

**Townsend Workshop Minutes**  
**February 19, 2014**

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**Workshop: 7:00 pm**

**I. Call to Order: 7:02 pm**

**II. Opening Ceremonies**

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CM Joel Esler, CW Lorraine Gorman, CM Rudy Sutton, TE Owen Hyne, TC Cathy Beaver, TA Fred Townsend (arrived 7:13 pm)
- b. Recognition of Visitors: Scott Goss, Dwain Haines
- c. Pledge of Allegiance: Pledge was said
- d. Announcements: none

**III. Additions/Deletions to Published Agenda**

- a. CM Ness motioned, CM Esler seconded with unanimous vote to accept the agenda as written.

**IV. Council Minutes**

- a. Approval of January 29, 2014 Workshop minutes
- b. Approval of February 5, 2014 Council minutes
- c. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the minutes as written.

**V. Reports**

- a. Fred Townsend III, Town Attorney

○TA Townsend said he has refined the process for moving forward on the property at 316 Gray Street. He is mailing a letter to the property owner which will include a copy of Inspector Naples original letter citing the property. We will advise the property owner they have to appear at a hearing with Council and Inspector Naples. At the hearing Mr. Naples will make a case as to why he advises the property be demolished by the owner. The owner can then contest the findings if he wishes. The meeting will be open to the public. Per the title search, the only company with a judgment against the property is Artesian Water. Don't anticipate the Faries brothers will show up. Council can issue their opinion verbally and follow it up in writing. If there is an order to demolish the property, I recommend we give them 30 days to do this. Upon non-compliance of that order, the Town can execute the demolition order and lien the property to recover the funds.

○TA Townsend said the letter can be mailed as early as Friday.

○CW Gorman verified Council will pick the date for the meeting and it will be specified in the letter.

○TA Townsend said yes and the meeting is required for all parties. If the property owner doesn't show up, Council can move forward with the process. Advise you give 10 day notice of the hearing.

- b. Owen Hyne, Town Engineer

○TE Hyne stated he and CM Sutton met and walked through the streetscape before tonight's meeting.

CM Sutton showed me where the benches are to be placed. While walking the site we discussed the impact on three residents because of their fences. It would be a good thing to talk with these residents prior to the project starting and I'd be happy to be a part of it.

○CM Sutton agreed and said he believes we should notify all residents that will be affected a minimum of 30 days prior to construction but feels we should get a letter out now to notify all involved. Not only do we have 3 residents affected because of fences but we will also be cutting into resident's yards. We should deal with any negative feedback now, before construction begins.

○CM Esler asked for a start date.

○TE Hyne said all projects are still up in the air due to the weather this year.

○CM Esler suggested we wait to notify the residents until we have a start date.

○Mayor Hatton asked if we are truly cutting into people's yards or reclaiming the actual right-a-way.

○TE Hyne stated everything we are doing is within the public right-a-way.

○Mayor Hatton asked if a person has been using and maintaining the right-a-way for X amount of years, does it become their property.

○TA Townsend stated he has run into this before. When the public right-a-way gets encroached upon, it is very clear cut that it is Town property. There is no responsibility on the Town to compensate anyone for any land, fence, whatever is lost, it is the resident responsibility.

○CM Sutton verified the Town would not be responsible for replacing a fence.

○TA Townsend said that is correct, anyone who builds in a public right-a-way is responsible for replacing or fixing anything that is moved or damaged.

○After more discussion with no one knowing if the residents have been talked to in the past concerning their fences, Mayor Hatton asked TE Hyne to do more research to verify the right-a-way and Council can then send letters to the residents that will be affected immediately stating construction will be starting in early to mid-spring and that their fence is in the public right-a-way.

○TE Hyne said he believes he can avoid doing anything to one of the fences. They will be working right next to the fence and anything can happen, but hopefully it will be OK. Two of the fence owners will need to be talked to.

○CM Ness asked if DelDot should be the one to notify residents since the streetscape has to be approved by them and is being paid by them.

○TE Hyne said no, funding is administered through DelDot but it is a Town project.

