



**Townsend Council Meeting Minutes**  
**June 1, 2016**

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**7:00 pm – Re-Organizational Meeting**

- I. Call to Order: 7:14 pm
- II. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Melissa Faedtke, TC Cathy Beaver
- III. Pledge of Allegiance: Pledge was said. Reverend Hayden said a prayer for the Town residents and then blessed the new Town Hall.
- IV. Visitors: 15 residents
- V. Introduction of New Council Members:
  - Jermaine Hatton
  - Cindy Cook
- VI. Oath of Office for Newly Elected Council Members: CM Hatton and CW Cook both read and signed their oath of office.
- VII. Introduction of Entire Council: CM Hatton introduced the 5 Council members.
- VIII. Nomination and Election of Town Mayor for one (1) year term:
  - CM Ness motioned, CM Sutton seconded with unanimous vote to table the nomination and election of the Mayor until the workshop.
  - CM Ness motioned, CM Sutton seconded with unanimous vote to have CM Hatton run the meetings until a Mayor is elected.
- IX. Adjournment: 7:19 pm, CW Gorman 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: CM Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TA Melissa Faedtke, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 17
  - d. Announcements: The Town wide yard sale is this Saturday, rain or shine.
- III. Additions/Deletions to Published Agenda:
  - a. CM Ness asked to change 6a to Rep. Spiegelman, police won't be here.
  - b. CM Hatton deleted 5d, Ciro Poppiti; the recorder of wills won't be able to be here.
  - c. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda with the above changes.
- IV. Council Minutes
  - a. Approval of April 6, 2016 Council Minutes
    - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes as written.
  - b. Approval of May 4, 2016 Council Minutes
    - CM Ness motioned, CM Sutton seconded with unanimous vote to approve the minutes at written.
- V. Mayors Report
  - a. Discuss/possibly award college scholarship
    - CM Hatton explained that Council has put money in the budget for the last 3 years for a scholarship and no one has ever applied.
    - CW Cook said Sierra Bey applied for the scholarship this year. She has a 3.5 GPA and plans on studying political science in college. She has been involved both academically and athletically throughout high school. She is an excellent candidate for this award and a resident of Town.
    - CW Cook motioned, CM Sutton seconded with unanimous vote to award the \$250.00 scholarship to Sierra Bey.
  - b. Townsend Fire Department Proclamation
    - CM Hatton read the proclamation thanking the Townsend Fire Company for permitting the Town to hold the monthly Council meetings at the fire hall for the last 12 years. He then presented the proclamation to Fire Chief Rickie Clark.
    - Chief Clark thanked Council and the Town for the good relationship we all have.
  - c. Appoint/Introduce Planning Commission members

- CM Hatton said the State Planning office and the IPA have pushed the Town for the last 3 years to establish a planning commission in Town. Tonight we will introduce the 5 appointed members, they are: Regina Albert, Rick Anibal, Sheryl Rojas, Alan Emsley and Troy Geiger. (Troy had to leave early as he and his wife are celebrating their 20<sup>th</sup> anniversary). All were presented a Town T-shirt and lapel pin. All were thanked for volunteering to be on the planning commission.
- d. **Ciro Poppiti, Recorder of Wills** – “Senior Bill of Rights” (added to agenda at 8:15 am Wednesday, 6-1-16) – removed from agenda, had another appointment.

