



Townsend Council Meeting Minutes
March 2, 2016

6:45 pm – Board of Adjustment Hearing

- I. Call to Order: 6:45 pm
- II. Roll Call: Mayor Jermaine Hatton, TA Fred Townsend, TE Owen Hyne
- III. Pledge of Allegiance: Pledge was said.
- IV. Request for relief from side yard parking setback of 15' to 10' at 5988 Summit Bridge Road
 - a. Mayor Hatton stated this hearing is proposed by Smith's Liquors requesting a side yard parking setback from 15' to 10'. The property address is 5988 Summit Bridge Road.
 - b. Roger Brickley of Clifton L. Bakhsh gave a presentation for proposed improvements at 5988 Summit Bridge Road. With the re-development there will be one entrance in and one out requiring us to ask for the parking setback relief. This plan has also been submitted to DelDot.
 - c. Mayor Hatton asked if there is a landscape plan.
 - d. Mr. Brickley said they don't have it but will at the next meeting.
 - e. TE Hyne asked what the site looks like now.
 - f. Mr. Brickley stated it is a free for all parking, entrance and exit.
 - g. TE Hyne asked how close the current parking is to the Dollar General sight now.
 - h. Mr. Brickley said 11-12 feet currently.
 - i. TA Townsend clarified that the proposed parking will be 10' and they are asking for no more than what they need.
 - j. Mayor Hatton asked if there will be curb stops and was told yes.
 - k. Mr. Brickley added no tractor trailer trucks make deliveries, restricted to small delivery trucks come here so there will be no problem with them getting around the proposed lot.
 - l. TA Townsend asked how many parking spots there will be.
 - m. Mayor Hatton stated there are 24 per code.
 - n. Mayor Hatton commented that if the building was smaller it would completely change the plans, understand you are trying to maximize the space.
 - o. Mr. Brickley said if the variance isn't granted they will lose 6 parking spaces and 25% of the building. It would really not be feasible to put that size building up.
 - p. Mayor Hatton asked if DelDot has approved this plan.
 - q. Mr. Brickley stated DelDot's process generally takes 3-4 months; they haven't given approval in writing yet but didn't object to the plan when we met.
 - r. TE Hyne stated tonight we are technically only looking at the setback request.
 - s. A resident asked if they are ripping out Smith's Liquors and putting something else in there.
 - t. Mr. Brickley stated the plan is to demolish the existing building and put a new, nice and functional building up. The apartments are also going to be demolished.
 - u. TE Hyne asked if it will still be a liquor store and was told it will be a retail building, part of it would still be a liquor store and the other part will be a nice retail store.
 - v. TE Hyne asked if it will be a single occupancy building and was told it will be a single owner with two businesses in it.
 - w. Mayor Hatton asked if the liquor store will be 4500' and was told as the plans are now yes, but it could change.
 - x. A resident asked how many parking spots are currently at the liquor store now and was told 15. This plan calls for 24 parking spots but they will be on-site, cars won't be backing into the road.
 - y. Mrs. Albert asked what the width of the entrance and exit will be.
 - z. Mr. Brickley said the entrance will be 20' wide and the exit will be 18' wide. One way in, one way out is the plan.
 - aa. TA Townsend said the applicant has identified that the property has some unique characteristics; it isn't a parcel that was created by the current owner. The property isn't currently used in a very safe manner. I believe residents of the Town would welcome re-development of the property. Am also persuaded to support this request because of the configuration of the Dollar General Store. It seems the configuration is entirely south. The lights from the parked cars won't even shine on the Dollar General Store, therefore, will not cause any nuisance. That is probably why they are not here.
 - bb. TA Townsend motioned to grant the variance request reducing the setback parking request from 15' to 10'. TE Hyne seconded the motion, vote: unanimous.
- V. Adjournment: 7:10 pm, TE Hyne motioned, TA Townsend seconded with unanimous vote.

