



## Mid-Month Council Meeting Minutes February 18, 2015

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### 6:50 pm – Public Hearing

- I. **Call to Order:** 7:54 pm
- II. **Roll Call:** Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TC Cathy Beaver
- III. **Pledge of Allegiance:** Pledge was said
- IV. **Final Reading of Ordinance No. 15-04; Townsend Elections**
  - a. CW Gorman said this ordinance changes how a tie vote during elections will be handled and put it in compliance with the Town Charter. Per the Charter, the Town Clerk will determine the winner by lot. This ordinance will now read the same as the charter.
  - b. CW Gorman motioned, CM Ness seconded with unanimous vote to place the ordinance on the agenda for a vote to adopt it.
- V. **Adjournment:** 6:56 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.

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### Meeting: 7:00 pm

- I. **Call to Order:** 7:00 pm
- II. **Opening Ceremonies**
  - a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
  - b. Recognition of Visitors: Dolores Bernal (Middletown Transcript), Chrisann Ott, Dwain Haines
  - c. Pledge of Allegiance: Pledge was said
  - d. Announcements:
    - Residents must be registered at the Town Hall to vote in Townsend Elections. Please bring your ID to register on any of the following dates:
      1. Monday – Friday, 8:00 am – 4:00 pm
      2. Wednesday, March 18, 2015, 6:00 – 8:00 pm
      3. Saturday, April 4, 2015, 9:00 am – noon
    - April 16, 2015 is the deadline for registering to vote in the election on May 2, 2015.
    - If you are interested in running for Town Council, candidate packets will be available at the Town Hall March 2, 2015. These must be turned in by Thursday, April 2, 2015 by 4:00 pm.
    - Elections are Saturday, May 2, 2012 @ Town Hall, 8:00 am – 6:00 pm.
- III. **Additions/Deletions to Published Agenda**
  - a. CM Ness motioned, CM Sutton seconded with unanimous vote to approve the agenda as written.
- IV. **Council Minutes**
  - a. Approval of January 21, 2014 Mid-month minutes
    - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
  - b. Approval of February 4, 2015 Council minutes
    - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
- V. **Mayor's Report**
  - a. Discussion on 200 Finley Street
    - Mayor Hatton said last week he met with the school board and our 2 state officials, he is meeting again tomorrow with the Delaware Cultural Affairs organization about placing a marker on the property. All

agree to the Town acquiring the 4+ acres from the school district for the price of \$1.00. One of the concerns is there is no access to the property. Tomorrow we will see if there is a new spot to place the marker.

- CW Gorman asked if there are any restrictions on how the Town uses the property.
- Mayor Hatton said there are no restrictions; we can do anything we want. We may have a

problem with the land itself, it is very wet and marshy. The only condition is if we sell the property at a later date, the school district gets the money from the sale of the land. The money from any improvements we make will go to the Town.

- CW Gorman asked if we could make it a public works site and was told it is possible.

b. Discussion on Sewer Capacity

• Mayor Hatton said in November 2013 he had a discussion with a developer about coming back into Townsend. Their first question was “Do you have sewer capacity for us”? We started researching the Town’s sewer capacity and the land outside Town limits that is proposed for long range annexation into Town limits per our Comp Plan. This was truly an education. We have had 4-5 meetings with the county including the County Executive, Special Services, the Sewer group and all the county attorneys trying to get a better understanding on what the county is will to do – or not do in aiding us in our overall sewer.

• Based on the original 25 year agreement signed in 2001, we only have 66,000 gallons of water allotment per day left for the entire Town. This limits any type of growth. We could far exceed this amount with the sale of one large parcel. We have tried to get additional sewer capacity from the county and they clearly said no.

• Our argument was the Town has to go through the PLUS committee to annex any land. The county is part of this review and has the opportunity to say yea or nay. They said yes to every annexation and the sewer plan should have kept up with the comp plan. The answer is still no, we are pursuing this issue. The way the agreement is written, the county doesn’t have to do anything, basically it is completely self-serving for the county, the Town gets nothing from it.

• CW Gorman asked if we have backing from anyone on this, has any other municipality run into this problem.

• Mayor Hatton said no, basically because we haven’t made it public knowledge and tried to reach out to other municipalities they serve, which are all north of us. They don’t serve Middletown and some other municipalities have their own sewer. Townsend missed the boat on a lot of things, our own sewer, water, electric and are now at the mercy of the provider. Fred is researching other options with the help of other attorneys in his firm.

• CW Gorman asked if we have enough sewer to supply someone who comes into the commercial property on Rt. 71.

• Mayor Hatton said it will be a timing issue, it is set aside but we only have 66,000 gallons a day in reserve. If they were to come in now, yes, we could supply sewer, if they come in 2 years from now, no, we won’t have any sewer capacity for them. We have commercial and residential space available but can’t support all of it with what sewer we have left, first come, first serve.

c. Discussion/Vote on Council trip to Washington DC – March 11, 2015

• CM Ness motioned, CW Gorman seconded with unanimous vote to approve Mayor and Council attending the conference in Washington DC with the DLLG to meet with the delegates.

d. Discussion/Adoption of Ordinance No. 15-04 – Townsend Elections – CW Lorraine Gorman

- CW Gorman motioned, CM Ness seconded with unanimous vote to adopt Ordinance No. 15-

04.

## VI. Reports

a. Fred Townsend III, Town Attorney

• It is not uncommon to get calls from staff from real estate companies about liens the Town has on the property. The process the Town has in place is rather inexpensive, it’s a good process and ensures the Town collects past due money. I satisfied one lien today and had another call last week.