○CW Gorman asked if there is something in the contract that the contractor has to provide notification.

○TE Hyne said yes, standard notice they must give is 2 days, move cars, etc.

○CM Sutton said there is a yard that has some solar lights that will have to be moved. Feel the letter should go out now to all residents that will be affected and it can be specific to fences, lights, etc. That way everyone has plenty of notice.

○TE Hyne verified there are only 3 properties with fences but most will also lose a little strip of lawn.

○CW Gorman agreed that it is only fair that everyone get advance notice. This project has been in the works for years.

○TE Hyne will draft the letter and send it to TM Green for approval.

○TE Hyne said the change order is at DelDot for approval, and then Council will have to approve it.

○TE Hyne said there isn't any construction going on in TVI or II.

○TE Hyne talked to MS Development and asked them to replenish the escrow account.

○TE Hyne said RVB is reviewing a plan from Capital Land Developers. Several issues will be addressed at the Board of Adjustment hearing on March 5.

c. Dawson Green, Town Manager

○Mayor Hatton stated that due to a family emergency TM Green will not be here but he emailed me his report.

○TM Green spoke to Artesian last week and was told if we remove the water meter at the park the fire hydrants will be offline. He is still researching to see if there are other options.

○TM Green has requested a park grant extension from DNREC and he ordered the Town Hall directional signs.

○There have been 23 new home permits issued this fiscal year, 15 Handler homes and 8 JS homes. We budgeted for 20 new homes and have already exceeded that number. We are doing very well and they are actively building in the developments.

## **VI. Committee Reports**

a. Finance: Chair – Mayor Jermaine Hatton

○Council has been discussing bringing additional revenue into the Town. I talked to Artesian and hopefully within the next 60 days they will convey the water tower back to the Town. We have a cellular company interested in putting cell towers on the tower which will bring additional revenue into the Town. The water tower is offline and has water in it. It was built in 1991 and last inspected in 2011 and found to need some repairs. The biggest concern right now is the overall integrity of the tower which is being checked. It will likely need to be painted inside and out and the main thing is it can't have any lead paint on it.

○TA Townsend stated there is some due diligence for the Town to do. The Division of Public Health regulates water towers but not sure if they regulate off-line water towers. There are a few facilities on this parcel with the water tower; they aren't turning them over to the Town so we may have to sub-divide the parcel which is a lengthy process.

○Mayor Hatton said there is a type of easement we can convey to them so they can continue using the structure. It has an online pump and an offline pump there.

○TA Townsend verified that Artesian is going to give the Town the entire parcel and the Town will give them easement rights and Mayor Hatton said yes.

b. Public Works: Chair - CM Rudy Sutton

○CM Sutton stated he will have samples of the Town signs made from PVC at the next meeting and another product which will be cheaper so Council can decide which way to go.

○Council discussed changing the Snow Emergency Ordinance in reference to Town maintained streets but believe it is broad enough that we don't need to do this. Feel TM Green should reach out to DelDot to make them aware of the ordinance. TM Green should also reach out to the developers and make them aware of the ordinance.

○CW Gorman said the ordinance is good, just get rid of the word "maintained" and it will read Town streets. Parking on one side of the road makes sense. Inevitably someone will get plowed in but limiting parking to one side of the road is a good plan for the people plowing.

○CM Esler said the only thing he suggests is change it from an "emergency snow ordinance" to "inclement weather ordinance".

○CM Ness added that it won't help to change the ordinance; people will do what they want.

○After more discussion, Council decided to leave the ordinance as it is with no changes made.

c. Land Use & Development: Chair – Mayor Jermaine Hatton

○Mayor Hatton said they still need someone to fill Bud Higgins seat on the zoning committee and asked Dwain Haines if he was still interested in it.

○CM Esler motioned, CM Ness seconded with unanimous vote to appoint Dwain Haines to the Zoning Committee.

d. Community Relations: Chair – CM Joel Esler

○CM Esler said feedback on facebook has been generally positive and the snow emergency announcement on the website had 600 hits.

