



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

### 7:00 pm - Meeting

#### I. Call to Order: 7:00 pm

#### II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TC Cathy Beaver
- b. Recognition of Visitors: Mr. & Mrs. Auguston, Mr. & Mrs. Albert, Dwain Haines
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
  - Town Hall closed Thursday 11/26 and 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 motioned, CW Gorman seconded with unanimous vote to accept as written.

#### IV. Council Minutes

- a. Approval of October 21, 2015 Mid-month minutes
  - CM Ness motioned, CW Gorman seconded with unanimous vote to approve as written.
- b. Approval of November 4, 2015 Council minutes
  - CM Ness motioned, CW Gorman seconded with unanimous vote to approve as written.

#### V. Mayor's Report

- a. Discussion/possible approval of Council stipend
  - Sent a spreadsheet to Council the Town of Harrington had done showing what Towns pay their Mayor and Council members and the amounts they are paid. Would like to have a discussion with Council on how they feel about being paid a small stipend.
  - CW Gorman stated she personally signed on as a volunteer and doesn't think a stipend will affect the way she does things and won't make any difference on how much time she puts in. She is content leaving it that way, no stipend. There was a discussion that if there were a stipend more people would be encouraged to run for Council. CW Gorman added her personal opinion is the stipend won't be significant enough to encourage more people to run.
  - CW Cook said she is 50/50, not sure. She said she sees the value in it but also agrees with what CW Gorman said. She said she is on the fence either way.
  - CM Ness said he has been on Council the longest. Coming into it, it is a volunteer position but thinks most people assume there is some small stipend or salary for us, but there isn't. He said he thinks a small amount of stipend would be good, whatever it is, and it is symbolic. Think it would be a good thing to do, symbolically, Council is beholden to the residents of the Town. Going forward as the Town grows this could be viewed as a full time position.
  - CW Cook stated she believes it also would add to the accountability in a way. She said she volunteers in a lot areas in our community and doesn't receive compensation from any of them, not looking for any compensation, but know when I speak with people and say I'm just a volunteer, it removes some of the accountability in some aspects. If someone is receiving compensation, there is a sense or responsibility that goes along with that. Otherwise you could say, I'm just a volunteer. What are they going to do – fire me?
  - CW Gorman stated it is an elected position and a member can be removed from office.
  - CW Cook said it is true, but with all of us sitting here, none of us have been voted in because there hasn't been an election in two years.
  - CM Ness said he hopes a stipend would get more people interested in coming to Council meetings even though it is only a symbolic amount, but it does underline the fact and hopefully people will understand the time and effort we put in as a volunteer and that it is taken seriously whether it is volunteer or a paid position.
  - CW Cook said that with this element those designed to take part in the leadership of the Town, might entice more residents to run.

- CM Ness stated it is a very small symbolic amount, \$25.00-\$75.00 per meeting, and really don't think it will make or break anyone. It will mean more paperwork for me. The company I work for, this goes all the way up the chain to the person right under the CEO and have to sign off on everything.

- CW Cook asked Mayor if she read the spreadsheet correctly, it appears about 90% of the Towns pay their Council and Mayor a salary/stipend.

- Mayor Hatton said that is correct, Townsend is in the minority with this. Will also add that our charter was just changed and prior to that happening in the spring, our charter did not allow for a stipend for Council.

- CW Gorman said the option was added to the charter.

- Mayor Hatton said yes.

- CW Cook said if we as a Council decides this would be a good idea, will we then take it to the public for their input or will it be strictly a Council decision?

- Mayor Hatton said it would be a Council decision.

- TA Townsend added it would not require a public hearing. It is discussed and will be decided on by Council in a public meeting.

- Mayor Hatton said he understands CW Gorman's point but also believe that where we are now as a Town, he believes we have all far exceeded true volunteerism. I personally put many hours in Town stuff every day. I am on board with either way Council decides to go, but believe that based on where we are and the hours we all put in that a small stipend is warranted. We will have to make a decision as a group.

