



Townsend Council Meeting Minutes April 6, 2016

6:45 pm – Public Hearing

- I. Call to Order: 6:45 pm
- II. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Chris Fazio, AA Melissa Faedtke, TC Cathy Beaver
- III. Pledge of Allegiance: Pledge was said.
- IV. Visitors: 9 residents
- V. Final Reading of Ordinance No. 16-03: Formation of Town of Townsend Planning Commission
 - a. CM Ness motioned, CM Sutton seconded with unanimous vote to read by title only as follows: An act to amend Chapter 66 of the Code of Ordinances of the Town of Townsend in order to establish a planning commission and revise the procedures for amending the zoning and unified development code (Chapter 66) and zoning map.
 - b. There was no discussion.
 - c. CM Ness motioned, CW Gorman seconded with unanimous vote to move the adoption of Ordinance No. 16-03 to the Council meeting @ 7:30 pm.
- VI. Final Reading of Ordinance No. 16-04: Zoning Change at 605 & 615 Cannery Lane from Commercial to Industrial
 - a. CM Ness motioned, CM Sutton seconded with unanimous vote to read by title only as follows: An act to adopt a comprehensive plan amendment to allow for the re-zoning of 605 Cannery Lane, Townsend, DE 19734 and 615 Cannery Lane, Townsend, DE 19734.
 - b. Discussion: Mr. Albert said he feels the lots were zoned commercial because it backs to residential. Once it is zoned industrial, the residents have no recourse on what they can do and there will be additional traffic, noise and safety hazards.
 - c. Ralph Shelby of Railroad Avenue asked what difference it will make if it is zoned industrial with the trash company across the street. I hear those trucks daily where I live and no kids play on Cannery Lane.
 - d. Mr. Albert said with the trash company already there, there is no recourse to stop the traffic. With the mill, we work with the Town and there are kids that play on Cherry and Taylor Street. We don't want to deal with additional noise.
 - e. Mayor Hatton asked Mr. Shelby if he is here representing the company or as a resident.
 - f. Mr. Shelby said he is here as a resident although he works for Suppi.
 - g. James Reyes who lives on Taylor Street stated it is already chaos in this area. Suppi is already there and breaking all the Town rules, what will happen if the zoning is changed. He stated he lives right behind the site and is worried about additional noise. The trucks do use Cherry Street also. The owner is doing whatever he wants to do, no faith he will ever abide by the rules.
 - h. Karen Suppi, mother of Carl Suppi, owner of property stated they plan to put in a berm. We don't want the extra noise either, we care about the residents.
 - i. Regina Albert stated that since this issue first came up in September, she and her husband have attended all the meetings and expressed their opinion on the subject. We believe the land was zoned commercial to start for a buffer for residents. The trash company is a public utility and they have to abide by our rules. Anyone who moves in there that isn't a public utility has to abide by our laws.
 - j. Mrs. Suppi said she could sit and talk to the residents about what they want to do. She also stated it is good and right that the residents express their opinion. She added they would not have bought the property if they hadn't been assured the land would be re-zoned industrial.
 - k. Mr. Reyes asked her who told her that would be done.
 - l. Mayor Hatton said when the request for a zoning change was submitted it was sent to the zoning committee who recommended to Council to re-zone with all the Town laws abided by.
 - m. TA Townsend stated the applicant isn't at the meeting and he should be here to express his feelings or the meeting should be re-scheduled. He asked Mrs. Suppi (mother) if she is the applicant and she said yes.
 - n. Paula S. introduced herself and said she works for Suppi Construction. She added she has plans for the residents to look at which shows what the company plans on doing if/when the zoning change goes through. Suppi would never have bought the property if they weren't sure the zoning change would go through. They were told the zoning wouldn't be a problem.
 - o. CM Ness asked what Suppi's intended use of the property is while Council reviewed the plans Paula passed around.
 - p. Paula stated the men don't start work until 6:30 am, have to pull the trucks out. Will store equipment on the property and when equipment is moved to a job site it will stay there until the job is complete then be moved backed here.

- q. CM Ness verified the intended use of the property is a staging area of construction equipment. He said his concern is once property is zoned industrial, if/when Suppi sells the property, and anyone can buy it and move in. They may not be a very good neighbor and once it is zoned industrial we can't go back to commercial.
- r. Mrs. Suppi stated again that they never would have bought the property if they hadn't been assured the zoning could and would be changed to industrial. She added she wouldn't say who told them that but she also was told the trash company was snuck in on the residents. The Town is never going to make everyone happy.
- s. Mrs. Albert said her understanding is when you purchase property, you have to abide by the present zoning, no guarantee a Town would approve re-zoning, especially if it impacts others. Again, believe the property was originally zoned commercial as a good buffer between residential and industrial/commercial.