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
 - III.** Pledge of Allegiance: Pledge was said.
 - IV.** Final Reading of Ordinance No. 16-02: Voter Registration for Town Elections
 - CM Ness read the ordinance by title and read the synopsis.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to move the adoption of Ordinance No. 16-02 to the Council meeting.
 - V.** Adjournment: 7:17 pm, CW Cook motioned, CM Ness seconded with unanimous vote.
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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, TM Dawson Green
 - b. Pledge of Allegiance: Pledge was said.
 - c. Recognition of Visitors: 13 residents
 - d. Announcements:
 - Town Hall closed Good Friday, March 25, 2016
 - Townsend Easter egg hunt is Saturday, March 19, 2016 @ 2:00 pm. Raindate is Sunday, March 20, 2016 @ 2:00 pm. Refreshments will be served.
 - Town Elections are scheduled for Saturday, May 7, 2016. There are 2 seats available, mine and CW Cindy Cook's. Candidate packages will be available March 7, 2016 at the Town Hall for anyone interested in running. They are due back to Town Hall by April 7, 2016.
- III.** Additions/Deletions to Published Agenda:
 - a. CM Ness deleted 6a; the police will not be here.
 - b. CW Cook deleted 7d, she has nothing to report.
 - c. CM Ness motioned, CM Sutton seconded with unanimous vote to accept the agenda with the 2 deletions.
- IV.** Council Minutes
 - a. Approval of January 20, 2016 Mid-Month minutes
 - CM Ness motioned, CW Cook seconded with unanimous vote to approve the minutes as written.
 - b. Approval of February 3, 2016 Council minutes
 - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
- V.** Mayors Report
 - a. Discussion/possible vote to approve Ordinance No. 16-02: Voter Registration for Town Elections
 - CM Ness read the title and synopsis of Ordinance No. 16-02.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to adopt Ordinance No. 16-02.
 - Mayor Hatton explained this ordinance was approved a month ago. The State consolidated all the election boards state wide and requested we change some of the language in the ordinance, therefore, we had to do the ordinance again.
 - b. We had a Board of Adjustment hearing earlier this evening to hear a request from the property owner at 5988 Summit Bridge Road. The owner asked for relief from our parking set back codes of 15' to 10'. This was approved by the Board of Adjustment. It will not affect the residents on either side. Smith's Liquors is proposing to re-develop the site by removing the current buildings, putting up a new building and having a circular parking lot. The building will be approximately 6000 square feet.
- VI.** Reports
 - a. State Police: Lt. Anthony Hudak/Cpl1 Heather Imhof – not here
 - b. Representative Jeff Spiegelman
 - Doesn't look like we will get any surprises in the budget this year. Municipal Street Aid will remain the same.
 - Back in session next week.
 - Mayor Hatton asked about the lawsuit against the State of PA.
 - Rep Spiegelman said that escheat property is joining a pending federal case. It comes down to the question of, is the escheated property part of the state of residence or the property of the state of corporation. I thought the Supreme Court had already decided this case, not sure why it is being challenged. The decision could be catastrophic to the State of Delaware although we have many laws in place to protect us.
 - CM Sutton asked what escheated property is.

- Rep. Spiegelman said it is any property that is unclaimed. He then gave several examples and discussed Delaware laws on escheated properties. The account is audited annually. This account brings in hundreds of thousands of dollars to the State of Delaware yearly.
 - Mayor Hatton asked if there are any other bills that could affect municipalities.
 - Rep. Spiegelman said gas tax. This will affect everyone. Also the minimum wage bill which won't affect Townsend very much but will affect the larger Towns/Cities in the State.
 - CM Ness asked about the bill to expand hunting to Sunday's.
 - Rep. Spiegelman said there is a bill to expand hunting to Sunday's on private land only. Don't know if it will be deer only.
- c. Townsend Fire Department: Richard Greene
- Chicken and dumpling dinner on 3/23/16, 4:30 – 7:00 pm
 - The Expo is tomorrow at the fire hall and they are expecting around 1200 people to come. It is between 3:00 – 7:00 pm.
- d. Town Attorney Fred Townsend III:
- Nothing to report.
- e. Town Engineer Owen Hyne:
- 141 Main Street Renovation: Fire doors arrived and are being installed. Punch list items are about done and Town should be able to get temporary CO to move in soon.
 - 141 Main Street Site work: The parking lot is still gravel. The contractor said the asphalt plant will open next week, if we can get asphalt, we can pave the parking lot. It is important because it allows us to have ADA access into the building. This is the driver for the certificate of occupancy.
 - On the building side, it looks like we will be ready for a temporary CO.
 - Mayor Hatton asked if the fire marshal is scheduled to come out for his inspection.
 - TE Hyne said not yet, once scheduled it takes about a week for him to come out. We are waiting until the site is ready so there is ADA access.
 - Mayor Hatton commented/questioned – we are about 3 weeks out and TE Hyne said there are other things that have to happen but should be in the building. TE Hyne explained the items on the site that has to be done but that it can be done after we are in the building.
 - Mr. Greene asked if the sidewalk coming from the front of the building will connect to Main Street and was told yes.
 - TM Green asked if there will be room in the back for additional solar panels and was told yes.
 - Mayor Hatton asked TE Hyne to check everything out to see how many more panels we can put in and if there is any grant money available. These 9 panels we have really helped with our electric bill at the current Town Hall but this is a much bigger building.
- f. Town Manager Dawson Green:
- There have been 29 building permits issued fiscal year to date.
 - TVII West – the 4 lots on the frontage road have been sold. 1 lot was sold to Sun Builders and 3 were sold to JS Homes. JS Homes still has 6 lots in the development so they have 9 total left to build on and it will be built out.
 - TV – There are approximately 90-95 lots left to build on.
 - There was a discussion on how long it will take for the developments to be built out. There was also a discussion on the road and sidewalk repairs before the final coat of asphalt goes down in the finished parts of the developments.
 - Mayor Hatton commented there is a large section of TV to be top coated, the frontage road will be done and a section of TVII West. He asked TM Green the deadline for giving the mileage to the state for Municipal Street Aid funds.
 - TM Green said he believes it is the end of May.
 - Mayor Hatton stated the Town won't take the roads with no money. The developers will have to set up an escrow fund for plowing and repairs until the Town gets MSA. We can't afford to take the roads without it. We won't only get the roads, we will get the lights. Want to ensure everyone understands this. We won't get the money from MSA for these roads until September 2017.
 - Sent the Mosquito Spray contract in to DNREC. If anyone is having problems, contact DNREC directly or call me.