- None of Council had anything else to say and Mayor Hatton asked all of them to continue thinking about this and we will put it on the agenda again next month for further discussion.

- Mr. Auguston said he doesn't doubt the hours Council puts in, he worked for the Town 30 years ago and it was a lot of fun, but if you go with the stipend, will there be controls established so people can't keep giving themselves raises, and is it within the budget to do this?

- Mayor Hatton said yes, like any pay increase, it would have to be agreed on by Council. We also should put it in an ordinance and it would have to always go to public hearing to be approved for any changes. The budget is very controlled now and we are very fiscally responsible. We are going to bring in more revenue than we budgeted for this year, which is a good thing. We are ahead of pace for tax revenue, property transfers and new home construction

- Mr. Haines said that revenue will end once the new homes are built out.

- Mayor Hatton said that is absolutely correct and that is why they are constantly looking at new ways to bring in revenue. Hopefully on an upcoming agenda you will hear our ideas on opportunities to drive up the revenue.

b. Streetscape

- Coming out of the public hearing, the plans are now ready for submission to DelDot for final approval. The only thing holding up the approval was the Town's 20% for the project. This is a million dollar project with the new sidewalks, mill and overlay of the new street. Looks like the mill and overlay will come out of the streetscape project and go into DelDot's budget to do mill and overlay the entire length of Main Street. This brings down the project cost and the good thing is Senator Ennis and Representative Spiegelman has promised \$100,000.00 toward the 20% commitment for the Town for the project. The Town will have to commit the other \$100,000.00 to complete the project. To get some of this money, we are working with "Safe Route to School" which is a program that will cut out the portion in front of the school. They offer up to \$135,000.00. Between all of these things, hopefully we can get the Town portion for the streetscape down to as minimally possible. Phase I was done with no cost to the Town and we are working hard to do that again. Still waiting to hear back from several other people.

c. Discussion on Finley Street property

- We received the deed in the office for the Finley Street property, completely signed. It has been sent to the Recorder of Deeds to be recorded. In an upcoming agenda, we will kick around some ideas for the property. We have had some good ideas presented for uses to generate income, like solar panels on part of the property. Waiting on more information. This could also possibly be a community solar center. Will be getting more documentation on this also. We could not discuss this previously because the deed was not in our name yet. In less than a year the Town has gone from owning nothing to owning the park, 141 Main Street and the property on Finley Street. We will also be having a meeting on 12/7/15 to insure the property.

## VI. Reports

a. Fred Townsend III, Town Attorney

- Have reviewed the deed for the Finley Street property, everything is in order.

- Talked to TM Green about Ordinance 15-07, we know where it will go in our code book now.
- Mayor Hatton asked for the status on the pending litigation for Streetscape Phase I.
- TA Townsend said we have worked it out with the state but don't know whether notice of default has been issued to the contractor yet and that is the first step. A considerable amount of research has been done on this.

- Mayor Hatton clarified for our visitors by explaining the Town has decided to file litigation against the contractor for deterioration of the sidewalks in Phase I of the Streetscape. We first had to be cleared from the State of Delaware to do this to ensure it would not cause problems with the mill and overlay of Main Street in that section. They cleared us several weeks ago and gave us clearance to pursue the litigation.

- Mr. Haines asked what this will cost the Town.
- Mayor Hatton said we can't put a number on it. We believe it would be cheaper than us trying to replace all the sidewalks. If we do nothing, we will be up in arms and the streets and sidewalks need to be done properly.

- Mr. Albert clarified the Town is going after the bond the contractor put up at the start of the project.

- Mayor Hatton said that is correct. The bonding agency threw their hands up and said they are out of it – no, that's not the way it works. We have a claim.

- Mrs. Auguston asked if the contractor was asked to come and look at the sidewalks first, before moving to this step.

- Mayor Hatton said yes, they say it isn't their fault, they said we put salt on the sidewalk. Hence, the lawsuit.

b. Owen Hyne, Town Engineer

- TVI – doing curb repairs, preparing to do paving work in Phase I and II. They will also do base repairs and repair some sidewalks and put in several missing sidewalks.

