

**TOWN OF TOWNSEND**  
**November 4, 2009 @ Townsend Fire Hall**  
**Public Hearing Minutes**  
**Council Meeting Minutes**

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**7:00 pm – Public Hearing**

- I. **Call to Order:** 7:03 pm
  - II. **Roll Call:** Mayor Dave Raughley, Councilman John Hanlin, Councilwoman Sandy Sturgis, Councilman John Ness, Attorney Fred Townsend, Engineer Tom Wilkes, Code Officer Mike Jester, Secretary Cathy Beaver. Councilwoman Karen Jennings arrived at 7:07 pm.
  - III. **First and Second Reading: Ordinance No. 09-04, Sign Regulations:** Councilman John Hanlin
    - a. Raughley stated there are 2 versions of the ordinance and asked Councilman Hanlin to explain.
    - b. Before the discussion, Hanlin motioned, Sturgis seconded to read by title only and consider it as the 1<sup>st</sup> and 2<sup>nd</sup> reading of ordinance 09-04.
    - c. Sturgis asked Hanlin which version of the ordinance we were using, the one page or the ten page.
    - d. Between Hanlin, Fred and Tom, it was determined that the 10 page synopsis is the entire ordinance with the changes made in it. The one page synopsis is all that is needed for code of ordinances; it only lists the changes being made to the ordinance and has the verbiage for the location in the code of ordinances.
    - e. Tom added that the foot candles section has been removed. Nothing can be found to compare it too.
    - f. The vote to accept this as the 1<sup>st</sup> and 2<sup>nd</sup> reading was unanimous.
  - IV. **Adjournment:** 7:13 pm
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**7:30 pm – Council Meeting**

- I. **Call to Order:** 7:25 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, Secretary Cathy Beaver
  - b. Pledge of Allegiance: The pledge was said.
  - c. Recognition of Visitors: 13 visitors
- III. **Additions/Deletions to Published Agenda:**
  - a. Jennings asked to add Brianna Moore to the agenda, after the council minutes.
  - b. Sturgis motioned, Jennings seconded with unanimous vote to accept the changes to the agenda.
- IV. **Council Minutes** – October council minutes on back table (approved at workshop)
- V. **Briana Moore** – contender for Miss Delaware Teen:
  - a. Raughley introduced Ms. Moore. He said she and her mother have been involved with Girls Inc. for many years. He is very proud of what she is doing and who she has become.
  - b. Ms. Moore introduced herself and stated she is running for the title of Miss Delaware Teen. Her family moved to Townsend from Bear in September and she feels like she is representing Townsend. The pageant is being held at Dover Sheraton on November 28, 2009.
- VI. **Presentation** – Dr. Tony Marchio – Appoquinimink Referendum
  - a. Dr. Paul Christian (chairman of the referendum committee), Assistant Principal (Middletown HS) Chris Beck and finance director Chuck Longfellow were in attendance to talk about the upcoming referendum for Appoquinimink School District.
  - b. There are three phases to the referendum, the vote for Phase I will be held on December 8, 2009. You can vote 10:00 am – 8:00 pm at Townsend Early Childhood Center on Brook Ramble Lane. (There are other voting places, but this is the one closest to us.)
  - c. There will be **no tax increase** for Phase I of the referendum. The district has been able to raise the money for their share of this phase.
  - d. The total funding for Phase I is \$64,649,100.00.
  - e. Phase I will enable the district to buy a 273 acre site off of Old State Road, Townsend. On this site a new early childhood center and elementary school will be built. There will also be renovations done to Olive B. Loss Elementary School, Townsend Elementary School, Appoquinimink Early Childhood Center and Everett Meredith Middle School.
  - f. There will be additional referendums for Phase II and Phase III.
  - g. Everyone is encouraged to vote “YES” to Phase I, again, there will be no tax increase with this phase. It will not cost the residents anything, and is to better the future of our children.
- VII. **Unfinished Business**
  - a. **Metlife Accounts** – We have a \$250,000.00 CD that matures at the end of the month. Council voted at the October 21 workshop to move this CD into a short term pimpcoco account. They also agreed that the account ending in “22” with \$132,436.12 in it, to move half the money into a pimpcoco account and half the money into a 6 month CD. The account ending in “11” has \$3,021.83 in it and has never been used. Council voted to roll this money into the general fund. Raughley stated he noticed on the statement he opened before the meeting that our account grew by \$90,000.00 in one month.

