



**Townsend Council Meeting Minutes
November 2, 2016**

7:30 pm – Council Meeting

- I. Call to Order: 7:30 pm
- II. Opening Ceremonies
 - a. Roll Call: Mayor Rudy Sutton, CM John Ness, CW Lorraine Gorman, CM Jermaine Hatton, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne and TE Jr. Andres, TM Dawson Green, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said
 - c. Recognition of Visitors: 13
 - d. Announcements:
 - Town Hall will be closed Tuesday, 11/08/16 for Election Day
 - Town Hall will be closed Friday, 11/11/16 for Veterans Day
 - Town Hall will be closed Thursday and Friday, 11/24 & 11/25 for Thanksgiving
 - Because of the Thanksgiving holiday, the Council workshop will be held on Wednesday, 11/16/16 rather than 11/23/16. The meeting will be held at 7:00 pm at the Town Hall.
- III. Additions/Deletions to Published Agenda: none
- IV. Superintendent Matt Burrows – Appoquinimink School District
 - a. Referendum discussion – Mr. Burrows stated we have been the fastest growing school district for 15 years and the district has built several schools and done many renovations in that time.
 - b. The referendum is 2 sided, the Capital side is for building new and renovations to existing buildings; operational is for staff recruitment and retention and operating expenses.
 - c. Our district has grown by 766 new students in 2 years and this growth is expected throughout the decade.
 - d. Our high schools are over capacity, teachers share rooms.
 - e. We currently have added trailer classrooms at 2 middle schools and 1 elementary school. The number of trailers needed is expected to grow. Trailers are a temporary solution and not sustainable. It is very costly.
 - f. Our district is 1 of 2 school districts to be approved for capital support from the State which means new schools will be funded 75% by the state. The school district will pay 25%.
 - g. On the capital side of the referendum, we propose to build 3 new schools and rebuild/renovate and expand 2 more schools. We plan on building a new middle school and new high school at the Fairview (Old State) school complex, which will create a K-12 campus. There will also be a performing arts center the schools will share. The aquatic center is part of the original plan but we are putting it out to bid, we aren't building it. The "Town of Whitehall" donated land to the district and we would like to build a new elementary school there.
 - h. We plan to expand Everett Middle and Silver Lake Elementary.
 - i. The big issue on the operational side is staff recruitment and retention. Our starting salaries are the 2nd lowest in the state; we aren't competitive and there is a teacher shortage.
 - j. Would also like to expand wireless networks and replace outdated technology.
 - k. Operational will also support the cost of materials, textbooks, supplies, salaries, transportation, maintenance and furniture.
 - l. Polls will be open to vote on the referendum December 20, 2016, 10:00 am – 8:00 pm. You can vote if you are 18 years of age, live in the district and are a USA and Delaware citizen.
 - m. There was a long discussion about the referendum with the residents asking many questions.
- V. Council Minutes - none
- VI. Mayors Report
 - a. Mayor Sutton said he spoke with Ceil from MOT Sr. Center about using the Town Hall to help Town seniors in any way we can. Ceil will get back to me by Friday. She would like to get something going for the holidays. Any ideas would be welcome.
 - b. Ms. Sturgis asked what kind of services and was told anything so they don't have to travel to Middletown; crafts, caroling, etc. The seniors would just like to have a place they could meet and get together.
- VII. Reports
 - a. State Police Lt. Hudak: not here
 - b. Representative Jeff Spiegelman:
 - Session starts back up in January.

- Prevailing wage – in theory it was supposed to be fixed so Towns wouldn't have to use union workers if they have a project using CTF or MSA funds. It wasn't fixed, is going to be on the table again when we go back in session.
- c. Town Attorney Fred Townsend III:
 - Have been working on litigation which will be discussed in executive session. Nothing else to report.
- d. Town Engineer Owen Hyne:
 - TVI – meeting with the developer tomorrow to discuss punch list and ensure he is giving proper notice to residents for trees.
 - We are going to try and get the front part of Edgar Road dedicated to Town, winter may hit first
 - TVII – some of the punch list work is being addressed.
 - Mayor Sutton asked about the work to be completed at the Town Hall.
 - TE Hyne stated Chris from Affordable keeps telling me he will be here and it doesn't happen.
 - A resident pointed out that a lot of traffic uses the South Street connector from TVII to South Street in Town. There is a bump out installed with the streetscape at South and Main and when they turn west onto Main many of them hit the bump out which is getting chipped up. TE Hyne said he will look into it.
- e. Town Manager Dawson Green:
 - The email and phone problem has been resolved. SSD has been here all week working and many problems have been resolved. Seems to be running smoothly.
 - Spoke with Linda Raab. Would like to schedule a class on 1/11/17 with the Planning Commission. She recommends the commissioners take 3 classes, 101, 102 and 103. All the commissioners' emails are set up.
 - Discussion/possible vote to approve Photocells & GFI replacement on utility poles along Main Street
 - I. Need a Council decision so we can move ahead with this.
 - II. Council had a short discussion and all agreed it doesn't make sense to have the boxes looked at for a fee and then replaced if needed for an additional fee. All agreed they all need replaced with new, they are old.
 - III. CM Hatton motioned, CM Ness seconded with unanimous vote to have Generation Electrical replace the photocell and GFI on the poles for the decorations.