- TVII – doing a little bit of finish work along Esch Street preparing to pave. Phase 4D, the connector between South Street and Old Town has been cleared and they are doing some erosion and sediment control. The western portion of the development, first step is to replenish escrow account. Once that is done we will see what has to be repaired before final paving. They would like to get it done before winter.

- Mayor Hatton stated that even if the roads are done, the Town won't take them over until closer to fiscal year when the MSA funds will be replenished. When they are turned over to the Town, we not only get the roads, we get the street lights.

- 141 Main Street – excavation has started. Parking lot and driveway has been laid out, and we received approval from DelDot for the entrance. We now have to give DelDot additional right of way in front of the property. Inside the building, windows are in and they are painting. Things are moving along rapidly.

c. Dawson Green, Town Manager

- Mayor Hatton said TM Green is on vacation and read his report for him.

- Mountaire has installed steel posts and chain across the property entrance to the grainary to stop people from coming on the property during closed hours.

- Town of Middletown hung up our Christmas decorations today.

- Spoke with Mark Saperstein, discussed additional repairs in TVII West but first he has to replenish his escrow funds.

- TVII West – only 7 lots left to be sold and build on. That side of development is almost done.

- A builder is trying to acquire the empty lots to build on Wiggins Mill Road also. Wiggins Mill is completely separate from TVII West.

- TM Green talked to the insurance company today about insurance on the Finley Street property.

- Mayor Hatton added new home construction is flying in Townsend; we are one of the fastest growing Towns in the state right now.

## **VII. Committee Reports**

a. Finance: Chair – Mayor Jermaine Hatton

- We are getting everything ready for the FY2015 audit. Debbie Horn, our auditor was here this week working with Melissa to clean up the mess left from our last finance officer. Hope to start the actual audit by

December. No money has been lost, old finance didn't know how to do her job, it is being fixed now and money put where it should be.

- I worked in the Town Hall on Monday. Cathy was on vacation, TM Green was off until noon and Melissa was here alone and working with Debbie fixing the finances. The phones never stopped ringing so I answered phones and helped the many residents that came and went. It was very busy. We truly need another body in the office. I know we originally hired Melissa as a part time administrative assistant to give us the extra body, but when we made the decision to remove our financial officer, we are now back in the same position as last year. It is extremely busy in the office and at any time someone can be off. We need another body on staff. I am asking Council to consider hiring a part time person once we get moved to the new Town Hall. We can discuss this in a future meeting.

b. Public Works: Chair - CM Rudy Sutton

- Mayor Hatton said CM Sutton couldn't attend the meeting tonight but sent him a report.
- Update on 141 Main Street – New Town Hall – TE Hyne gave an update during his report.
- Review/possibly approve change orders #9 and 10 – These are not ready to be reviewed yet.
- CM Ness said he talked to TM Green several weeks ago about some pot holes where Main Street turns into Caldwell Corner Road. DelDot has filled them.

- Mr. Auguston said there are 4 high, rough ridges on Commerce Street that need leveled out. Big trucks coming down the street fly over them and rattle our houses. It has started cracking the drywall in our 100+ year old house again.

- Mayor Hatton said he will have TM Green check on this.
- TE Hyne said at 141 Main Street the old utility pole is still in the same spot. Delmarva put the new pole up and moved their wires but can't take the old pole down until Verizon moves their wires. It is the same situation in front of Dollar General.

- Mayor Hatton stated we have a call into DelDot to sweep the streets once a few more leaves fall.

- Mr. Auguston said Lattomus Street is deteriorating. It is primarily where Artesian replaced their pipes years ago.

- TE Hyne pointed out that when a utility comes in and does work that involves the Town streets, many Towns have ordinances requiring the utility to replace any road they tear up rather than just patch it.

- Mayor Hatton added that Chesapeake Utilities will be here sooner than later. They will be running gas lines from the connection of South Street in TVII East up South Street and Ginn Street in Old Town. They were here Monday morning to see the routes they can run it.

