

**Mid-Month Council Meeting Minutes  
January 20, 2016**



**7:00 pm - Meeting**

**I. Call to Order: 7:06 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, TI Dave Naples, TM Dawson Green, TC Cathy Beaver
- b. Recognition of Visitors: Dwain Haines (8:00 pm)
- c. Pledge of Allegiance: Pledge was said
- d. Announcements:
  - Town Hall closed for President's Day on Monday, February 15, 2016

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

- a. Mayor Hatton added the introduction of Resolution No. 15-01, adoption of the NCC multi-jurisdictional all hazard mitigation plan.
- b. CM Ness motioned, CM Sutton seconded with unanimous vote to approve the agenda with the above addition.

**IV. Council Minutes**

- a. Approval of December 16, 2015 Mid-month minutes
  - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
- b. Approval of January 6, 2016 Council minutes
  - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.

**V. Mayor's Report**

- a. Introduction of Ordinance No. 16-01 – Voter Registration for Town Elections
  - Mayor Hatton explained this ordinance will put us in compliance with the charter to permit us to use the NCC Voter Registration list rather than our residents having to register to vote in Town elections at the Town Hall.
  - Mayor Hatton asked that we have a public hearing at 6:45 pm on February 3, 2016 for the final reading of this ordinance and that Council consider voting on it in the Council meeting that follows.
- b. Introduction of Resolution No. 15-01 – Adoption of the NCC Multi-Jurisdictional All Hazard Mitigation Plan.
  - TM Green explained this is required by the County for all Towns, Cities and Municipalities to adopt this plan. I missed the email
  - Mayor Hatton asked that we have a public hearing at 6:45 pm on February 3, 2016 for the final reading of this resolution and that Council consider voting on it in the Council meeting that follows.
  - Mayor Hatton asked TM Green to call to see if there is anything the Town should be doing with the Hazard Mitigation Plan or if it needs updated.
  - Mayor Hatton stated a local realtor called him earlier today with some questions about our comp plan. She has a business interested in moving to Townsend. She asked if the Town has a master strategic plan since we have nowhere to grow. Feels Council needs to have a plan and we need to start thinking about this. There is the potential for some growth north of Town that could affect us.
  - CW Gorman asked how we can talk intelligently about it when we don't know where our future sewer plans/abilities are.
  - Mayor Hatton said he found out that the contract with NCC Sewer is null and void once we maximize the contract. At that point we can pursue sewer from anywhere.
  - After more discussion about the planning commission and the need for a master strategic plan, TM Green stated there are many things in our comp plan that have never been implemented. He added he has to do

an update form yearly to let the state know where we stand with all the recommendations in the comp plan and the 5 year update is due. TM Green is going to send the comp plan to all of Council to read.

## **VI. Reports**

### a. Fred Townsend III, Town Attorney

- Talked to TM Green about the planning commission. Currently proposed bylaws were presented to Council months ago. Council doesn't have to comment on them but the next step is for Council to appoint members to the planning commission. Bylaws should not be restricting, should permit members to do the work they need to do rather than restrict them.

- TM Green added the problem is when the commission will be meeting and how often.
- CW Gorman said one of the biggest issues is they have to attend training and how many can attend and is there a make-up session.

- TM Green said Planning 101 is already taking place and that is the first class they have to attend.

- Mayor Hatton said we are appointing 5 members. We should contact IPA and see if they can come here and give the class for maybe 10 people, the planning commission members and Council. It is a good class to take, a lot of information in it. Mayor Hatton asked TM Green to call Linda to see if this is possible.

- TA Townsend stated he doesn't believe Grassbusters have been served yet, but should be any day. They then have 20 days to answer or ask for an extension. Believe within the next 60 days it should be moving along.

- Mayor said that will be 80-90 days including their reply and asked for the progression from there.

- TA Townsend stated the next step will be mitigation which will give a more prompt than litigation. We will have to pay for a litigator and split the cost with Grassbusters.

### b. David Naples, Town Inspector

- Mayor Hatton introduced Dave Naples, the Town Inspector. He will be attending the Town meetings going forward in place of the Town Engineer Owen Hyne.

- TI Naples said he isn't sure how much detail TE Hyne gives so he will walk us through the work being done throughout Town.

- TVI – continuing new home construction in back of the development. There are 12 lots NCC released for the pump station and 3-4 homes are in various stages of construction.

