



Townsend Council Meeting Agenda February 3, 2016

6:45 pm – Public Hearing

- I. Call to Order: 6:51 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. Visitors: 9 guests
Pledge of Allegiance: Pledge was said
- IV. Final Reading of Ordinance No. 16-01: Registration for Municipal Elections
 - a. CM Ness read Ordinance No. 16-01 by title: An act to amend the Code of Ordinances of the Town of Townsend concerning Town elections and then read the synopsis: This Act changes how and where Town residents are to register for Town Municipal Elections.
 - b. Mayor Hatton explained that this ordinance will bring us into compliance with the Town Charter. Residents will no longer have to register to vote in Town elections at the Town Hall, we will use the New Castle County voter registration list.
 - c. CM Ness motioned, CM Sutton seconded with unanimous vote to move Ordinance No. 16-01 to the Council meeting for a vote to possibly adopt the ordinance.
- V. Final Reading of Resolution No. 15-01: Adoption of NCC Multi-Jurisdictional All Hazard Mitigation Plan
 - a. CM Ness read Resolution No. 15-01 by title: Resolution adopting the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan. The synopsis is the same as the title.
 - b. Mayor Hatton explained that Townsend is a part of New Castle County. If something were to go wrong within the Town limits, NCC would come to our aid.
 - c. CM Ness motioned, CW Gorman seconded with unanimous vote to move Resolution No. 15-01 to the Council meeting to consider adoption.
- VI. Adjournment: 6:55 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.

7:00 pm – Public Hearing

- VII. Call to Order: 7:00 pm
- VIII. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TC Cathy Beaver
- IX. Visitors: 11 guests
- X. Pledge of Allegiance: Pledge was said.
- XI. Discussion on Zoning Changes on Cannery Lane
 - a. Mayor Hatton explained this hearing is to discuss the possible zoning change of 2 parcels on Cannery Lane. He asked residents who wished to speak to stand and state their name for the record.
 - b. James Reyes, 616 Taylor Street - I live directly behind these parcels and I work in the industrial trade. Afraid we will be opening a Pandora's Box. The owner bought the property knowing it was commercial with residents right behind it, now want to change it to industrial, a couple things can happen. It will improve his resale value and at that point anything can come in. How will you control that? There will be run-off, quality of life. I have a 2 story house, I don't care how high a berm you build, there will be no escaping it. I have 3 kids who play in yard. The man who bought the property has already started building there, what control do we have at this point?
 - c. Mayor Hatton said that a lot of the stuff going on at the property today is equipment being used at 141 Main Street and the owner was cited by our code official for putting stuff back there.