- b. **Park Signage Bid** – Council accepted the bid from Atlas to provide the signs for the park at the workshop on October 21, 2009. They were the lowest bidder and we want to get the signs up ASAP. Council also agreed to purchase a display box for \$65.00 to put in front of the pavilion.
- i. The signs have been ordered and hope to have them up soon.
- c. **Baseball field** – Council voted at the workshop to use \$15,000.00 of capital funds to re-grade the baseball field at the park.
- i. Raughley read the statement above and there was extensive discussion. Councilwoman Jennings asked that all of the discussion be included in the minutes, not just a summary of the discussion.
  - ii. Raughley: The slopes on the field were put in according to some specifications set by some little leagues. We looked at it and weren't happy with it. It wasn't a mistake by our Town engineers, or the engineering firm that did the work, they were drawn up to specifications set by an outside entity and we didn't like it. It wasn't a mistake, we didn't like it. We decided to have the project taken care of while we still had our contractors in the park, or it probably would have cost more. If I'm right, and I'll check with Michael, I don't think we spent \$15,000.00 because the price dropped after we signed the contract.
  - iii. Jester said it is going to be a little less.
  - iv. Raughley: So that's where we are at. I just wanted to announce these items because they were major issues that we had dealt with at the workshop rather than the Town council meeting. For the record, so everybody knows, workshops are public meetings so we can certainly make those decisions but we like to make them here, but due to weather and timing we wanted to get them in. Any questions?
  - v. Jennings: I did not attend the last workshop meeting so I have questions. First, this vote to spend \$15,000.00 was not listed as such on the workshop agenda, it just said baseball regarding. I feel like we didn't give our residents an opportunity to say, why are we spending \$15,000.00 to regrade a completed ball field. Second of all, am I hearing this right, did we just spend \$15,000.00 to re-grade a ball field just because we didn't like it? It was an aesthetic, it wasn't any other issue. I thought it was an issue with little leagues, but I just found out it wasn't engineered to any specific little league criteria and it was engineered in a way to control for water issues, because there was a drainage, that's why the 2% grade issue, it was engineered that way to control for the water.
  - vi. Tom: The guidelines for little league fields, the infield should be flat but these guidelines recommend between a 1 and 3% grade for water run-off. If you have consistent days of rain, you don't want water laying or puddling on your ball fields. Around 1% they recommend under drains and such.
  - vii. Jennings: Is it now going to be under 1%?
  - viii. Tom: It's going to be close to 1%, I haven't seen what they are actually going to grade it too. It comes down to this, if you don't like the guidelines you can certainly change things. They are not state requirements.
  - ix. Jennings: No, you're only taking little league requirements, the one you engineered were specific to, what was the name of it?
  - x. Hanlin: Cal Ripkin
  - xi. Jennings: The one that we're now referring to as the MOT Little League, they're now using a different criteria, so my question is, now it's going to be 1% or below, are we now going to have to spend more money on a new drainage system, because there are residents right there, is there going to be, we get a lot of rain, is there going to be water issues now because of this change, was this necessary, did we really need to spend \$15,000.00 for an aesthetic at the end of the day?
  - xii. Tom: It's more than aesthetics, the entire park, as well as the ballfield was designed as requested by the Town. There is some flexibility in what you can do with the different fields. This particular ballfield, at the time we designed it, we chose this criteria and it wasn't seen as an issue until someone was standing out there standing in the field and experienced the 2% grade which essentially is 2' drop in 100' of horizontal distance. You can change that.
  - xiii. Jennings: But it was engineered...
  - xiv. Tom: It was engineered to the definite guidelines.
  - xv. Jennings: So there are people using fields like this?
  - xvi. Tom: Yes.
  - xvii. Jennings: So are we now setting ourselves up to incur another cost for the water drainage system for this field?

