976. Any team that has come on board since

1976 can't be bet on. This really affects the state budget. Sports betting will be very restricted.

- c. County Representative: Bill Powers: Not here.
- d. Townsend Fire Department: October 3, 2009 is the shrimp feast at the fire hall.

VIII. Reports

- a. Fred Townsend III, Attorney: nothing to report.
- b. Tom Wilkes, Engineer: The final streetscape design plans will go to DelDot next week.
- c. Mike Jester, Code Officer: nothing to report.

IX. Committee Reports

- a. Finance Committee: Chair - Dave Raughley: Total assests: \$2,732,564.10. Total liabilities and equity \$2,701,490.88.
- b. Streets Committee: Chair - John Hanlin, II: Has an inquiry into the school district for a couple of alternates for bus stops. One concern is at Brook Ramble and Main Street, around 16 or 17 kids get on the bus there, trying to be pro-active before winter when more parents will be dropping their kids off, and get the buses to go into the developments to pick up the children. Hanlin says he has seen several cars pass the bus when it is loading and unloading with the signs out and the flashers on. Sturgis and Keith from the fire company said the streets are too narrow with cars parked on each side. Hanlin says they are still in an open discussion about it. He asked residents with concerns in TVI and TVII to please contact him. Jester said the railroad crossing on Main Street is getting worse and still on back burner for the railroad to fix. There is a phone number on the sign at the track, with the crossing number. Asked residents to please call and complain, the more who complain, the quicker we may be able to get the track fixed. Hanlin added to use the keywords, crumbling and deteriorating so they will respond.
- c. Water Committee: Chair - John Ness: Nothing to report.
- d. Zoning Committee: Chair - John Hanlin, II, Co-Chair - Sandy Sturgis: Hanlin is working on a revised ordinance for signs, street, advertisement, etc. Has a final draft from Tom Wilkes and formatting and language changes from Fred. Hope to have it for public hearing in October.
- e. Health & Public Welfare Committee: Chair - Sandy Sturgis: Nothing to report.
- f. Energy & Environment Committee - Chair: Karen Jennings:
 - i. Townsend Wildlife Habitat Project: Would like to thank Barbara Stewart in Bear. She donated perennials and shrubs for the park. Went to her home and she is a master gardner, has a ton of things she'd like to donate to the park. Her son has a tree removal business and mulches the wood and we can have it also.
 - ii. Also thank you to Robin Cook of the News Journal for the great articles.
 - iii. Please contact me if you'd like to certify your yard with the National Wildlife Federation.
- g. Veteran Affairs Committee - Co-Chairs: Karen Jennings and John Hanlin: Hanlin, nothing to report. Jennings: in the near future I'd like to start an archival project on all veterans about their military experiences. If you know a veteran who would like to participate, please contact me.
- h. Raughley added that we have a wall of honor at the Town Hall. We ask all our residents for pictures of veterans in town and we hang them on the wall, active military, retired military, any person who has served in the military.
 - i. Project 19734 Soldier Support: Nothing.
- i. Police Committee: Chair - John Ness: School is back in session, do the speed limit. Working with the police to adjust traffic enforcement.
 - i. Townsend Community Watch: Met with Jester last week to decide where signs need to be installed. The next meeting will be in October, the date will be in the quarterly newsletter.
- j. Executive Park Task Force: Chair - Dave Raughley: Park is coming along, should be done with what has been budgeted by 9/19/09 for the grand opening. Sturgis motioned, Ness seconded to bring the motion to purchase a zero turn lawnmower back to the table. Vote: Sturgis and Ness - aye, Hanlin and Jennings - nay, Raughley tie breaker - aye, bring the motion back to the table. Raughley said the motion was originally to purchase the zero turn mower for \$20,000.00 to mow the park grounds and other areas of town. In the following discussion Hanlin said we are so bent on purchasing this mower, do we have anywhere to