- d. Mr. Reyes stated he is still moving stuff in there.
- e. Mayor thanked him for the information and it will be followed up on tomorrow. As for the rest, if the zoning change is approved, we will have absolutely no control over who comes in.
- f. Mr. Reyes stated people just want to live a safe, quiet life, have a quality life for our kids. Don't want to be up all night long because an industrial plant comes in. I object to this zoning change.
- g. Mike Albert, 412 Main Street – Everyone knows I object to this zoning change. We already have industrial on Cannery Lane; this will create more traffic with heavy vehicles and no safeguards for residents. When we bought our home we knew how all the properties around us were zoned and still bought. Really don't want a smelting plant or whatever to go in there. The noise level now from just the trash trucks – don't need to set alarms, they get us up at 4:45 am every morning. Can think of a million other reasons but am very opposed to this.
- h. Regina Albert, 412 Main Street – Mrs. Albert showed everyone a zoning map she brought. She said she believed that this property was zoned commercial and was supposed to stay commercial to protect the residential properties. They are also supposed to have a buffer there between them and the residents. They aren't in compliance now and never have been. There is no control, we have no faith they want to be good neighbors. The buffer is very important, will affect the value of all our properties. We may be a small part of the population but we are important too and I don't want to hear that I may have to live with this as someone said to me 1 ½ months ago before any of this got started. Very much against this zoning change.
- i. Allen Harris, 613 Taylor Street – traffic is a huge concern to me, have children that live on this street, additional pollution, better now than before but had snow again today. There are waterways that go through here, concerned about the water. May already be lingering issues there. There is an aqua flow there too. Need clean and safe buffers. I'm opposed to this.
- j. Kevin Schroder, 500 Main Street – Don't really want to restate everything that has been said. It's about quiet enjoyment and quality of life, concerned about environmental issues. Right now there isn't any silt fence around the property; the place is a mud hole. Don't know what it will look like in the future, but the buffer is important. The truck traffic is going to be horrendous and will be compounded by trucks pulling heavy equipment and tearing up the infrastructure on Main Street. I'm opposed to this zoning change.
- k. Beth Deligatti, 500 Main Street – I addressed Council in September about this and am vehemently against this for all the reasons stated and many more. Have had people say I will get used to the noise, I shouldn't have too, already deal with more noise than most people. There are multiple children on Taylor Street who already have to dodge an awful lot of traffic (on a dead end street). We don't need to put them at greater risk by magnifying this. Don't understand why Waste Industries has their people turning on Taylor Street to Cherry Street to Cannery Lane. It is a cut through for them. This should be an area where children can play safely and traffic is light. This company may only stay a year and we don't know what will come in after them.
- l. Mayor Hatton asked how long Waste Industries has been using Taylor and Cherry Street.
- m. Ms. Delligatti said it has been going on since they moved in. It is the employees coming to and from work and the trash trucks use this route too. The trash trucks rev up so much at Taylor and Main that they created a crater by my house. While we are trying to put money together to finish a streetscape, I believe we should be looking at these matters instead. The more truck traffic we allow here will be additional street repairs for the Town.
- n. Matt DelPizzo, 304 Main Street – find it ironic that this company that obviously hasn't been a good neighbor at all is the same company the Town is using for the Town Hall project.
- o. Mayor Hatton stated they had the winning bid.
- p. Mr. DelPizzo said he is in construction and understands. This guy uses the cheapest equipment and people he can get. Living on Main Street, we have all the traffic and the increased construction traffic. Mayor Raughley allowed the trucks to travel different times of the day, and you continue it. As we grow and get the tax base, we know we have to deal with this. These are

things we will choose if the Council takes them on. It adds extra dust on our houses, beeswax...believe the Town is all about business, not the residents. The Town has enough to deal with as you try to grow and do the right thing for the residents. Streetscape and all the things you have done to beautify the Town...we have had wires ripped out of the house 3 times from tractor trailers, one knocked over Winnie's tree, many cars have been hit. These are all hazards that are unavoidable, this one is very avoidable. Am against this and if I lived closer I would be down there all the time. If Council chooses to do this, the residents are the ones who will pay.

- q. Mayor Hatton clarified that this public hearing is part of the process that has to be done with a request for a zoning change. This request for re-zoning came from the property owner, it isn't something that Council wanted to do; we are following protocol.
- r. Linda DelPizzo, 304 Main Street – I see everything that happens on Main Street and in Town, if you want to know, just ask me. Concerned about the additional noise and pollution through Town. Diesel has to run constantly, speed is a huge issue through Town. I count everything. 8 employees of the trash company have given me the finger when I motion for them to slow down because they all speed, the school buses speed, the construction trucks all speed and so do the people. Don't think a berm will help buffer any noise or pollution, am concerned that if this is made industrial, what will happen to our water. We aren't Flint, MI but there is concern years down the road what it will do to our well water. I am against this zoning change.
- s. Mrs. Albert asked if this re-zoning is being looked at because it is a matter of increasing the tax base for Townsend or some other type of financial gain. If so, I believe there are other ways of things to be done in Town to increase revenue if need be. Landlords and rental properties could be looked into.
- t. Mayor Hatton said no, this would not be a financial windfall, the property won't generate much. It is the same tax base for business and residents in Town.
- u. Mr. Schroder asked if it is required to post the property with a sign concerning the public hearing.
- v. Mayor Hatton said no, we post at the Town Hall, Post Office, our website and facebook. We also put a notice in the newspaper.
- w. Mr. Reyes stated he moved here from Wilmington to get away from all of this. If you drive down Cannery Lane you will see nothing but garbage, holes in the ground, etc. How bad will it get if this property gets zoned industrial?
- x. Mayor Hatton stated Cannery Lane used to be a lot worse than it is now. Still working on getting it cleaned up more.
- y. For the record, TA Townsend asked if anyone is at the meeting that submitted the application for the re-zoning and was told no.
- z. Mr. DelPizzo asked if in the future this company will be excluded from working in Town.
- aa. Mayor Hatton said legally we can't exclude anyone from bidding on a job; we just don't have to choose them.
- bb. Mr. DelPizzo clarified the Town doesn't have to take the lowest bidder, but we did this time. He recommended that Council in the future needs to use some discretion and go to a job site the contractor is working at, if you see a machine with the side burned up, don't use them. Due diligence.