- xviii.** Tom: The guidelines are somewhat conservative, the underlying concern being, if you have consistent days of heavy rainfall, you could have a situation if it isn't properly graded, you could have some ponding issues. That depends on the type of soil, type of rainfall, without doing extensive soil evaluations, it's hard to say. Knowing the swales that are out there, and the run off they've had on the field already, it doesn't seem like it will be a problem, but that is just an opinion, not an engineering study.
- xix.** Jennings: It's a possibility we're going to need to...
- xx.** Tom: It's a possibility, there is a chance there will be some ponding out there, but if it's going to be rainy and muddy, the kids won't be playing out there anyway.
- xxi.** Raughley: OK...
- xxii.** Jennings: Why was it listed on the agenda the way it was. Did you guys come to the meeting knowing there was going to be a question of voting on \$15,000.00 in funds to change the grading of the ball park?
- xxiii.** Hanlin: Your question was what?
- xxiv.** Jennings: Why was it listed the way it was on the agenda? It just said baseball field regarding if I remember correctly.
- xxv.** (Hanlin, Raughley and Sturgis all started talking).
- xxvi.** Sturgis: The lawnmower was on the agenda at one time and didn't have a monetary amount; it said "zero turn lawnmower discussion and vote". Many things we vote on or things that come up at meetings don't have a monetary amount on the agenda.
- xxvii.** Jennings: Not a \$15,000.00 item. This, again, did not give our residents an opportunity to say well, it was engineered per the guidelines RVB..., I'm absolutely confused as to why this needed to happen, why we spent \$15,000.00 on a re-grading when it was engineered to little league specs.
- xxviii.** Raughley: Because it had a 4 ½ foot drop from the outfield to home plate which means an 8 year old that's out there and 3 feet tall, home plate would be higher than he is.
- xxix.** Jennings: So, are the fields that have that much percent grade more for adult players? Was that the issue, because we're gearing our field more towards little league?
- xxx.** Raughley: We're absolutely gearing towards little league.
- xxxi.** Jennings: So the field that was engineered was not engineered to little league standards?
- xxxii.** Sturgis: No.
- xxxiii.** Tom: Its little league standard.
- xxxiv.** Hanlin: It's little league standard, Cal Ripkin.
- xxxv.** Sturgis: Between 1 and 3 %.
- xxxvi.** Jennings: I still don't understand why we had to spend \$15,000.00.
- xxxvii.** Sturgis: Because the incline was too steep and we felt it should be brought down for these little guys to go out and play on.
- xxxviii.** Jennings: But the little guys play on 3% too, that's what I'm saying! It's taxpayer money that didn't need to be spent.
- xxxix.** Sturgis: I'm sure there aren't a whole lot of fields around that are 3% grade.
- xl.** Jennings: Tom just said there were.
- xli.** Raughley: Tom said there were but I haven't seen one locally that is at 3%.
- xl.ii.** Jennings: OK.
- xl.iii.** Raughley: It was a steep grade.
- xl.iv.** Sturgis: And when Tom's firm told us 1 to 3% was recommended, they went in the middle. I'm not faulting their company for what they did, they went right in the middle, and if I worked for an engineering firm, I probably would have done the same thing, but now that it's here, we found it isn't working for us.
- xl.v.** Raughley: Right.
- xl.vi.** Jennings: OK. That's all.
- xl.vii.** Hanlin: It had nothing to do with RVB, it was....
- xl.viii.** Jennings: No, I know, what I'm saying, I think they did their job, we chose that, it is what it is, why did we have to spend \$15,000.00 of our tax payer dollars.
- xl.ix.** Raughley: Town council felt responsible for the park and felt responsible enough to make an educated decision to correct the ball diamond that was voted on by the full town council. Everybody voted yes when those plans were approved. Everybody voted yes then, and at the workshop council felt it was a responsible decision to spend the funds to correct the ball diamond so it was at a grade that would work for little league players.
- l.** Jennings: Right, you are referring to the workshop meeting.
- li.** Raughley: Yes.
- lii.** Jennings: For the record, I was not in attendance and I would not have supported that. So you didn't have a full Town council that was approving that.
- liii.** Hanlin: No, he said the full Town council approved the original drawings.

- liv. Jennings: Right, and that's the way it was originally engineered before it was renovated recently.
- lv. Raughley: It will be noted in the minutes that Councilwoman Jennings was not in attendance at the workshop and would not have voted for this.
- lvi. Jennings: Thank you.
- lvii. Raughley: You're welcome.

**VIII. New Business**

- a. None

**IX. Reports of the Officers**

- a. State Police – Troop 9: Lt. Logan had a family emergency and asked to be excused. Raughley asked Ness to read the police report. There were 29 calls for October 2009 as follow: 2 – crashes, 5 – alarms, 5 – domestic, 1 – medical call, 2 – OPR, 7 – public relations, 1 – suspicious persons/vehicle, 4 – theft, 1 – traffic violation, 1 – wanted person. Ness stated Lt. Logan said there was nothing out of the ordinary for the month. Asked that residents be aware of what's going on around them and call the non emergency number, 302-573-2800 to report suspicious things. Please don't leave valuables in your vehicles or your car running. At the last community watch meeting we had several new members come. Ask residents who walk after dark to keep an eye out call the police if necessary. There were no incidents over Halloween, it went well.
- b. State Representative: Quinn Johnson: Stated Appoquinimink School District is one of the best in the state and that's why so many people move down here. This is good for our economy and helps create new jobs also. When a company looks into moving, one of the first things they look at is the school district for their employees. This referendum costs us nothing, please vote yes for it. Deldot has a new plan for the walkway at Happy Harry's that won't affect the Sinex property at all although, the Sinex are still concerned about foot traffic. Deldot will finalize the easement on the Happy Harry side and it will start this winter. Artesian is in the final phase of the connection, water will run from Pennsylvania to here. With this final phase, Townsend will be connected and will never run out of water again. Fire Chief Monty called me, concerned about state putting cable sections in the medians along Rt. 1. Chief concerned because they have limited access to Rt. 1 as it is, and this will take longer to arrive at an accident. They even purchased a new truck for this purpose. Had a meeting with the manufacturer and Chief comfortable with it now. Will give an updated report next meeting about the new trash rates through DSWA.
- c. County Representative: Bill Powers: Not here.
- d. Townsend Fire Department: Keith stated they will not put out fires in town in pits or chimnea's unless it is out of control. Advises the town to call the fire marshal about the ordinance and see what can be worked out. Craft fair is November 14, 2009.