- TVII - busier than TVI. Phase 3B has 13 lots, sold 70% of the lots before the roadway was put in. This is the Ginn Street connection to Old Town. It is sold out now, 10-12 homes are in various stages of construction. Handler has a total of 19 homes currently under construction in the 2 developments. Very impressive. Handler has approximately 60 lots to build in TVII and 90-100 left to build in TVI.

- TVII – Phase 4b, South Street extension is getting the roadway roughed in, sewer lines were started today and the sediment pond is roughed in.

- Mayor Hatton asked if based on where we are in the season, is it too cold to put curbs and stuff in.

- TI Naples said it isn't advisable. It isn't too cold to pour concrete as long as it is treated correctly to make sure it doesn't cure too quickly. Concrete was poured at 141 Main Street today. It is an additional foundation support for the handicap ramp. They put some additives in it to keep it from freezing and covered it with 2 thermal blankets. Don't believe they will be ready for curbing in TVII until March.

- Town Hall – 141 Main Street – it is moving forward, finalized the preliminary punch list this morning, it is 5 pages long. Sent it to TE Hyne's today, once he approves it I can give it to Council.

- Debatable how things will go. Some days the contractors are there, sometimes they aren't. Affordable Contractors weren't there at all on Monday. They installed 3 doors yesterday and 2 were wrong. Have had trouble with them reading the plans. Passed all of this onto TE Hyne; expect they will be changed out. It is the 2 front doors that are wrong. It is very clear on the plans what the doors are supposed to be, that has never been changed. They are supposed to be solid wood fir door that is like what was there before. They installed a standard therma-tru door like you would put between your garage and house.

- Contractor showed up today at 12:30 pm and got to work about 1:30 pm. The only thing I saw them working on was the cap over the bilko door. The story I've been told is the workers have been doing a lot of work on Chris's project up in New Castle. It is a higher priority for him over the Town Hall which is dis-heartening. In my estimation, as often as I've been there in the last 2 weeks, we take a couple steps forward and a step and half back. Seems everything gets done and then has to be re-done.

- Site work – haven't seen Suppi on site in 2 weeks. He has been there to pick up equipment and take stone away but has done no work.
- CW Gorman asked if the bathroom fixtures are in.
- TI Naples said the fixtures are in but they aren't complete. He still owes us mirrors, toilet paper dispensers, a cabinet in the 2<sup>nd</sup> floor bathroom. The water closets the plumber put in are a brand I've never heard of. They were specified to be American Standard and they aren't. The sinks are American Standard.
- CM Sutton asked what our leverage would be for this.
- TI Naples said the strongest hammer we have now is to not pay him anymore. He is at 75% done on the fire stairs, 100% done on a few things. Most of the work is sitting at 80-95% done and paid out. Don't think it would be to the Town's advantage to give him any more money until you get some action from him.
- After a long discussion, Mayor Hatton asked if they should have a meeting with the contractors.
- TI Naples said he would highly recommend it. It is to the point of how hard do I push to get things corrected versus taking a credit, or delaying the Town getting into the building. Every time he has to do something a second or third time we are pushing out occupancy.
- All of Council stated they want what they paid for, not what he decided to put in.
- TI Naples stated the exit stairs in the back had to be framed 3 times to get them correct and I told him not to ask for any extra money for it. It is still an open item; TE Hyne is still wrestling with it. The stairs were supposed to have the trex decking as opposed to the 5/4 wood that was used. It is on the punch list, not sure what will happen, may have to be torn out and re-done again.
- TI Naples made it clear that every time he has been there he points out something that needs fixed or done per plan, they are not reading the plans. The plans for the fire stairs are only one page and everything is on there. Another problem is the framer often is only there on weekends.
- CM Sutton stated TE Hynes is researching a paint product that will last for approximately 10 years that could be used. If the plans call for trex we would get a credit back but what is a credit worth if it will require maintenance for the lifetime of the stairs.
- CW Gorman added and Council agreed that trex would be much more ascetically pleasing with no maintenance.
- After much more discussion, Mayor Hatton asked TI Naples to verify if the plans state trex is supposed to be used rather than wood before we move forward with this.
- CM Sutton stated Chris, the contractor had his people draw the plans for the steps but they weren't sealed. If the sealed plans don't state trex we won't have a leg to stand on.
- TI Naples stated that is correct and after several months, Tom Beach sealed the plans. He added that he will check the sealed plans in the morning to see if they state trex with vinyl siding and let Council know. He knows that trex and vinyl siding were discussed however that could have been in an email or a change order and he often isn't aware of change orders until after they are done and often isn't copied on emails.
- TM Green asked Council if it will be acceptable if the plans show the steps can be built out of pressure treated wood from a legal standpoint, and if it does show they have to be built out of trex, the Town still can't get a CO until the fire escape is finished because the fire marshal has to approve it.
- TI Naples said that is correct, the fire marshal has to approve the fire exit and life safety. Until he approves this, we can't issue a CO. He added that there is more to it than what the plan shows has to be built. The code talks about construction documents and any correspondence that concerns the plan are part of the construction documents.
- TA Townsend asked if the contractor is primarily commercial or residential.
- TI Naples said he gets the sense that he is predominately residential.
- TA Townsend said they would be susceptible to guarding their reputation and suggested Council require Chris attend a meeting and answer residents questions about all of the issues once he found out they are primarily a residential contractor rather than a commercial contractor. He is dealing with the Town's house!
- CM Sutton stated both contractors should have to attend and Council agreed.
- CM Ness asked if we have a percentage of what has been paid for the job to date.
- TI Naples said he doesn't know the final number but it is on the last pay order. The bulk of the money has already been paid. The Town has a retainage. There was a drop dead date after which the contractor would go into damages. I know that date was changed at least once but we have to be near it. If we go into daily damages, it is an

