



## Townsend Council Meeting Minutes November 4, 2015

### 7:15 pm – Public Hearing

- I. Call to Order: 7:15 pm
- II. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, AA Melissa Faedtke, TC Cathy Beaver
- III. Pledge of Allegiance: Pledge was said.
- IV. Final Reading of Ordinance No. 15-07: An Act to Amend Title 22 of the Delaware Code Relating to Possession of Firearms in Municipal Buildings
  - a. CM Ness read the entire ordinance. This ordinance prohibits the possession of firearms, ammunition, components of firearms or explosives in municipal buildings and police stations in the Town of Townsend.
  - b. In the following discussion, Mr. Clark asked if someone who has a permit to carry can still carry in the buildings and was told yes.
  - c. Mr. Clark asked if anyone had the courtesy to call or write a letter to the fire department about this since the meetings are held at the fire company and it is a privately owned entity.
  - d. Mayor Hatton said he didn't contact them but the Town will only have several more meetings at the fire hall.
  - e. Mayor Hatton went on to explain that after the State Legislators passed this bill, the ordinance was adopted for as a blanket ordinance for all municipalities to opt in. This is the same ordinance that will be used state wide. Believe there are 4 or 5 municipalities that have already opted in and it is coming up on other Town meeting agendas as well.
  - f. CM Ness said this basically exempts any law enforcement officer or anyone with a legal card to carry a concealed weapon.
  - g. CW Cook asked if we are presenting this ordinance because it is a problem in our community. Do we really think adding any more legislation on the books will prevent any harm if someone chose to bring an open carry to a public meeting? Do we believe this ordinance will stop someone? If someone desires to bring harm, a sign posted or this ordinance will not stop it.
  - h. Mayor Hatton said that is correct. All this ordinance is doing is supporting our municipality and Council the same as our state legislators. You cannot carry a gun openly into a state building; this is now bringing it down to a municipal and county level also. People break laws all the time but this ordinance will help hold people accountable for their actions.
  - i. CW Cook said her concern is we are possibly infringing on the 2<sup>nd</sup> amendment right.
  - j. Mayor Hatton said we are not infringing on the 2<sup>nd</sup> amendment right, the state has given permission for open carry but prohibiting carrying in a state building.
  - k. CW Cook said on the surface it makes sense and we don't want to be threatened but she said she didn't know we had been threatened.
  - l. Mayor Hatton said it hasn't happened in Townsend, but there are documented cases in Newark and Elsmere. We are simply getting ahead of the curve before anything may happen.
- V. Adjournment: 7:29 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.

### 7:30 pm – Council Meeting

- I. Call to Order: 7:30 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, AA Melissa Faedtke, TM Dawson Green, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 15 residents
  - d. Announcements:
    - Town Hall closed Wednesday 11/11/15 for Veterans Day
    - Town Hall closed Thursday 11/26 & Friday 11/27/15 for Thanksgiving
    - Town Hall closes at noon on Wednesday 12/23 and will reopen on Monday 12/28/15 in observance of the Christmas holiday.

