



Townsend Council Meeting Minutes
March 1, 2017

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, CW Cindy Cook, TA Fred Townsend, TM Dawson Green, FC Dawn LoboZZo, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said
 - c. Recognition of Visitors: 10
 - d. Announcements:
 - MACC Spring Expo will be held at the Townsend Fire Hall tomorrow, Thursday, 3/2/17
 - Council will be going to Washington DC on Wednesday, 3/15/17 with the DLLG to speak with our local Senators and Representative
- III. Additions/Deletions to Published Agenda:
 - a. CM Ness asked to delete 6a, Police not here tonight.
 - b. Mayor Sutton asked to delete 6d and 7a, TE Andres is ill and CM Hatton not here tonight.
 - c. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda with the above deletions.
- IV. Council Minutes
- V. Mayors Report
 - a. Discussion/possible vote on changes to Personnel handbook
 - CW Gorman said Council has trying to discuss the revisions the last several meetings but didn't have a full Council. CM Hatton had no recommendations so would like to discuss this now. She will discuss each one in the order they are in the handbook.
 - CW Gorman recommended changing Finance "Officer" to Finance "Clerk" throughout the handbook. Council agreed.
 - CM Ness asked that the book be toned down and made less bulky. CW Gorman suggested they wait until the next revision to do this and she will start working on it once this version of the handbook is approved. Council agreed.
 - TM Green asked to change the word "prior" to "after" to do a new employee's first review after their 90-day probation. Council agreed.
 - Overtime: the book states that we pay non-exempt employees a minimum of 2 hours pay when they work outside their normal hours. CW Gorman said she doesn't believe this is done and would like to remove it from the handbook. TM Green said we do pay OT for this, example: an employee comes in on a holiday or their day off to put up the flags. Council agreed to leave it in the book.
 - Timesheets: This is a formality for when the timesheets are filed. CW verified that the Financial Clerk is authorized to sign time sheets in the absence of the Town Manager. CW Gorman asked if anything will change now that payroll is being out sourced. TM Green stated he still signs off on the time sheets and submit them via email.
 - Mileage section – fix a typo.
 - CW Gorman said the handbook states the retirement plan is handled through Metlife. The name has changed. Council agreed to change the name and agreed it can be changed anytime in the future.
 - CW Gorman said they were going to remove the vision care section in the book due to the Town doesn't have vision care for the employees. TM Green explained the State has never offered vision to riders on the health insurance but Highmark is now going to offer vision to employers with less than 50 employees.

- In the following discussion, TM Green was asked if the employees will pay for their own vision with no additional cost to the Town. TM Green said he hopes it will be split between the Town and employee just as the health insurance is done. Council agreed to look further into this.
- Vacations: TM Green said vacation for the year starts on January 1st for all employees. Would like to clarify in the book exactly how much time an employee gets yearly, since few people start work on January 1st. CW Gorman said it appears TM Green is changing the amount of vacation time an employee gets yearly. TM Green said no, just trying to clarify it in the book and will get it to CW Gorman as soon as I can.
- CM Ness asked if there is anything in the manual that says use or lose your accrued vacation time. TM Green said currently can carry over a maximum of 2 weeks' vacation.
- TM Green recommended vacation approval must be minimum of 48 hours prior to time requested unless there is an emergency.
- CW Gorman suggests changing vacation carryover to maximum of 1 week only and that week must be used by March 31st of the current year. Would also like to add that employees must take at least 1 full week of vacation a year per our auditor's recommendation. She said her concern is we have run into situations where we get to the end of the year and employees have vacation they must use or lose and we don't have the coverage in the office that we should have. Carrying only one week over and having a date it must be used by would help alleviate this problem.
- There was a long discussion about employee vacation time. Council all agreed it has been an issue at the end of the year for several years.
- A resident suggested paying employees for unused time at the end of the year.
- All of Council agreed carrying only one week over would be a good idea. CM Ness said it will force the employees to manage their time better. All deserve to use their vacation and don't want anyone overworked.
- Mrs. Albert said this all makes sense, but often when Azure was here, there was no coverage in the office. Other residents had suggestions on scheduling vacation based on seniority and passing vacation sheets around at the first of the year.
- TM Green suggested new employees get their personal days after their probation period rather than after 6 months.
- CW Gorman said there is a section that states at separation, any personal time taken in advance would be deducted from the final paycheck. She asked TM Green if this would ever happen. TM Green said he will look into this again. It is probably because all time off is front loaded in January rather than on an employee's hire date.
- Holidays - all agreed to remove the half day off before Christmas Eve Day. Will still have Christmas Eve Day and Christmas Day off.
- CM Ness asked if 90 days accrued sick leave is standard.
- TM Green explained that when he started employees couldn't accrue more than 30 days sick time. However, the Town doesn't qualify for FMLA due to our size so we increased the sick time accrual to 90 days to be fair to employees. CM Ness asked for this to be researched further.
- Performance – CM Ness stated he feels if someone performs unsatisfactorily, they should only be given one month to improve or be dismissed.
- Progressive discipline – CM Ness said after 2 occurrences and 2 months to improve seems too much, needs changed. TM Green will look at.
- In an Emergency – TM Green and CW Gorman will discuss later.
- Emails – CW Gorman asked TM Green if something needs to be added about emails; TM Green said he must check with SSD about purging them.
- CM Ness said we first need to check with TA Townsend, due diligence, we are a municipality, how long must we keep emails for FOIA before they can be deleted.
- TA Townsend said Council should have a policy on this and abide by the policy. There are state guidelines he will check into.