XII. Adjournment: 7:31 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.

7:30 pm – Council Meeting

I. Call to Order: 7:32 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 David Naples, TM Dawson Green, TC Cathy Beaver
- b. Pledge of Allegiance: Pledge was said
- c. Recognition of Visitors: 13 guests

- d. Announcements:
 - Town Hall closed for President’s Day on Monday, February 15, 2016
- III. Additions/Deletions to Published Agenda:
 - a. Mayor Hatton deleted 6b, Rep Jeff won’t be here.
 - b. Mayor Hatton removed 5c under Mayors Report, discussion on Cannery Lane. This will be on the March Council meeting agenda.
 - c. CM Ness motioned, CM Sutton seconded with unanimous vote to approve the agenda with the above deletions.
- IV. Council Minutes
 - a. Approved December 16, 2015 Mid-Month minutes on back table
 - b. Approved January 6, 2016 Council minutes on back table
- V. Mayors Report
 - a. Discussion/possible vote to approve Ordinance No. 16-01: Registration for Municipal Elections
 - CM Ness read Ordinance No. 16-01 by title: An act to amend the Code of Ordinances of the Town of Townsend concerning Town Elections.
 - CM Ness also read the synopsis: This Act changes how and where Town residents are to register for Town Municipal Elections.
 - In the discussion CM Ness stated this will simplify registration for residents to vote in Town elections.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to adopt Ordinance No. 16-01.
 - b. Discussion/possible vote to approve Resolution No. 15-01: Adoption of NCC Multi-Jurisdictional All Hazard Mitigation Plan
 - CM Ness read the title and synopsis of Resolution No. 15-01 which are the same: Resolution adopting the New Castle County Multi-Jurisdictional All Hazard Mitigation Plan.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to adopt Resolution No. 15-01.
- VI. Reports
 - a. State Police: Lt. Anthony Hudak
 - Lt. Hudak stated he is from Troop 9. They have been doing a few new things in Townsend and the surrounding area. The last 8 weeks there have been 287 patrols in the Townsend area, have 3 areas that Troop 9 covers, Townsend, parts of Smyrna and Cheswald. This is part of the new deployment strategy.
 - In Townsend for the last 30 days there have been 12 criminal reports written, 3 of them were drug possession, 2 heroin and 1 prescription drugs.
 - The other complaints were criminal mischief with no arrest, theft from a yard with no suspects and 2 domestic situations.
 - Not many criminal reports last month but still heavily patrolling Townsend area because of the problems the last several months.
 - Mrs. DelPizzo stated she is seeing more state police presence and added that speeding is ban on Main Street. She said the yield sign is missing on Pine Tree and Rt. 71 and also found some drug bags in front of her house.
 - Lt. Hudak stated the missing sign is a DelDot issue and he will email them. He asked residents to make sure they don’t pick up drug bags without gloves on, they could still have residue on them and you could get it in your system.
 - Mr. DelPizzo asked if radar is used in Town for speeders last month.