store it? Jester said it would be stored in the Konex box at the park. Hanlin said OK, but he does not think this is the time to buy the mower and he has been back there and the only place grass is growing is back at the skate park. Jester stated the biggest concern is the slopes in town that have to be mowed; that it isn't safe to do with the tractor, someone is going to get hurt or killed when it rolls. Jester isn't comfortable to mow these slopes. Sturgis stated the money would come from capital expense and not affect the budget. Hanlin said we have equipment now that can take care of our mowing needs for this year; Jennings added that we are cutting back on everything. Sturgis stated this is a capital expense and we have the money to purchase it now when they are cheaper to buy, it does not come out of our operating expenses. Hanlin said capital money is there to spend but not unnecessarily or frivolously; Jennings said we are in an economic crunch. Jennings asked about the Kubota, did we buy the wrong piece of equipment? Jester said you have to remember the park is 12 acres and we already mow about 7 acres in town. Hanlin said we aren't mowing at the park right now. Jester said it will have to be mowed in another month and the ditches in town are not safe to mow on the tractor. Dave is doing it by hand and it takes him 1 ½ days to get done, and now he'll have the park to do also. Jennings asked what ditches Jester is talking about. Are you re-grading them? Jester explained all the ditches. Jennings said she thought that was the reason we bought the Kubota. Hanlin asked how DelDot does it; they mow slopes and ditches with similar equipment. Jester said they have special equipped machines to do it. Dwain Haines explained what they have and said the Kubota was not made to do this kind of work. Jennings said to spend \$20,000.00 of taxpayers money in these economic times, can't we get a better price. How long would it last? Jester said we're getting around a \$6,000.00 discount and would last about 15 years. Jennings said she can't support spending this money when we didn't even compensate our employees this year. Hanlin motioned, Jennings seconded to table the motion for more discussion. Vote – Hanlin and Jennings – aye, Sturgis and Ness – nay, Raughley – tiebreaker – table motion for now. He stated he hopes they have a good discussion at the workshop because when it comes up at the next council meeting he will not let it be tabled again. He feels this machine would be very useful, would also resolve the safety issue. As for the money, I found out today that we are eligible and very likely to receive another grant from the state for the park. Recommend Jester have some other options available at the workshop.

- k. Parks & Recreation Committee: Chair – Sandy Sturgis
 - i. Town Fair – September 19, 2009 @ Town Park: Gearing up for the town fair. There will be a meeting on Thursday, 9/10/09 to finalize everything. We still need volunteers, have food vendors, crafters and informational booths that will be there. We have games and moon bounces and Jammin' Jeff will be there all day. The parade is at 10:00 and will be great. Hanlin added that Appoquinimink High School Band will also be in it. Sturgis said she'd love to see Main Street lined with people on both sides. We will also be having the grand opening of the park.

X. Announcements: No announcements.

XI. Citizens Comments & Participation

- a. A TVII resident stated they are taking down the eyesore sign saying TVII. She wants to know what they are putting up now to indicate that is TVII.
- b. Hanlin stated that is up to the developer. He is not sure what that is.
- c. Jester said there isn't a sign on the plans but they are talking about it, possibly putting it in the circle. They didn't leave land for a sign.
- d. Several other TVII residents expressed concern about TVII not being marked because of visitors coming to visit, they won't know where to turn. Some of the people who live there are driving by and having to turn around now that there is no signage.
- e. Raughley said we will get something out there.
- f. A resident asked who is responsible for cutting the weeds out there.
- g. Jester said the developer is responsible.
- h. Hanlin added that they aren't keeping up with it and he is waiting for a response from the developer, we shouldn't have to babysit the developer.
- i. Resident said there are residents not taking care of their property in TVII and there is no homeowners association.
- j. Sturgis said that is why we are revising the ordinance.

- k.* Hanlin said for her to check her deed restrictions, etc, in his development the developer is responsible for enforcing the rules until TVII is turned over to the Town. He believes it is the same in TVII.
- l.* Ness added he is also looking into it.
- m.* Raughley said we have a current grass ordinance, he suggests Jester ride through TVII, get addresses and send them letters.
- n.* A TVII resident stated she has a problem with people hanging clothes on their porches and the rails going to their basements. She didn't buy a house here to have to look at that, it's nasty.
- o.* Raughley again told the resident to check with the developer on the rules there. He asked Jester how far away we are from a civic association being started in TVII?
- p.* Jester said he can't answer these questions, he has been told by one person there is a maintenance association but that person who is in charge of it says there isn't one.
- q.* Raughley said we have had the same issues in TVI and Townsend Station. The association really does work, it's a matter of getting it going. We never dreamed it would take this long to be done in TVII, couldn't predict the economy. We're working on getting the civic association started and the Town will take over the road maintenance and empty lot maintenance.
- r.* Raughley recommended residents call Tom Cahill of BC Consulting, who is supposed to be in charge of the maintenance organization.
- s.* Hanlin gave the phone number of BC Consulting as 302-731-7710, 2035 Sunset Lake Road, Newark, Delaware, 19702

XII. Adjournment: Hanlin motioned, Jennings seconded with unanimous vote to adjourn at 9:00 pm.