attention getter. I sense this job is a very low priority for both contractors. They have the labor, they are sending elsewhere.

- Mayor Hatton asked TI Naples what has to be done to get a CO.
- TI Naples stated the ramp has to be done; means of egress has to be done. The base parking lot has to be compacted, have to have an accessible route to parking and to one of the streets. He hasn't even compacted the base parking lot. Bowman, the concrete company has been diligent and there every day. They are doing the concrete work but Suppi is doing the parking lot.

- CM Ness stated he is concerned overall with the status, whether it is toilets or this and that, seems we are finding things wrong every way we turn. There are different contractors and how much money are we saving if we can't keep track of the people putting stuff in and after 3 weeks we notice it is not right. We have someone overseeing the job; we need to be made aware of the issues.

- Mayor Hatton stated Dave has notified us with every issue he comes across and they are being fixed.

c. Dawson Green, Town Manager

- All of electrical covers in the pavilion and gazebo have been broken off again and all have to be replaced. Someone also stacked up all the tables in the pavilion and used them as skate ramps.

- There was a long discussion about what Council can do about the vandalism in the park.

- TM Green said there are 2 new homes net to the ball field at the park and the Town reserves the baseball field on a first come basis. He asked Council if the Town or the ball Coach would be responsible if a foul ball is hit and breaks a window or something in one of the houses or a vehicle.

- CW Gorman stated the Coaches have to sign an indemnity form and supply proof of insurance, they would be responsible.

- TA Townsend stated the indemnity form is good and the Town doesn't need any other documentation.

- After more discussion, Mayor Hatton asked TM Green to call Celeste to see if the Town would be responsible.

- TM Green said the Town will be receiving a preliminary plan and a variance request for relief from setback laws from Smith's Liquors.

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- CM Ness asked if we have been pro-active in cleaning the drains and ensuring the foam cutouts are removed so all can drain properly with the rain and snow season on us.

- TM Green stated he has talked to both building supervisors and asked them to ensure this is done.

- Working with Dollar General to ensure they clean the trash up.

- CW Gorman stated she has no problem with employees having uniforms but isn't happy about knowing nothing about it prior to it being done. This is a 5 member Council and we all need to know what is going on to be fiscally responsible to the residents. Better communication is a real necessity.

- CM Sutton agreed Council needs to be aware of any long term expense before it is enacted but added he feels the uniforms are a good idea.

- After a long discussion it was decided TM Green would send a monthly email to all of Council with what is going on in Town.

## **VII. Committee Reports**

a. Finance: Chair – Mayor Jermaine Hatton

- Debbie was here last week and will be back on the 28<sup>th</sup> to hopefully finish all the pre-work. She can then move on to the actual audit. Found more set up issues that have been fixed through Edmonds.