VI. Reports

- a. State Police: Lt. Anthony Hudak – deleted from agenda
- b. Representative Jeff Spiegelman

- Not much to report, Delaware was on hold until after the election was over for the Senate seat in the 10th district as it could have had a lot of impact on Delaware.
 - New bills will be coming through, still have the same budget concerns, the State is deeply in debt by millions of dollars. The previous Governor's package is still on the table; the new Governor hasn't made recommendations yet; imagine there will be changes in transfer taxes. Everything still in a holding position.
 - Mayor Sutton asked if MSA will possibly be pulled because of the warmer weather and climate changes.
 - Rep Jeff said MSA being on the chopping block has nothing to do with the climate, it has to do with the budget. The new Governor hasn't made any comments on it yet. Will let you know as soon as I know anything.
 - Imagine there will be a change in realty transfer taxes.
 - Hope to have more to report next month, right now – no news is good news. Many things are causing the deficit; affordable care act is a huge part, the largest employer in the state is the state and health care continues to rise. The new unclaimed property law changed to prevent another huge law suit but lost lots of income from it. It was a 3-5-million-dollar industry, may max out at 1 million now.
 - A resident stated the state buys and owns a lot of property in the state and asked why. Rep Jeff stated he has been looking into this. The state often buys property when a road may go through. I'm researching to see what properties have been owned for years and haven't been used, feel they should be sold.
 - TA Townsend said all the state agencies would have to sign off if a property is going to be sold.
- c. Town Attorney Fred Townsend III:
- Our dispute with Suppi is in litigation; will discuss it in the coming weeks in executive session.
 - A resident asked what is going on with the sidewalks and was told they are still in litigation and several resolutions are being looked into.
- d. Town Engineer Aquilino Andres Jr.: deleted from agenda
- e. Town Manager Dawson Green:
- Met with DelDot and Walgreens. While at the location on Pine Tree Corner Road, noticed there is appropriate signage for no left turn out of Walgreens onto Pine Tree. It is private property and DelDot won't do anything more; they have met all requirements. Also, noticed the stop signs at Walgreens are faded almost white and will try to get new ones installed.
 - Wiggins Mill tractor trailer parking issue: additional signage will be added for no parking on Wiggins Mill Road between the two bridges. Signs will be on both sides of the road and Council will do an ordinance for this. It will also include no tractor trailer parking on Wiggins Mill Frontage Road.
 - No parking signage has been installed on Main Street west of the train tracks.
 - Been working on a nuisance ordinance to clean up some properties in Town and would like input from Council.
 - Next several meetings will need 2 ordinances introduced; a property nuisance ordinance and no parking on Wiggins Mill Road ordinance. Once the ordinances are on the books, if the police are called about, or see a tractor trailer parked on Wiggins Mill, they can issue a ticket.
 - Mayor Sutton asked TM Green how the audit is going; Debbie was here this week.
 - TM Green said Debbie worked with Dawn; there are still some issues he needs to clear up.
 - CW Gorman asked how far along the audit is and TM Green said he doesn't know.
 - Mayor Sutton asked when Debbie will be back and TM Green said he doesn't know.
 - A resident said the yield sign turning onto Main Street from Rt. 71 South is not placed properly. She said the yield line ends and if you must stop for a car, your car is almost out into Main Street.
 - CM Ness said this is a state road and we will have DelDot look into this.

VII. Committee Reports

- a. Finance: Chair – CM Jermaine Hatton – not here
- b. Public Works: Chair – Mayor Rudy Sutton