- III. Additions/Deletions to Published Agenda:
  - a. CM Ness asked to change Lt. P to Lt. Hudak under the state police.
  - b. CM Sutton asked to add change order #8 under public works.
  - c. CM Ness motioned, CM Sutton seconded with unanimous vote to accept the agenda with the above changes.
- IV. Council Minutes
  - a. Approved September 23, 2015 Mid-Month minutes on back table
  - b. Approved October 7, 2015 Council minutes on back table
- V. Mayors Report
  - a. Discussion/Approval of Ordinance No. 15-07: An Act to Amend Title 22 of the Delaware Code Relating to Possession of Firearms in Municipal Buildings
  - b. CM Ness read Ordinance No. 15-07 by title only.
  - c. CM Ness motioned, CM Sutton seconded to approve Ordinance No. 15-07.
  - d. TA Townsend asked to include in the motion to give staff time to confirm where the ordinance will go in the code book. TA Townsend added provisions must be made for penalties.
  - e. Mayor Hatton stated the penalties are being coordinated through the Delaware League of Local Government so we all have the same dollar figure across the board.
  - f. CM Ness amended his motion to add a codifier to permit staff to find where the ordinance will go in the existing code book, CM Sutton seconded.
  - g. In the following discussion Mr. Ruof stated he is in opposition of this law in total, he doesn't believe anyone is in danger and this ordinance will not accomplish anything. This is a rural Town, slow police response, gives a false sense of security. This is an affront to law abiding citizens, take offense to this.
  - h. Mr. Clark asked why this law came out, what is the purpose. If someone intends to hurt someone they will do it regardless. Also, if this ordinance passes, a letter needs written to the fire department, many of us carry, this is a private property and the ordinance won't be enforced here, not sure what the board will say. They may not permit you to continue having meetings here.
  - i. Mayor Hatton explained this ordinance enables us to have open meetings, open discussions, open democracy, without feeling intimidated that someone has a gun on their side. We aren't infringing on anyone's second amendment right, we are only asking that guns be left outside Town owned property and meetings.
  - j. Mr. Address asked if the new Town Hall will have a metal detector and was told the Town is working on getting funding for this.
  - k. Mr. Haines said what is the purpose of legally carrying concealed if we have to go through a metal detector
  - l. Mayor Hatton said you have to carry your card to carry concealed and would have to show it.
  - m. Mr. Clark said that raises a privacy issue, now everyone will know you have a concealed carry license.
  - n. Mr. Ruof said the Town isn't accomplishing a thing with this ordinance, and you can't compare yourself to Leg Hall. They have police on duty full time all the time. We have no police on duty 24 hours a day and you can't guarantee their response time and now you want to take my right away from protecting myself.
  - o. Mayor Hatton asked why a gun would be needed in a meeting; he doesn't carry a gun in meetings.
  - p. Mr. Ruof said why he shouldn't have that right. He is concerned because of the time he was crossing the street at his house and a previous Mayor tried to run him over with his car.
  - q. Mayor Hatton said that is a totally different issue.
  - r. Mr. Ruof said it isn't a different issue. There is nothing to protect a person coming to or leaving a meeting. Just because you can see a gun doesn't make it any more dangerous than a concealed weapon. I take offense to this ordinance, it is a slap in the face, and it's like you telling me I can't be trusted with a gun.
  - s. CW Cook said if we don't have a problem in Town, why do we need this ordinance?
  - t. Mayor Hatton stated we don't want to bring the problem to our Town.
  - u. CW Cook said if the problem doesn't exist...we can't even hold people to the laws on our books now because we don't have a police force. Without a police force, how will we handle this ordinance if it passes, we don't have police presence at every meeting. I feel this is an illusion to us that we are doing something to protect when in fact we are hindering. I also have concerns this is infringing on the second amendment which, being in a rural Town, this was fast tracked. I understand the issues at the Newark meeting and the other Town meeting. She asked if charges were brought against the perpetrators at those meetings.
  - v. Mayor Hatton said no and TA Townsend said they weren't violating the law at the time.
  - w. CW Cook said she investigated this once the ordinance was shown to us. Talked to people from Newark and their account was different. Feel we are fast tracking legislation through our Town and very few people know about it. We can't help we have an apathetic community that doesn't attend meetings but I'm sure if

our Town members knew we were going to be passing this ordinance, more of them would be here. This makes my reservations in agreeing with this even stronger. I do want to protect our Town members and staff but I feel this will do just the opposite with a sign that says “No Guns”. Most of the places we see tragedies happening are in gun free zones; schools and office buildings. I’m not sure this is the right way to go so quickly. I have been on Council a year and half and have never felt intimidated. Don’t believe the ordinance is ready to move forward.