## VI. Reports

### a. Representative Jeff Spiegelman:

- Senate bill 130, downtown transportation bill, passed the house and Senate and is before the Governor now.
- There was no movement on the handicap bill.
- The sex offender bill won't really affect Townsend; this bill will prevent Council from creating bills above State laws.
- House bill 283 pertains to my CTF funds, currently all labor would have to be union and from my area, looks like it may be amended to say it has to come from the county but will still push many businesses out of the running and cause problems for DelDot. I have concerns with this bill.
- Last year there was a downtown redevelopment project. Was supposed to be open to all municipalities and all money went to Seaford, Dover and Wilmington and always will. If we can get the bill amended to name back up municipalities to receive money, Smyrna asked for any money left over and I recommend Townsend do the same.
- State has lost 36 million dollars. They are talking big cuts again this year to transportation and private school nurses.
- If Council would like, I would be honored to do a house tribute for the new Town Hall. He also gave all of Council a State pin which he said he had to get permission to give. He added it has been his pleasure to work with Council the past 4 years.
- CW Cook asked for clarification on the sex offender bill.
- Rep Jeff said the bill is designed to create state wide regulations so the police can easily enforce laws wherever; the problem is it will be taking power away from municipalities and creates one size fits all model which may not work in some Towns due to unique situations. In theory, Towns want the power to decide what is best for their constituents. I voted against this bill in committee, the police are also questioning it now. I won't know if it is on the committee until Friday.
- CM Hatton added that the purpose of the bill was to open up more available housing for sex offenders.
- CM Hatton asked if they have talked of cutting MSA yet and was told no. He explained this is 5 million dollars split between all the cities and towns in the state based on mileage of Town streets. The Town receives about \$24,000 a year. We pay our street lights and some police bills with these funds.
- Mr. Emsley commented the labor bill sounds anti-labor and asked who is pushing it.
- Rep Jeff said labor and veterans will benefit from the bill. Small shops will be pushed out. He added his territory is half in Kent County and half in New Castle County and different laws apply to each county.

### b. Townsend Fire Department:

- Chief Clark said they worked 2 fires and had 28 calls last month in Town. CM Hatton helped at one of the fires by breaking a window to enable us to get someone out of the house.
- Looking for new members, can use anyone but aiming for 15-20 year olds.
- BBQ's are the last Saturday of each month.
- Open house is in October.
- Spring Fling is June 11. It is a massive fundraiser we have yearly. It is held at Harrington fair grounds and runs all day with drawings for prizes every 15 minutes. Your ticket gets you in free, food and drink available. \$20.00 per person if you don't have a ticket.
- CM Hatton thanked the fire company and the neighboring fire companies for getting to his neighbors fire quickly. I did break the window as I thought the mother-in-law was still in the house. They saved the house and only the garage was damaged.

### c. Town Attorney Fred Townsend III:

- The planning commission is very important. Believe we should have a meeting soon. The planning commission will make recommendations to Council concerning any zoning changes or code changes. All meetings will be posted 7 days prior to the meeting per FOIA, same rules as Council meetings. Zoning change requests will be presented to the planning commission, who will meet and make their recommendation to Council who will have a meeting to approve or not approve the change. If approved it will then go to PLUS committee. Can be a long process.
- Grassbusters litigation: they still have 10 days before they have to file an answer. Once that happens we will have to schedule an executive session. Their motion to dismiss the case was denied.