• Had a call from Rep. S. about the charter. The house passed the bill and sent it to the senate with 3 amendments. The senate may have 3 more amendments. Seems every year each chamber has concerns on how a charter should read.

• Mayor Hatton said he hasn’t seen the amendments; was told they are minimal and have to do with language.

- TA Townsend said this is our second round and the senate can pass the charter with amendments and send it back to the house.
- Mayor Hatton stated he talked to Senator Ennis and asked him if we should clean the amendments up and present the charter again and was told no, let's get it passed and the language can be changed after.
- b. Owen Hyne, Town Engineer
  - Working on updating the zoning map to incorporate changes that have been made. Hope to have it done in next few weeks.
  - Mr. Haines said the sidewalk put in during the streetscape is sinking down.
  - TE Hyne stated he has seen it; the worst spot is in front of the post office. He added this is common when concrete is poured. The contractor will fix it; there is a 2 year maintenance bond. Typically we wait until the second year to have it fixed. It is an ascetic issue, is not dangerous.
- c. Dawson Green, Town Manager
  - Email was down for 5 days, system and server were both down. Apparently there was a TV in here years ago and the problem was the cable that had been connected to it. Atlantic Broadband measures noise levels and the Town Hall was systematically shutting down everyone's cable in the area, so Atlantic Broadband shut the Town down. They didn't tell us that until today.
  - Mayor Hatton said they didn't call and tell us, they just shut us down. We thought it was our hardware and TM Green was on the phone often and they never said anything.
  - TM Green said he signed and sent the mosquito contract to DNREC last week. Believe it starts in April.
  - Sent the paperwork for the last reimbursement for Phase I for the electric at the park. That leaves us \$29,000 on the grant. The work that was just completed wasn't included in this reimbursement.

## **VII. Committee Reports**

- a. Finance: Chair – Mayor Jermaine Hatton
  - Still working on the audit. Thanked TM Green and TC Beaver for keeping the office running while the financial officer was out. They did a great job. Our financial officer came back today. We are much closer to getting the audit done. The major hurdle is the escrow GL's at conversion and the bank reconciliations which shouldn't take more than a few weeks. Spoke with Debbie, thought we had an agreement on someone coming in and helping us do this. After talking about it and getting it approved the person had reconsidered and declined the job. Debbie recommended we have our financial officer get the reconciliations done and put some time tables for when they have to be done. That was conveyed to her today.
  - Edmunds took some snap shots of our data and said we are much closer to getting it as it should be.
  - CW Gorman asked if she will be devoting all her time to the audit.
  - Mayor Hatton stated that was the direction she was given today, to get it done. Hopefully she will call Edmunds by the end of the week to fix the GL accounts. That issue is ensuring the GL account started with the right dollar amount at conversion.
- b. Public Works: Chair - CM Rudy Sutton
  - Discussion/Possible Vote to approve revised layout for 141 Main Street
    - CM Sutton motioned to approve layout #4 for 141 Main Street, CM Ness seconded.
    - Discussion: CM Ness said given some of the reactions, should this be done at a Council meeting so the public can see the layout.
    - Mayor Hatton stated this is a public meeting and this was on the agenda.
    - CW Gorman said it would be nice to have the big board drawing at the Council meeting.
    - TE Hyne stated he can, however this is still a conceptual plan to ensure you are getting what you want. Have to develop a construction plan from this and can put that on a board. When we are ready to go out to bid would like to present it on the board.
    - Mayor Hatton asked Ms. Bernal not to put the drawing in the Transcript until the final concept is done and she agreed.

- Mr. Haines asked about the handicap ramp and other ADA requirements.
- TE Hyne stated on the final drawing it will show the ramp coming up on the right side of the building. There will be a small platform that will also give wheelchair access to both porches from the ramp.
- CM Ness stated this is the basic layout, is a work in progress.
- Mayor Hatton added the building has to be ADA compliant for us to be able to use it.
- Mr. Haines asked if the doorways are wide enough for a wheelchair to go through.
- TE Hyne stated all of those improvements will be made as needed.
- CW Gorman asked if all the pre-wiring will be done during the construction.
- TE Hyne said it can be, we are looking at doing a drop ceiling, currently all the ceilings are plaster. With a drop ceiling will give a lot of flexibility. There is also a basement which will give more flexibility with wiring.
- CW Gorman added she feels it is very important to get the input from the employees that work day to day; they are the key people to say how things should be set up and make the office flow.
- TE Hyne stated that is a good idea. We will put a draft together and discuss it with the staff.
- Vote to approve layout #4 for 141 Main Street – unanimous.
- Discussion/Possible Vote to accept RVB’s proposal for services at 141 Main Street.
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- c. Land Use & Development: Chair – Mayor Jermaine Hatton
- d. Public Safety: Chair – CM John Ness
- e. Community Relations: Chair – CW Cindy Cook
- f. Parks & Recreation: Chair – CW Lorraine Gorman
  - Discussion/possible vote to proceed with installation of parking lot lighting at park
  - Easter Egg Hunt – March 28, 2015, Rain date March 29, 2015 @ noon
  - Community Yard Sale in the Park – May 9, 2015 – 8:00 am – 2:00 pm
  - Town Fair – 10<sup>th</sup> Anniversary – Saturday – 9/26/15 – Parade @ 10:00 am, Fair 11:00 am – 3:00 pm
  - NWF update

**VIII. Citizens Comments & Participation:**

**XII. Adjournment:**

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The agenda items as listed may not be considered in sequence. This agenda is subject to change to include the addition or deletion of items, including executive sessions.

Posted 2/11/15 clb

Revised 2/12/15 clb