○CM Esler mentioned that Council voted several months ago to start posting all meeting minutes on the website and that hasn't been done yet.

○ Nomination for Co-Chair

1. CM Esler said he and CW Gorman talk all the time and most of what she does correlates with community relations. He said he feels it would be natural to nominate her as co-chair of community relations. All agreed.

2. CM Esler motioned, CM Ness seconded with unanimous vote to have CW Gorman co-chair the committee.

e. Public Safety: Chair – CM John Ness

○CM Ness had nothing to report but asked Council to review the report he gave them at the last meeting about starting a Town police force.

○Mayor Hatton stated several residents called him today about some unwanted activities going on in Town. He added that he met with Tom Gordon and his crew about removing the apparatus on Wiggins Mill Road which they are considering doing. There isn't police coverage out there and unwanted activities take place there.

f. Charter & Ordinance: Chair - CM Joel Esler

○CM Esler said he received initial feedback from Doug Tuttle on the charter changes. He needs verbiage on TM Greens position. He added he will get the date that Council can review the charter revision.

g. Parks & Recreation: Chair – CW Lorraine Gorman

○ Electric in the park – March 19<sup>th</sup> the bids will be opened.

○ Water Meter in park – TM Green getting more information.

○ Upcoming events at the Park

1. Nature Walk – March 20<sup>th</sup> at Blackbird Creek Reserve, 5:30 pm

2. Easter egg hunt – April 13<sup>th</sup> at noon at Town Park, rain date April 19<sup>th</sup>, would appreciate

any help Council can give.

3. Community Yard Sale – May 10<sup>th</sup> at the park – Council agreed to this date. Several residents thought this was a good idea until they realized they would have to take everything there. CW Gorman said it is a free event, we will try it.

4. Haven't heard anything back from MHS marching band for the fair. Still have a little bit of time, if haven't heard by next meeting will let Council know.

5. CW Gorman said we don't rent the baseball field, but coaches from the MOT Little League reserve it for practices. The indemnification clause at the bottom of the contract is signed by the coach. She asked Fred if this would stand up on behalf of the little league if a child was hurt.

6. TA Townsend said great question. There are insurance issues, travel teams have to have insurance wherever they go. May make more sense to have the president of the Little League sign the contract to ensure the Town is protected.

7. Mayor Hatton said the team belongs to the league but the coach brings the team here for practice. MOT may not sanction our field being used.

8. Fred said they usually have to beg for field usage. The Little League may have a policy that covers all the children wherever they play.

9. CM Esler said there is probably a waiver parents have to sign.

10. CM Ness asked if we should check with our insurance company.

11. Mayor Hatton said our insurance would kick in if someone was injured at the park, however these are scheduled practices. (It was established there are signs posted in the park which Fred said will not protect us).

12. After more discussion, Fred suggested CW Gorman contact MOT about this issue.

## **VII. Unfinished Business**

a. Town Newsletter – CW Lorraine Gorman

○ Copies of the first 2 pages of the newsletter on in everyone's folder so all can see what it will look like.

○ Need reports from everyone on their committees to add to the newsletter by Tuesday, 2/25/14 so it can be mailed 1<sup>st</sup> week of March.

## **VIII. New Business**

a. Transcript Vision issue – CW Lorraine Gorman

○ Sent all of Council an email about the Transcript contacting me about putting a "What's New" in the Transcript, this will cost, feel all the information is in the newsletter and it isn't necessary right now.

○ CM Esler agreed and the newsletter is more personable.

○ Mayor Hatton agreed we have no need for it right now. We have no long range plan right now, only have a vision.

## **IX. Citizens Comments & Participation:**

a. Mr. Haines asked Owen about the narrowing of Main Street with the streetscape.

b. TE Hyne said he tweaked the intersection a little, Commerce Street isn't being narrowed but Main Street is being narrowed a little bit. The way it is now a large semi-truck will be able to make the turn. There won't be any problem at any of the other intersections.

**X. Adjournment:** 8:15 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.

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