- CW Cook stated the appearance of the current streetscape area is nasty, trees dying, water bags laying there, weeds everywhere. Residents are stuck with this appearance. She asked TA Townsend what the Town was permitted to do to fix this during litigation.
  - TA Townsend said the Town should take steps they feel appropriate to lessen the dissatisfaction and monitor the money spent so we can mitigate the damages.
- d. Town Engineer Owen Hyne:
- New Town Hall site work; preparing for curb around the property, ran into a small problem with a utility pole.
  - Hired a landscaper; delivery date for the material is June 6 and they will be working.
  - TVII Phase I: pavement repairs are done, working on punch list before dedication of roads to the Town.
  - They are building in Phase 3b.
  - Phase 4 is a new phase, 30 additional lots, having a pre-construction meeting next week.
  - Wiggins Mill Frontage Road: pavement repairs should be starting, MS Development working on curb and sidewalk repairs. Residents should be notified by the contractor and developer.
  - Site work ongoing in the developments, exciting to see some of it wrap up.
  - CW Gorman asked about the final landscaping in TVII.
  - TE Hyne said they are checking to ensure it is being done.
  - RVB did a wetland delineation of the Finley Street property; mapped out what is and isn't wetland. Have a meeting this week with the Corp of Engineer.
  - Been working with the Town to add additional solar panels to this building.
  - Mr. Bates (resident) said that last year while digging in TVI, the contractor didn't call Ms. Dig first and knocked power out to the development for about 14 hours. He asked TE Hyne to ensure they call Ms. Dig prior to doing site work on Phase 3.
  - Mr. Bates said we have an ordinance requiring LED lighting. He asked if the developers will install LED lighting and absorb some of the cost prior to turning the development over to the Town.
  - TE Hyne said he will remind the contractors to call Ms. Dig and they are supposed to be putting LED in the new lights as they are installed.
  - Mr. Bates said in Phase 3b – contractors aren't abiding by Town ordinances and start work at 6:00 – 6:15 am. NCC police said they don't enforce Town ordinances, only the county ordinances which permit contractors to start work at 6:00 am.
  - CM Sutton said TM Green will contact the contractors about the start time in Town. He also asked TE Hyne to re-check the curbs on E. Founds Street, there are horizontal cracks everywhere throughout the curb.
  - TE Hyne stated the areas to be replaced were marked with spray paint and that was several months ago; it may have washed off.
  - CM Sutton said Bailey's has to trench across the driveway to run the irrigation system and asked TE Hyne if Suppi is aware of this.
  - TE Hyne said he will talk to Suppi and said there is another item with the irrigation. We need a connection fee for the system and I will have the price in the next couple days. We would like the plumber that did the Town Hall to do this job and he is giving me a quote. As soon as I have it I will let TM Green know and hope Council will let them move along with the job.
  - CM Sutton asked for a deadline for the curb and sidewalk around Town Hall.
  - TE Hyne said we are supposed to get a date from Suppi, the public is aware they are under liquidated damages and we are pushing and working with them to get this done. As soon as I know I'll call TM Green.
  - CM Sutton asked if Suppi has to scrape soil back or are they at grade before they run the irrigation.
  - TE Hyne said it is close enough for irrigation which will be set back from the front sidewalk.
  - CM Ness said there is a dumpster at 302 Main Street. This is a state street but does the homeowner need a permit to put the dumpster in the street. TE Hyne said he will look into it.
  - Mr. Keenan asked if the roads (South and Ginn Street) will be made one way or only permit parking on one side. The roads are narrow, there isn't room for 2 way traffic with vehicles parked on the side and traffic has tripled with cars coming from TVII; there have been some accidents and it is a disaster waiting to happen.
  - TE Hyne said he will look into this.
- e. Town Manager Dawson Green:
- TM Green is not here, CM Hatton read his manager's report as follows:
  - FY to date there has been 42 new home permits issued.
  - Followed up yesterday with Dollar General on the enclosure area for their trash and the appearance of their property. Still waiting on a response.
  - Followed up with DelDot about no parking from the railroad tracks to just past TV.

- Asked Council to permit him to do an ordinance prohibiting parking on Main Street from the railroad track to the west end of Town limits just past TV. He would like this ordinance introduced at the mid-month meeting.
- Would also like Council to introduce an ordinance that repeals all fees in existing ordinances and puts them all in a fee schedule at the next mid-month meeting.
- There is a pre-construction meeting scheduled tomorrow for the Finley Street property for the removal of the old school on the property. DNREC will also be there to discuss the disturbance of some of the wetlands.
- The new cobra head light was installed on Ginn Street at the parking lot entrance to Town Hall.
- Would like to remind residents that you only receive one trash and recycling can. You can request an extra trash can from Waste Industries for an extra fee from them, but you can have an additional recycling bin at no charge. With your weekly trash, you are permitted 3 extra bags set next to the trash can. You are also permitted one large item per week but must call Waste Industries the week before to make arrangements for the bulk item. This requires an extra truck to be sent out.
- CW Gorman stated Dollar General is procrastinating and we need to be firmer in making them take care of the trash problem. The manager wants to fix the problem but headquarters is lagging, I think we need to give them a deadline.
- CM Hatton asked TA Townsend to draft a letter and mail it to Dollar General.