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

- Finley Street is officially the Town's.
- Still waiting to hear back from the PLUS committee on Cannery Lane.
- A lot of interest from people who want to come into Town. Some parcels behind the car lot on Pine Tree Corner Road are for sale. A potential buyer asked if he could annex into Townsend. There has also been interest in the car dealership. It will be hard for anything to go there because of DelDot's requirements. They are going to take a large chunk of the usable land toward the front of the property. As the land sits now, it is grandfathered in, but as soon as any type of development comes in, DelDot plays a heavy hand. The parcel is also wet toward the back and a huge chunk of the property runs behind the houses on Summit Bridge Road. DelDot wants to put a true turn lane in that intersection.

- Mrs. Auguston asked what happened to trying to make the intersection at Rt. 71 and Main safer.

- Mayor Hatton said they are still doing studies and again, they really want someone to buy the corner so they can take the land for a turn lane. Actually met with Jennifer Cohen, the Secretary of DelDot last night at the DLLG dinner. We will have a meeting after the first of the year with her so see what can be done here. Also, anyone is welcome to call Tom Myer, the traffic studies manager from DelDot at 302-659-4090. He welcomes calls from residents and said the more the merrier; however, he is retiring in December. Our intersection isn't the only bad one, the corner of Rt. 71 and Green Giant Road is also a very dangerous intersection now because of Amazon traffic. We need a stop light there.

- Received a call about the old funeral home on Main Street. Potential buyer wanted to know if zoning could be changed from commercial to residential. They want to live there, not have a business. Again, many people interested in coming to Townsend, believe the spring and summer could be very fruitful for Townsend.

- Mr. Albert said there has been a big difference with the grainary since TM Green became involved and wanted to thank him.

- Mayor Hatton said he will pass that along to him. He added that TM Green is known in and around Town with taking care of issues.

d. Public Safety: Chair – CM John Ness

- Nothing to report.

- Mr. Haines said when he goes outside he counts the buzzards. There were 113 at the grainary. He asked if there is a health issue involved here.

- Mrs. Auguston said they are everywhere, ruining our roof and porch and back yard, roost on the water tower also.

- Mr. Auguston added they are federally protected.

- Mayor Hatton said they will call DNREC in the morning to see what can be done.

- CM Ness said he will check to see if they are a health issue.

e. Community Relations: Chair – CW Cindy Cook

- Would like to talk to Council about having an open house/ribbon cutting for the new Town Hall. Do we have a date to move in yet?

- Mayor Hatton suggested waiting until the spring to have this event so we know the parking lot and landscaping is done.

- CW Gorman agreed with this, it should all be completely finished first.

- Mayor Hatton said the sidewalks won't be put in until the spring, don't want winter salt from DelDot overspray on them, want them to cure for a good year before we get salt on them.

- All agreed to wait until spring once all work is complete.

- CW Cook stated we are at 996 likes on facebook.

- CW Gorman explained we are trying to 1000 likes and the 1000<sup>th</sup> person will get a free Town t-shirt.

- CW Gorman said at the last meeting Council discussed sending a holiday letter to residents. She put some thoughts together (she passed a copy to Council). If Council agrees with this, it can go in a regular envelope and we can include the Christmas Caroling flyer with it.

- CW Cook said this is a great idea but too newsy, needs bullets to shorten so people will actually read it.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Sunday, December 13<sup>th</sup> - Tree lighting/Christmas Caroling in the Park

- This will be held in the gazebo.

- The Immanuel Methodist Church is bringing their choir this year.

- We will light the tree for the first time ever and the gazebo also has lights and garland around

it.

- Refreshments will be served.

- The event starts at 4:30 pm.

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

a. Mr. Auguston said they came to say Mountaire has made great strides in cleaning up the dust and thanked them for the hard work to make the Town a better place to live and thanked Council for helping with this issue.

b. Mayor Hatton thanked the Auguston's for coming and saying this, seldom get thank you's, only complaints and truly believe Mountaire really tries to be a good neighbor.

**IX. Adjournment:** 8:21 pm, CW Gorman motioned, CM Ness seconded with unanimous vote to adjourn.

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