VII. Adjournment: 7:20 pm, CM Ness motioned, CM Sutton seconded with unanimous vote.

7:30 pm – Council Meeting

- I. Call to Order: 7:35 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 Chris Fazio, TM Dawson Green, TA Melissa Faedtke, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said
 - c. Recognition of Visitors: 7 visitors
 - d. Announcements: There will be a ribbon cutting on April 21, 2016 at 5:30 pm at 141 Main Street.
- III. Additions/Deletions to Published Agenda:
 - a. CM Ness asked to delete 7a, police not here.
 - b. CM Ness motioned, CM Sutton seconded with unanimous vote to accept agenda with above deletion.
- IV. Council Minutes
 - a. Approval of February 17, 2016 Mid-Month minutes
 - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes.
 - b. Approval of March 2, 2016 Council minutes
 - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes.
- V. Oath for Board of Election Members
 - a. Albert Harrington
 - b. Terry Mobley
 - c. Edward Watts
 - d. Mr. Harrington read his oath of office. The other two board members were not in attendance.
- VI. Mayors Report
 - a. Discussion/possible vote to approve Ordinance No. 16-03: Formation of Town of Townsend Planning Commission
 - CM Ness read the ordinance by title and read the synopsis.
 - There was no discussion.
 - CM Ness motioned, CM Sutton seconded with unanimous vote to approve Ordinance No. 16-03.
 - b. Discussion/possible vote to approve Ordinance No. 16-04: Zoning Change at 605 & 615 Cannery Lane from Commercial to Industrial
 - CM Ness read the ordinance by title and read the synopsis.
 - There were no representatives at this meeting from Suppi Construction; they all left after the public hearing.
 - In the following discussion, CM Ness stated we heard from representatives of the owner of Suppi construction and the residents in the public hearing.
 - CW Gorman said no matter what the use of the property or whether it is re-zoned or not, she is concerned about the safety of the residents. She sees children playing on Taylor and Cherry. Also concerned about additional traffic on Main Street with large vehicles and the additional noise.
 - CM Sutton added that changing the zoning won't protect the Town in the future. It is having a bad effect on the residents now, it could be worse.
 - Isha Smith asked what will be on the property and Mayor Hatton stated it will be home to construction equipment.
 - CM Ness asked Council to make the best decision for the residents. We need growth but want what is best for the future and personally don't feel changing the zoning would be good.
 - CW Cook agreed with all Council has said and added she believes it has a negative impact now and could be worse in the future.
 - Mayor Hatton asked for a roll call vote to change the zoning from commercial to industrial at 605 and 615 Cannery Lane:
 - I. CW Cook – Nay, due to negative impact on surrounding properties and future impact it will have.
 - II. CW Gorman – Nay, for reasons stated previously.

- III. CM Sutton – Nay, for reasons stated previously.
 - IV. CM Ness – Nay, for reasons stated previously and agrees with everything Council has said.
 - V. Mayor announced Ordinance No. 16-04 did not pass. The zoning will stay commercial.
- c. Discussion/vote to pay election poll workers and provide lunch on election day
- CM Ness motioned, CM Sutton seconded with unanimous vote to pay the poll workers \$100.00 to work the elections and provide lunch the day of elections.