- x. Mr. Andress agrees that shooters tend to go where they know there are no guns.
- y. Mr. Albert asked what the liability would be to the Town if this ordinance passes and someone comes in shooting.
- z. Mayor Hatton said the Town will lose more without having the ordinance in place.
- aa. TA Townsend said because we are a municipality, we are immune to some things that citizens aren’t. The commissioners are not liable for their exercise of their legislative authority. It would be a hard case to make, understand the residents point, but don’t think the Town should be motivated by fear in enacting an ordinance, they should enact the ordinance if they feel it is the appropriate thing to do given the circumstances they are presented.
- bb. Mr. Albert asked if any of the Towns in Delaware who have enacted the ordinance have been challenged.
- cc. The answer was no and CW Cook stated this is all just starting.
- dd. Mr. Ruof added that if he goes in somewhere that denies him the right to carry and something happens to him, his living heirs have instructions to sue the heck out of the place. If a private entity takes the right away from an individual to protect himself, then liability falls on that private entity if something happens.
- ee. Mayor Hatton asked for a vote which is as follows: Ayes – CM Ness and CW Gorman, Nays – CM Sutton and CW Cook. The Mayor only votes to break a tie. Mayor Hatton voted Aye to break the tie. Motion carried. Ordinance No. 15-07 – Prohibiting possession of firearms in municipal buildings was passed with unanimous vote.

## VI. Reports

- a. State Police: Lt. Anthony Hudak/Cpl1 Heather Imhof
  - CM Ness introduced Lt. Anthony Hudak, the new liaison for Townsend and the State Police.
  - Lt. Hudak said he is still getting his feet wet getting to know the community. He has been with Troop 3 for a week.
  - There is a rash of burglaries in the area, outside of Town limits, one person has been arrested and several others are being investigated.
  - Mr. Andress asked Cpl 1 Imhof if there is any news about the murder on Marilyn Court. The residents are concerned that no one has been arrested for this.
  - Lt. Hudak said he will follow up with this.
  - Mr. Haines said speeding on Commerce Street is still really bad.
  - CW Cook agreed speeding is a problem throughout Town, especially later at night.
  - CM Ness said he will work with Lt. Hudak on the problem areas.
  - Mr. Andress asked about the problems at Rt. 71 and Main Street with vehicles going around cars trying to turn left and causing accidents or near accidents.
  - Mayor Hatton stated DelDot is working on this issue now; they are going to put tubular markings up. This is the first step in trying to resolve the problem.
- b. Representative Jeff Spiegelman – not here
- c. Townsend Fire Department: Keith Shoemaker – not here
  - Mayor Hatton said the Ladies Auxiliary is having their craft fair here on 11/21/15, 8:30 am – 2:00 pm.
- d. Town Attorney Fred Townsend III: nothing to report
- e. Town Engineer Owen Hyne:
  - TVI – preparing for base repairs in preparation of putting final coat on road.
  - Mayor Hatton asked for the street names being paved.
  - TE Hyne said Edgar Road, Tracy Circle, Jamie Lane, Marilyn Court - all areas that are built out will get the top coat on the roads.
  - Mr. Andress stated there are 2 sections on Edgar Road that have no sidewalk. Both areas are overgrown weeds, etc. Is there any way to connect the sidewalks and cut the weeds back so residents don’t have to walk in the road?
  - TE Hyne said he will look into this.

- In TVII East – contractor beginning construction on Phase 4D, the South Street connection road and getting toward the end of another phase of new homes.
  - Mr. Clark asked if South Street will be a construction entrance.
  - Mayor Hatton said yes, it will be and South Street will be completed (built out) before Ginn Street and paved to connect the development to Town. Also, Chesapeake will be able to come through to Old Town with natural gas sooner rather than later.
  - CW Gorman asked about the markings on the roads in TVII West and TE Hyne said it is the same as TVI, they are marking the repairs in prep for top coating the roads.
  - Mr. Clark asked if there is any word about development in front of TVII East.
  - Mayor Hatton stated Pettinaro owns the property, no word on development yet.
  - Mr. Andress explained he had trouble with birds nesting in his bath vents and it cost him \$500.00 to fix. The builder said they don't care about the codes yet my neighbor had the same trouble and Handler fixed the problem by adding screen vents. They refuse to fix mine, told me it is the Town's fault for approving it. It shouldn't be my financial responsibility.
  - TE Hyne said Dave is the code professional and very knowledgeable.
  - CM Sutton added there is no code that requires a screen cover over the vents.
- f. Town Manager Dawson Green:
- Have been talking with the grainary. They are discussing putting a fence up. TE Green explained that trucks are coming in the wee hours to get in line for grain and they leave the trucks running and are waking up the nearby residents. The fence will keep the trucks off the property until it is opened at 7:00 am.
  - The grainary is also in the process of having a tree removed. The contractor has to get licensed, the tree is leaning over the fence line on the Albert's property.
  - Mr. Albert said the grainary falls under Ag, he is proud of that, but when it is closed vehicles should not be permitted on the grounds. There is a school bus that parks in there also. He thanked TM Green for working on these issues.
  - TM Green added that once the tree has been removed the grainary will be putting curb stops in to stop vehicles from backing into the fence.