**X. Reports**

- a. Fred Townsend III, Attorney: Promised an estimate on foreclosing the Lupo property. There will be publication fees which will run between \$800.00 and \$1,500.00, legal fees will be between \$2,000.00 and \$3,000.00. If Town is the high bidder, to protect what we have in it, we will have to pay an additional 3% as the sheriffs' fee. May have to bid to protect our investment. If an appropriate bid is received, the Town's legal fees will be re-imbursed. Sturgis asked if the county would receive their back taxes first. Fred stated we have a mechanics lien, and will have to research county vs. town taxes being paid. This will be discussed again at the workshop.
- b. Tom Wilkes, Engineer: Deldot has been asking questions about the streetscape which we have answered. Sturgis said a woman walked up and down Main Street last week taking pictures. Tom said she did not work for them.
- c. Mike Jester, Code Officer: Nothing.

**XI. Committee Reports**

- a. Finance Committee: Chair - Dave Raughley: Total assets - \$2,539,928.28, Total liabilities and equity \$2,508,855.06. Metlife has taken very good care of us, made money during the recession.
- b. Streets Committee: Chair - John Hanlin, II: Nothing.
- c. Water Committee: Chair – John Ness: Nothing.
- d. Zoning Committee: Chair - John Hanlin, II, Co-Chair – Sandy Sturgis: Raughley will roll out the comprehensive plan at the workshop. The county and state have blessed it. Public hearing will be in December.
- e. Health & Public Welfare Committee: Chair – Sandy Sturgis: Nothing.
- f. Energy & Environment Committee – Chair: Karen Jennings:
  - i. Townsend Wildlife Habitat Project: Meeting with ARA and Nature Society to look at fall planting at the early childhood center. Want Jr. Council to help us.
- g. Veteran Affairs Committee – Co-Chairs: Karen Jennings and John Hanlin
  - i. Project 19734 Soldier Support: Will work on promoting this project and the veterans picnic with the media. Looking for in kind donations of food, music, monetary, whatever to have a great picnic. Need donations and volunteers.

- h.* Police Committee: Chair – John Ness:
  - i.* Townsend Community Watch: Done earlier.
- i.* Executive Park Task Force: Chair – Dave Raughley: Pricing security cables.
- j.* Parks & Recreation Committee: Chair – Sandy Sturgis
  - i.* New Years Eve Party – December 31, 2009
    - I.** Theme: Mardi Gras
    - II.** DJ Jammin’ Jeff
    - III.** Tickets – Couples \$75.00, Singles \$40.00, if tickets are bought before December 1, 2009, Couples \$65.00, Singles \$35.00

**XII. Announcements:**

- a.* Christmas decorations will be hung in Town on Friday, November 27, 2009; rain date will be Saturday, November 28, 2009. Volunteers needed.
  - i.* Hanlin motioned, Jennings seconded with unanimous vote to buy lunch for the volunteers from LaMatesina, spending a max of \$100.00.
- b.* Town Hall will be closed Wednesday, November 11, 2009 for Veterans Day.
- c.* Town Hall will be closed Thursday, November 26, 2009 and Friday, November 27, 2009 for the Thanksgiving Holiday.

**XIII. Citizens Comments & Participation:**

- a.* Maurice Mobley Jr. invited Mayor and Council to attend his and his brother Stephen’s graduation from the young Marines on Tuesday, November 10, 2009 at 7:00 pm. It will be held at the Alfred G. Waters Middle School at the Cedar Lane Center.
- b.* Donna Cooper from TVII stated she is concerned about her water. The water in her toilets gets moldy. Raughley suggested she call Artesian Water to see when the water was last tested and request them to come and test her water.
- c.* Mrs. Mack from TVII asked about the sign updates for TVII. Jester stated they have been ordered and will be put up as soon as we receive them. Hanlin stated we approved the funds to purchase the signs but are waiting to see if the homeowners association will re-imburse the Town for the cost.

**XIV. Adjournment:** 8:40 pm - Hanlin motioned, Sturgis seconded with unanimous vote to adjourn.

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