- Lt. Hudak said no, all the calls were criminal. I don't want it to seem like we don't care about Townsend but we have a huge area to cover. We look at where the crime and crashes are occurring and try to put troopers there and continue to monitor the computer program daily.
 - Mr. DelPizzo said there have been a couple crashes on Main Street and asked if NCC has any jurisdiction in Townsend. Several of them live in TVI and they fly at 50+ down Main Street.
 - Lt. Hudak stated for the most part, Townsend is State Police territory.
 - Mrs. DelPizzo said she walks a lot and at night has noticed that many people don't have motion sensor lights in their yards. She asked if the police could encourage people to use them.
 - Lt. Hudak said he highly encourages people to use sensor lights and/or timer lights in the house. Also encourages people to put alarm system signs in the yard. Cameras are also getting very inexpensive and he encourages residents install them.
- b. Townsend Fire Department: Richard Greene
- Mr. Greene introduced Sue Clark from the Ladies Auxiliary who will be working with him.
 - The next chicken and dumpling dinner is 2/24/16, 4:30 – 7:00 pm.
 - Quarter auction on 2/5/16, doors open at 4:30 pm.
- c. Town Attorney Fred Townsend III:
- We have filed a complaint against Grassbusters and the Insurance Company so can't talk about strategies now unless it is in an executive session. Could take some time before the litigation starts.
 - Mr. DelPizzo asked how the performance bond comes into play.
 - TA Townsend the insurance company that issued the bond has a duty to defend the defendant so they are also a defendant.
 - Mr. DelPizzo asked if a contractor has been hired for the second phase of the streetscape.
 - Mayor Hatton said it is a DelDot project; they will pick the contractor. After more discussion it was established that DelDot has to hire the lowest bidder so there is always the possibility Grassbusters will be hired again.
- d. Town Inspector David Naples:
- TI Naples introduced himself and said he is here in place of the Town Engineer. He can only report on construction activity.
 - Handler Homes has 20homes currently under construction.
 - JS Homes only has a handful of homes left, they are winding down.
 - There are still some lots on Wiggins Mill Frontage Street that a developer bought.
 - Town Hall – 141 Main Street, nearing completion, completing the punch list, site work is slow.
- e. Town Manager Dawson Green:
- 3 new home permits were issued in January. To date, 29 new home permits have been issued this fiscal year.
 - We now have insurance on the Finley Street property.
 - There are 4 lots on Wiggins Mill Frontage Road that will be sold within 60 days.
 - At the next workshop, someone will need to introduce the ordinance for the formation of the planning commission.

VII. Committee Reports

- a. Finance: Chair – Jermaine Hatton
- Our accounting firm was here this week gathering more data for the FY 2015 audit.

- Municipal Street Aid (MSA) will hold at 5 million dollars with the Governor's proposed budget for next fiscal year. The Town will have more streets turned over by the time the checks are cut so we will get more of it this year which will enable us to do some road repairs in Town.
- b. Public Works: Chair – CM Rudy Sutton
- Discussion/possible vote on Change order #10 – 141 Main Street Renovations
 - I. CM Sutton asked to still hold off on this change order; he is still in discussions with the contractor about some of the unfinished work.
 - Discussion/possible vote on Change order #1 – 141 Main Street Site Work
 - I. This change order is for additional concrete footing for the ADA ramp and a revised guardrail and handrail.
 - II. CM Sutton motioned, CM Ness seconded with unanimous vote to approve change order #1 in the amount of \$5,974.00.
 - III. CM Ness asked if this work will now make us ADA compliant and was told yes.
 - IV. Dwain Haines asked why the contractor doesn't know what we have to do to be compliant, don't understand why things keep being changed and we have to pay more money.
 - V. CM Sutton explained that some of the elevations had to be changed for this change order; they are called on-site change orders. This happens all the time as you never know what you may run into. They are building the ramps and porch to an existing building; this isn't a brand new work site.
 - VI. TM Green said Mr. Mack stopped in the office today about some damage to the sidewalk in front of his house while snow plowing. Went there today and called the contractor who plowed who will check it out tomorrow and call us.
 - VII. Mr. Mack said he is concerned about the sprinkler head being damaged and won't know that until the spring.
 - VIII. TM Green stated the contractor is aware of this also. He added only one other resident had a complaint about the plowing and that issue was also resolved.
- c. Land Use & Development: Chair – Jermaine Hatton
- Townsend is a hot bed, many people calling wanting to move business in or around Townsend. I average 2-3 calls a week. The Diamond State property is for sale, many interested people. DelDot is on record stating they will take at least 20' of the corner once it sales as they want to beef the corner up.
 - Pending items: 1) Council will address the comments from the PLUS review for re-zoning on Cannery and the comments from the public hearing tonight. 2) We are moving forward with putting a planning commission together and working with the IPA whom we have an open contract with.
 - CW Gorman thanked TM Green for sending Council the Comprehensive Plan. She asked if it could be added to the workshop to discuss the action items and address them. It will also give Council time to review the plan before the discussion.
- d. Community Relations: Chairs – CW Cindy Cook
- We have a tentative open house date of Thursday, April 21, 2016 from 5:30 – 8:00 pm for the new Town Hall. We would love everyone from the Town to come.
 - The MAAC is working with Delaware Today and doing a supplement section on the MOT area. They wish to interview Mayor Hatton for the article.
 - Mayor Hatton stated he was at the school board meeting last night; a lot of information coming out about our school district soon. All the schools in the district have reached capacity and are still growing; the school board is trying to get ahead of it. Some trailers will be put up at all 3 middle schools soon. Many people come to the MOT area for our schools; great district, best schools in Delaware. Talking about building a new