- Two weeks ago the Town presented the Townsend Fire Company with a check for \$35,000.00 from the fire house impact fees collected with each new home permit.

b. Public Works: Chair - CM Rudy Sutton

- Discussion/vote on amending RVB's Engineering & Construction Management Services Contract for 141 Main Street

a) RVB is requesting additional fees as there is no money left in the account for 141 Main Street. Extra fees were caused because of change orders, additional inspections and issues causing more management on the job.

b) CM Sutton asked TI Naples if this fee is a prediction to take us to the end of the job or will it only take us to date.

c) TI Naples said that per his discussions with TE Hyne, this figure should take us to the end of the project.

d) Mayor Hatton said he believes the original RVB bid was around \$58,000, which Council did not approve. It seems with this additional money it will take us back to the original proposal. I have looked to see how \$43,000 was spent and have questions about this. A lot of the money went to outside engineers, wasn't additional Dave inspection money.

e) TM Green said that is correct. All the other people being paid took away from inspection fees.

f) Mayor Hatton said he wants this money specified where it will go, should be to Dave for inspections, and not more engineer fees.

g) After a long discussion, CM Sutton motioned, CW Cook seconded to accept the change of scope #1 from RVB for only \$16,295.00 which is to be used for inspection fees for Dave only. Vote: CM Ness – nay, CM Sutton, CW Gorman and CW Cook – aye. Motion carried.

- Discussion/Possible Vote on Change order #10 – 141 Main Street

a) CM Sutton stated this change order is for \$13, 155.00. He added he won't motion to approve this change order because he has questions about it. It will be discussed again in a future meeting.

b) CM Sutton asked Council if they would approve paying A Creative Edge \$50.00 to do a mock Town sign for 141 Main Street so Council can see if it is the type of sign we wish to put up.

c) After a short discussion, CM Sutton motioned, CM Ness seconded with a unanimous vote to approve paying A Creative Edge \$50.00 to do a mock sign for the new Town Hall.

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

- Mayor Hatton said there will be a public hearing on February 3, 2016 at 6:45 pm for the final reading of Ordinance No. 16-01 and Resolution No. 15-01. There will be an additional public hearing at 7:00 pm to discuss zoning on Cannery Lane.

- An investor has bought the car lot on Route 7. There are 9 parcels that front Route 71 and the back of the lots about the car lot. I was asked if Townsend would consider annexing those parcels into Town. They aren't within our comp plan but we can try to get them added as future annexation. They are also interested in the two lots behind them on Pine Tree Corner Road which are very wet. They hope to square up the lot.

d. Public Safety: Chair – CM John Ness

- Attended a meeting last week with clergy, residents and police who are trying to come up with an action plan to stop local problems.

- Mayor Hatton asked if there are any updates on the stuff going on in Town and CM Ness said no.

- CW Cook asked about the 2 homeless men sleeping in the post office and CM Ness said he will talk to Lt. Hudak about it at the next Council meeting.

e. Community Relations: Chair – CW Cindy Cook

- Have tentively scheduled a ribbon cutting for the new Town Hall for the end of April.

- CM Ness asked if we should send an announcement out about the inclement weather.

- Mayor Hatton suggested issuing a snow emergency effective Friday night into Sunday but asked CM Ness to wait until he gets the go from him.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Copy machine – have been doing some research and found that if there is just a small bit of color on a copy, it is counted as a full page of color and increases the color copies we are charged for. We have set black and white copy as the default so the color count should go down.

- The fire department quarter auction is 2/5/16. The Town has never donated anything to be auctioned. CW Gorman received permission to make a basket with one of each of the Town t-shirts in it and donate it for the auction.

- Park Maintenance

a) Proposals for tree maintenance, weeding & mulch

a. TM Green is getting proposals for weeding and mulching and care of the trees in the park. The trees need to be maintained so we don't lose anymore.

b) Begin process to hire part-time seasonal worker

a. Rather than run an ad in the Transcript, would like to post the part time position on our website and facebook and get someone local to apply for the position. Would like to hire someone by April.

- Community Events

a) Easter Egg Hunt – Saturday, 3/19/16, raindate 3/20/16 at 2:00 pm

b) We will put a Monarch Butterfly garden in at the new Town Hall in May.

c) There are 3 movie nights scheduled this year, one in June, one in July, one in August.

d) The fair is September 24, 2016, parade at 10:00 am, fair 11:00 – 3:00 pm.

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

**IX. Adjournment:** 10:13 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.

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