## VII. Committee Reports

- a. Finance: Chair – CM Jermaine Hatton
  - Vote to approve FY 2016-2017 budget
  - We met last week and made a few modifications to the FY 16-17 budget which we all approved.
  - CM Ness motioned, CW Sutton seconded with unanimous vote to approve the 2016-2017 budget.
  - Our auditors will be back on Tuesday to complete the 2015 audit and start the 2016 audit.
  - A resident asked if the approved budget would be posted on the website and was told yes.
- b. Public Works: Chair – CM Rudy Sutton
  - Approval of Solar Panel project at 141 Main Street – Council asked TE Hyne previously if he could put an estimate together to increase the solar panels at Town Hall.
  - TE Hyne handed out a bid for the design and management of the project for \$5,585.00.
  - CM Sutton said the Town is waiting on several other bids before making a decision on this.
  - A resident asked when the Town will start getting a return on the project and CM Sutton said once the array is designed it is included in the bid.
- c. Land Use & Development: Chair – CM Jermaine Hatton
  - The Town has to do a 5 year review of the Comp Plan and this will be one of the first missions of the Planning Commission. This will be due to the state in the next 6-9 months. IPA will help us with this process, the groundwork is done, have to tweak and modify it.
  - Spoke to someone today who may be interested in re-development of a piece of property in the Town limits. This will go to the planning commission. We should receive a minor sub-division request in the next couple of weeks also. It is one parcel the owner wished to divide into 2 parcels. Planning commission will be busy.
  - TA Townsend commented that the comprehensive plan is considered a force of law; it will be a big project for the planning commission.
- d. Community Relations: Chairs – CW Cindy Cook
  - Town Wide Yard Sale – 6/4/16
  - The yard sale is 8:00 am – 2:00 pm, rain or shine.
  - Before I came on Council, there was a group called the Townsend Community Partnership. I have been encouraged to try and bring this group back together to help make our Town what we envision it should be. If anyone is interested in being on this committee, please email me.
- e. Public Safety: Chair – CM John Ness
  - The police have been notified about the tractor trailers parking on Main Street by the grainary. If you see this, please call the police.
  - We will have State police on duty at our movie nights this summer.
  - I'm still working on getting numbers to start our own police force.
  - A resident complained that the train goes through Town about 45 mph in the wee hours of weekends. It was 1:15 am last Saturday and it was headed north.
  - CM Ness stated he will contact the railroad.
  - Mr. Emsley said the speed limit trailer is an embarrassment to the Town, doesn't work half the time.
  - CM Ness stated he will ask TM Green to remove it from the road.
  - CW Cook said she talked with a man at the DLLG dinner who will be sending her information about non-profits using (non-gas/alternative fuel) vehicles and information on sizable grants for Towns to

purchase these vehicles. The Town of Smyrna can fuel these vehicles. Once she gets the information she will pass it onto CM Ness.

f. Parks & Recreation: Chair – CW Lorraine Gorman

- Park Maintenance

- I. The contractor is a little behind schedule due to the rain.

- II. Our maintenance men are chipping away at their list of things to do to get the park in shape for the season.

- Upcoming Events

- I. “Paddington” – Movie under the Stars – Townsend Municipal Park – 6/17/16

- II. This is a free event, open to the public; several vendors will also be there. Hope all will come out and enjoy the evening.

- NWF update – have set up a small library with information are starting a wildlife habitat in the lobby of Town Hall. We also have a library of books that can be borrowed. The plaques have been hung.

**VIII.** Citizens Comments & Participation

a. Mr. Emsley said good job on the Town Hall.

b. A resident asked that public notices be put on facebook also, not just the website. He said we could reach many more people with social media.

c. CW Cook explained that there is a glitch, some notices go to facebook as soon as it is added to the website, some don't.

d. TA Townsend pointed out that newspaper notification is required by law.

**IX.** Adjournment: 8:54 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.

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