high school on the campus on Old State Road. Some of the information is on the school website.

- CW Cook said she knows there is a problem with buses speeding in Town. Residents need to attend school board meetings and make them aware of this. Council has no control over it, we can only call and complain like everyone else.
 - Mayor Hatton added to get the number and company name from the bus and call Gregg Tulowitzky, supervisor of transportation at the district office, 302-376-4128.
- e. Public Safety: Chair – CM John Ness
- Have discussed residents’ concerns with Lt. Hudak. If you see or hear anything call Troop 9 as they are putting troopers in the areas that have the most issues.
 - There is a Code Purple in the State of Delaware made up of community groups and volunteers to help the homeless in extreme weather. If you know someone that is homeless call 211 or email www.delaware.211.org.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
- Easter Egg Hunt
 - I. Saturday, 3/19/16 @ 2:00 pm, raindate: Sunday, 3/20/16 @ 2:00 pm
 - a. Event will be held at the Town Park, refreshments will be served.
 - NWF update
 - I. The Greg Tuft scholarship is a weeklong nature camp to be held in Ghost Ranch, NM, outside Santa Fe this year. Anyone between the ages of 8 – 18 is eligible for the scholarship. Have to write an essay on how you are involved with nature and do things for the environment. There is only one winner. The camp is unbelievable, all expenses paid for the child and one adult. More information will be posted on our website if you are interested.
 - II. Mayor Hatton was the first Mayor to sign the Monarch pledge in the State of Delaware. 67 Mayors across the country have now signed. The pledge means you agree to try and help monarch butterflies survive. Townsend is issuing a proclamation and putting a butterfly garden in at the new Town Hall and TES is also putting one in. Met with the Delaware Nature Society who suggested the plantings to use and they agreed to partner with us on this project. We will be planting the garden in April.
 - III. The NWF – Butterfly Hero Project will provide seeds if you want to plant a butterfly garden in your yard, lots of incentives go with this project.
 - IV. NWF will have a habitat demonstration at the Philadelphia flower show.

VIII. Citizens Comments & Participation

- a. James Reyes asked who he needs to contact about rubbish around his property. TM Green will look into it.
- b. Mr. DelPizzo thanked CM Sutton and his children for pulling weeds and cleaning up next door to our house.
- c. Mrs. Albert said she received the code red alerts for the snowstorm. She said it is a really nice program and she appreciated the call.
- d. Mrs. DelPizzo said she walks at the park and asked if the location of the trash cans could be changed, move one by the skate park. She was told there is one there and it doesn’t make any difference, the kids drop their trash on the ground.
- e. Mrs. DelPizzo also complained about broken glass on the walking trail and TM Green said he will have George check into it. She also asked that the doggie bags be refilled.
- f. Mrs. Albert asked for an explanation of the planning commission.
- g. Mayor Hatton said it is taking the place of the zoning committee, which has 3 members, and will be more robust. It will have 5 members to start and they will do much more than the zoning committee.
- h. Mr. Albert asked if the planning commission will put in controls for rental properties.

- i. Mayor Hatton stated the commission will make recommendations to Council who will discuss and then vote on the recommendations.
 - j. Mr. DelPizzo asked what is presently going on behind the real estate office.
 - k. Mayor said nothing is going on, there is still litigation going on over the property.
- IX.** Adjournment: 8:35 pm, CW Gorman motioned, CM Ness seconded with unanimous vote.
-