## VII. Committee Reports

- a. Finance: Chair – Jermaine Hatton
- The auditors will be on site Monday to start the 2015 audit.
- b. Public Works: Chair – CM Rudy Sutton
- Change order #8
    - I. 141 Main Street progress – About 90% of the drywall work is done, the new windows are in, and exterior trim is done, fire escape egress in progress. The soffit work is 90% complete; much of it had to be replaced due to rot. Change order #8 is for replacing the soffit and fascia with PVC material (non-rot) and painting the dormers, scraping the gingerbread siding and moldings. We wanted to restore these for the integrity of the building. The change order comes to a total of \$16,212.00. We had to replace just over 700 lineal feet of the damaged soffit and fascia.
    - II. CM Sutton motioned, CM Ness seconded with unanimous vote to approve change order #8 for \$16,212.00.
    - III. CM Sutton said we have a new 200 amp electrical service at 141 Main Street. We have maxed out the panel with the new server, electronic door locks, signs, etc. The electrician is looking at the cost for an additional 100 amp panel and Council will have to consider this once we have the numbers.
    - IV. CW Gorman asked if the new box would be able to accommodate a sprinkler system also.
    - V. CM Sutton said he will talk to the contractor to find out. He also asked Council to decide on the wall paint color and the laminate for the countertops.
- c. Land Use & Development: Chair – Jermaine Hatton
- Went to the PLUS meeting last Wednesday for 2 parcels on Cannery Lane to change from commercial to industrial and 2 parcels on Rt. 71 south of the car dealer. Waiting for comments from all the departments that were there to see if it is approved or not.

- The Town is in the process of acquiring 4 acres off Finley Street. The Town and school have signed off on the deed, waiting for it to come back from the recorder of deeds.
- d. Community Relations: Chairs – CW Cindy Cook
- CW Gorman said she and CW Cook have been talking and the last several years we put a Holiday greeting in the newspaper. They both feel it would be better to invest in a newsletter this year with what happened in 2015 and what is coming up in 2016, not the typical newsletter we have sent in the past. It will be a wealth of information for our residents and nice way to end the year and start the New Year.
  - CW Cook added it would have a quick overview of the year past and what’s coming. We could use the funds that we would pay for the greeting in the newspaper.
  - Mayor Hatton asked if Council could think about this and get back to CW Gorman and CW Cook.
- e. Public Safety: Chair – CM John Ness
- Met with Lt. Hudak and gave him a quick overview of the Town. I will meet with him again later.
  - Asked residents to go online and sign up for CodeRed.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
- Christmas Caroling/Tree Lighting in the Park – Sunday, December 13, 2015
    - I. Immanuel Methodist Church will be joining us for caroling again this year and there will be refreshments again this year. We are combining it with the tree lighting ceremony. Trying to make it bigger than last year.
    - II. CW Gorman stated Council needs to decide this week about sending the year end letter to our residents. Need time to prepare it.
  - Mayor’s Monarch Pledge through National Wildlife Federation (NWF)
    - I. Mayor Hatton took the Mayor’s Monarch Pledge. Townsend and Newark are the only Towns in Delaware signed up to date. There are 27 Towns nationwide signed up.

**VIII.** Citizens Comments & Participation - none

**IX.** Adjournment: 8:52 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.

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