VII. Committee Reports

- a. Finance: Chair – Jermaine Hatton
- We are knee deep in the audit. Hopefully will be done in the next 30-45 days. Shouldn't be any issues with all the pre-work that was done.

- The Town is good financially but with the dwindling money coming from new homes and transfer taxes, our income will also dwindle. Most of the Town income comes from our new homes with the permit fees and the transfer taxes. Several developers have expressed interest in buying property in Town to help continue the growth inside Townsend. The question is whether the developers can acquire the land. If you look at our comp plan, there are 3 large tracts, 2 are north of TVII East and 1 is where the current Town Hall is. That tract is 93 acres. To the north the tracts are 141 acres and 86 acres. My only concern with any more development in Town is to ensure Townsend Elementary School can handle the influx of new students. Our schools in the district are overcrowded again. Have talked to our superintendent and will stay in contact with him about any future growth in Townsend.
 - A resident asked what the zoning is on the 3 parcels.
 - Mayor Hatton stated they are currently zoned agriculture. In our comp plan they are listed as R2 which is residential. The only commercial properties we have right now are the 2 tracts in front of TVII East and the corner of Main and Pine Tree Corner which is for sale.
 - A resident asked if a proposed power plant is being built on 301.
 - Mayor Hatton said we have no control over anything that happens in Middletown but the location you are talking about is going to be a data center. The data center will have a backup generator which will be fired by natural gas.
- b. Public Works: Chair – CM Rudy Sutton
- Got some numbers back for the new Town sign at 141 Main Street. A Creative Edge has designed the sign for us. The numbers came back at \$3,650.00. It is a two sided sign on the top which is \$2,050.00. We can put messages on the bottom of the sign and this section is \$800.00. They will hook up the lighting and depending on the type of fixtures, it will cost between \$700.00 and \$1,000.00. I am getting another bid on the lights. The sign is a dimensional sign, it isn't flat/flush.
- c. Land Use & Development: Chair – Jermaine Hatton
- Discussed this under finance. I believe they go hand in hand.
 - A resident asked when the comp plan will be updated.
 - Mayor Hatton said we are due for the 5 year update.
 - TM Green added that it can't be updated until the Planning Commission is established, that is the state law.
 - Mayor Hatton said every time we go to PLUS our comp plan is reviewed and that has been done very recently. There are many things in our comp plan that are outdated and will be removed. It will be completely reviewed by the Planning Commission who will make recommendations to Council. The public hearing for the Planning commission is scheduled for the April 6, 2016 Council meeting.
- d. Community Relations: Chairs – CW Cindy Cook – deleted from agenda
- e. Public Safety: Chair – CM John Ness – nothing to report
- A resident complained about a white dump truck pulling a trailer with heavy equipment on it that says Escot on the side continually speeding down Commerce Street from Main Street to Dexter Corner Road. It happens every night.
 - CM Ness will notify the police.

VIII. Citizens Comments & Participation

- a. A resident asked where things stand with Cannery Lane and Mayor Hatton said the final reading and vote are on the agenda for the April 6, 2016 meeting.
- b. A resident asked about any complaints.
- c. TE Hyne stated a letter of violation was sent to Suppi a while ago. They have done nothing and are being fined \$200.00 a day, which started around 10 days ago.
- d. A resident stated the dump truck traffic has increased from there.
- e. TE Hyne said Suppi has talked to the owner of a property on Cannery that is zoned industrial and may possibly be parking his equipment there, but he hasn't done anything yet to satisfy the violations.
- f. A resident asked how long Suppi was given to fix the violations before the fines started.
- g. TE Hyne stated he was given 30 days before the fines started but there were some things that had to be fixed immediately. The only equipment permitted on the site was the equipment needed to work at 141 Main Street. There was a long discussion about the violations and usage of the property and what may happen going forward.
- h. Mr. & Mrs. Albert asked what the grainary is doing at the back of the property; there have been several dump trucks and forklifts working back there for a while.
- i. TM Green will look into this.

IX. Motion to Adjourn for Executive Session:

- a. CM Ness motioned, CM Sutton seconded with unanimous vote to adjourn for executive session around 8:45 pm.

X. Executive Session:

- a. Discussion of Town personnel matters in which the names, competency and abilities of individual employees are discussed pursuant to 29 Del.C. 10004 (b) (9), and "To consider legal advice with respect to pending litigation in which a public discussion would have an adverse effect on litigation strategy pursuant to 29 Del.C. §10004(b)(4)."

XI. Motion to close Executive Session & Re-convene Mid-Month Meeting:

XII. Adjournment: CM Ness motioned, CM Sutton seconded with unanimous vote to adjourn.