VIII. Committee Reports

- a. Public Works: Chair – Mayor Rudy Sutton
 - Mayor Sutton stated he contacted DelDot regarding the deterioration of the Wiggins Mill Bridge and pavement on either side of the bridge – which is a safety hazard. He will be meeting on site with Mr. Hague from DelDot.
 - Council was provided with a copy of an estimate for laying crushed stone and removing trees at the Finley Street property. This will be moved to the November 16th meeting for possible approval.
- b. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman
 - Discussion/possibly vote to approve RVB Change of Scope # 1- Finley Street Wetland Delineation & Survey
 - I. TE Hyne stated we did the first step months ago; we have the initial wetland map and the Army Corp of Engineer surveyed the property. 85% of the land is wetlands. Need to have the next survey step before any development, then the Army Corp of Engineer will review all of it and issue a jurisdictional agreement form setting the wetland boundaries and existing features.
 - II. The next step is the wetland delineation and the Army Corp will review the plans for the property and tell us what can and can't be done. This will move the Town forward for using the property. Could do it in steps or all together which TE Hyne said he recommends.
 - III. CM Hatton asked to table this vote and move it to the 11/16/16 workshop since we just received the change of scope and Council needs to review it.
 - Discussion/possibly vote to approve Smith Liquors Bond Waiver Request
 - I. Mr. Desai asked Council to waive the construction bond for Smith's Liquors, he said the bank wants \$4,000.00 to issue the bond and he can use the money on the project.
 - II. TE Hyne explained, per CM Hatton that the performance bond is required once the improvement plans are approved to guarantee the plan is followed, done correctly and completed. It is a monetary security to the Town and is 120% of the estimated job total. Once the job is done and a CO issued, the bond is released and given back.
 - III. Mr. Patel said JJ is demolishing the old building and putting up a new one, he isn't taking the business away; just improving an existing business that has been here for years. Only the bank is making any money off this bond, would prefer to have the money to put into the business rather than pay the bank.

- IV. After a long discussion, CM Hatton motioned to approve to waive the bond for Smith's Liquors, CM Ness seconded. Vote: CM Ness, CM Hatton, CW Cook – aye, CW Gorman – nay. Motion carried.
- c. Community Relations: Chairs – CW Cindy Cook
- Had fun handing out candy on Halloween at the Town Hall and had a lot of great feedback on the new Town Hall.
- d. Public Safety: Chair – CM John Ness
- Asked TM Green if we received the August police bill yet and was told no. He will check into it.
- e. Parks & Recreation: Chair – CW Lorraine Gorman
- Christmas Caroling
 - I. Carolers are needed.
 - II. Ms. Sturgis asked to decorate Jester's tree again this year and was told yes.
 - III. Mr. Mueller asked if the vandalism in the park has reduced and was told a little.
- IX. Citizens Comments & Participation
- a. Representative Spiegelman said Senate Bill 262 is a law; removes Uber drivers from having to have a business license. He gave all the info to TA Townsend.
- b. Mr. Bates, Mr. Mueller, Mr. Belle and Mr. Evans all live in Townsend Village and were at the meeting to discuss the landscaping trees being planted in TVI. These trees are part of the recorded plans to be planted in all residents' yards. There has been a problem with the developer not notifying the residents and many residents have lived there for years and spent thousands of dollars on their yards including underground sprinkler systems. Many do not want the trees but have been told they have to have them.
- c. After a very lengthy discussion, Mayor Sutton asked TE Hyne to call Rob Allen tomorrow and order him to hold off on all plantings. Council will discuss this again at the 11/16/16 workshop.
- d. Mr. Belle said he home is on lot 207 which is next to an open lot that has a mound on it. He asked if the mound is going to be leveled and the drainage problem fixed.
- e. TE Hyne stated the drainage should be fixed in the spring.
- X. **Motion to Recess for Executive Session:** CM Ness motioned, CM Hatton seconded with unanimous vote to recess for executive session to discuss potential litigation at 9:40 pm.
- XI. **Motion to Convene Executive Session:**
Executive Session: Potential Litigation
- a. Strategy session involving legal advice or opinion with respect to potential litigation where an open meeting would have an adverse effect on the Town's litigation position, pursuant to 29 Del. C. §10004(b)(4).
- XII. **Motion to close Executive Session & Re-Convene Council Meeting**
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