VII. Reports

- a. Representative Jeff Spiegelman
- House Bill 200 – ADA requirements, updates the size, shape and amount of ADA parking
 - House Bill 283 – any state/federal money supplied project must have 30% of the work force from the district it is in and 5% would have to be disabled vets. All projects would have to be union labor.
 - Mayor Hatton added if Bill 283 passes, it will raise the cost of our streetscape, will add a minimum of 17% to the total.
 - Mrs. Albert asked if the contractors hired for a job would all have to be union. Rep Jeff said yes and it will hurt many small construction companies and many have been calling me. They will be pushed out of jobs because they won't be able to meet the requirements. There is lots of opposition to this bill, not sure what will happen.
 - Rep Jeff said they will be back in session on May 18th.
- b. Townsend Fire Department: Richard Greene
- June 11, 2016 is the Spring Fling at Harrington Fair grounds, free food and drinks, tickets are \$100.00 each.
 - BBQ's are starting back up, they are the last Saturday each month, and first one is April 30th.
 - Mayor Hatton thanked the Townsend Fire Company for all they do.
- c. Town Attorney Fred Townsend III:
- Nothing to report but thanked Council for enacting a planning commission by ordinance. There will be lots of questions going forward and he offered his services to TM Green for any assistance he needs.
 - TM Green stated Herb Inden called today, the Town owes them a 5 year update to the comp plan.
 - Mayor Hatton said Council will appoint planning commissioners at the April workshop. 5 will be appointed and we will get them enrolled into class under land use.
- d. Town Engineer: Chris Fazio
- 141 Main Street – fire marshal inspection is tomorrow. As soon as he gives his OK TI Naples will be able to give a TCO.
 - The retention pond, paving, etc. is supposed to be done by 4/21/16.
 - TVI and TVII construction is continuing.
 - CW Gorman asked about the landscaping in TVII West.
 - TM Green said last year the Town was contacted and had a list of all the residents who were due to get trees. They were sent letters and people didn't get back to us. The contractor went by the plans he was given to plant the trees. He added he spoke to Rob Allen who has proposed to plant the trees in the yards as he finishes a section. Not sure who will get trees in TVII.
 - Isha Smith asked for elaboration on the paving in TVII East and asked if we would be getting a traffic light from Rt. 71 into the development.
 - TM Green said DelDot said it will be a long time before we get a light there based on their traffic studies.
- e. Town Manager Dawson Green:
- We received bids to demolish the old school house on Finley Street and awarded the contract but first we have to have a wetlands survey. Have contacted 5 companies about this.
 - The grainary put chains up to prevent trucks from coming in the wee hours and idling so they now park on Main Street and sit and idle. We have no jurisdiction over Main Street so contacted DelDot. Am hoping they will put signage up for no parking. Am not in Town at 4:30 in the morning but residents have said the trucks are also parking on Chestnut and Taylor Street and Railroad Avenue.
 - (Mayor Hatton had to leave the meeting and CM Ness ran the rest of the meeting). CM Ness said residents need to contact the police when you see the trucks parking/idling on the street.
 - Mr. Reyes said they call often and nothing is ever done.
 - CM Ness said he will contact Lt. Hudak.
 - Mrs. Albert stated she prepared a paper for TM Green listing dates, times and other info on when this is happening. She added that all truck drivers are required by law to know the state laws. Delaware has an anti-idling law, especially in Towns.
 - Mr. Mack asked when the contractor will be back to fix his sidewalk and sprinkler that was damaged while plowing.
 - TM Green said he will call the contractor that plowed for the developer.

VIII. Committee Reports

- a. Finance: Chair – Jermaine Hatton – no report – Mayor Hatton had to leave meeting.
 - b. Public Works: Chair – CM Rudy Sutton
 - Discussion/possible vote on signage for 141 Main Street from “A Creative Edge”
 - The total for the sign with installation is \$4,320.00.
 - CM Sutton motioned, CW Gorman seconded with unanimous vote to have “A Creative Edge” install the sign at Town Hall, 141 Main Street.
 - c. Land Use & Development: Chair – Jermaine Hatton – no report
 - d. Community Relations: Chairs – CW Cindy Cook
 - On April 21, 2016 there will be a ribbon cutting at 141 Main Street. All are invited, starts at 5:30 pm. TES children’s choir will be present, there will be door prizes and working on several other things.
 - CM Ness added that RVB is donating 4 tickets to a Phillies game.
 - Went to a board meeting for MOT Little League to ask if they could help update our park baseball field since they are the ones who use it. Have invited Council to attend the next board meeting. They said they would love to help us and the grounds people will come look at it.
 - e. Public Safety: Chair – CM John Ness
 - It is staying light later so have increased police patrols accordingly. Will let the police know about the trucks parking on Main Street waiting for grainary to open.
 - f. Parks & Recreation: Chair – CW Lorraine Gorman
 - Upcoming Events
 - I. 4/16/16 – Earth Day. We have several projects going on. Mayor Hatton is signing the Monarch Butterfly proclamation. Next week I will be at TES designing the butterfly garden; Mr. Mulch is donating the mulch. Trees will be given to residents on 4/22 at the Town Hall, there are 100 of them.
 - II. 3 movie nights this year, one in June, July and August, don’t know which movies yet. Waiting for the list. Still looking for sponsors for the movie nights. It costs over \$1,000 for each movie. Iron Source will provide the lighting again this year and food vendors will be there.
 - III. Town parade and fair is Saturday, 9/24/16
- IX. Citizens Comments & Participation**
- a. Mr. Reyes asked for an update on the fire escape at 141 Main Street.
 - b. CM Sutton said after the fire marshal approves it, it will be re-done in composite.
 - c. Mr. Albert thanked the Mayor and Council for listening to the residents and for all they do for the Town.
- X. Adjournment: 8:46 pm, CW Gorman motioned, CM Sutton seconded with unanimous vote.**
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