- Met with DelDot last Friday at the Railroad Avenue/Wiggins Mill Road bridge to see if it would be possible to widen it to a 2-lane bridge. DelDot agreed to survey the area and see what could be done. They were very positive about it.
 - Mr. Haines said they didn't do it years ago because of the turtles.
 - Mayor Sutton said the team that met with him didn't mention the turtles, they may be gone. If it is widened, it will be much safer for the resident's.
 - Jones Paving is waiting on approval from Sapperstein to fix the Founds Street sidewalk issue. He was there this week to see how much dirt was needed. Hopes to do the job next week.
 - Historical sign will be placed in front of Town Hall at 9:00 am, Thursday, March 2, 2017.
 - CW Cook thanked Mayor Sutton for getting the sign back and he said it only took a phone call!
 - Mr. Mueller asked if the streetscape will start this spring. Mayor Sutton said he is sure it won't and TM Green stated it is probably 14 months out if there are funds available.
 - Mayor Sutton asked TM Green if he found the collapsing building.
 - TM Green said yes and the owner was contacted months ago by Dave. He will have Dave contact him again to have him demolish the building.
 - Mr. Mueller congratulated Mayor Sutton for being chosen to serve as an Honorary Troop Commander.
- c. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman
- Planning Commission meeting will be 3/8/17 – CW Gorman stated this is a regular meeting the week after the Council meeting. Very exciting to see the committee take off and run with projects.
 - Rental Agreements – CW Gorman asked Council if they have looked at the handouts from the last meeting. She explained that this ordinance is meant to protect the residents, renters and the Town. Inspections would be required by the Town to ensure the property is fit to be rented; must meet the codes and occupancy limit. We want to be a crime free Town and landlords would be held responsible if they rent to drug dealers, etc. This is a tool we can use to monitor rentals; it is a safeguard for everyone. Took some ideas from Smyrna and Middletown rental ordinances. If Council agrees to this, CW Gorman said she will do all the groundwork prior to TA Townsend and TM Green looking at it.
 - CM Ness said this is a good idea, but isn't sure how Council will know if a home is a rental.
 - CW Gorman said something Council can move on now is to adopt a "Clean Hand" Ordinance. This ordinance will prevent any services – trash, permits, business or contractor license being issued if any money is owed to the Town on the property.
 - TM Green suggested wrote "debt tied to parcel", don't specify owner or renter and Council agreed.
 - Mayor Sutton said this is a good opportunity for the Town. Council agreed to have CW Gorman move forward with this ordinance.
 - There was a long discussion about rental ordinances with one resident stating the Town should not get involved with this, there are state laws landlords must abide by.
- d. Community Relations: Chairs – CW Cindy Cook
- Working on a draft for the annual Town scholarship, hope to have it to Council by Friday. Would like to have a solid date to have it awarded. Last year the check was sent directly to the winner but all agreed the check should be mailed to the college the winner is attending. CW Cook is adding guidelines for this with the scholarship application.
 - Based on Mayor Sutton's appointment as an Honorary Troop Commander, would like to schedule a meet and greet your police in March, maybe bring in K-9's and set up tents. Would like the police to meet our residents. Will work with Mayor Sutton and CM Ness on this and will propose several dates to Council via email.
 - Kids at MHS approached me about participating in autism awareness month, which is April. Supposed to "paint the Town blue". Thought we could possibly put blue lights up at Town Hall.
 - Elections are coming up for Town Council. There will be three (3) seats open this year. Candidate packets will be available on March 6; the packets are due back to Town Hall by April 6 at 4:00 pm and elections will be held on May 6.
- e. Public Safety: Chair – CM John Ness

- Per Lt. Hudak, there are many fraudulent calls being made; hitting phone bills for \$10.00-\$15.00 or saying they are from the IRS and asking for information. The IRS will never call you.
 - Have been working on several public health issues which I discussed with Mayor Sutton and TM Green. There are several residents that have been piling up trash; not sure if their trash service has been suspended, but the neighbors have vermin attracted by the trash. May need to address the ordinance again. Also, need to look at the books to see whose trash is suspended and do drive bys to ensure trash isn't piling up. CM Ness asked TA Townsend if the Town could intervene legally.
 - TA Townsend said suspending a resident's trash doesn't give them permission to not dispose of their trash; will look at the codes but feel could send a certified letter and if resident doesn't take care of the issue, the Town could go in and dispose of the garbage and attach a lien to the property.
 - TM Green commented that one of the properties already has a lien attached and he believes we may have to take some of the residents to court.
 - TA Townsend stated everyone is entitled to due process; first you must notify the resident and give them time to rectify the situation; it also needs to be addressed in the codes and ordinances, don't want to push anyone, and if we follow all the steps and have the CO pulled on the house, the resident will have to vacate the premises until it is cleaned up and the CO re-instated.
 - Mayor Sutton said TM Green has sent two (2) letters to one resident who is in violation of the maintenance code, and TM Green feels he has done all he can. Where is the Town's leverage, we have to rectify this situation. Our Town is so small Mayor Sutton said he feels he needs to contact the resident himself.
 - There was a long discussion about this issue. Mayor Sutton said this is a public health issue and asked TM Green what he does when he sees this type of situation.
 - TM Green said he drives by the property, then he tells Dave. Dave goes and takes pictures and writes a violation letter that is on Town letterhead and mails it.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
- Baseball field upgrade
 - I. Sent all the information to Council. The diamond tex dirt will cost just under \$5,000.00. We also need to purchase turface (clay mixture) for the pitcher's mound.
 - II. Iron Source is donating all the equipment we will need to fix the field. They met us at the field to determine what equipment we would need. This would have cost around \$2,000.00. They are very good to us, always donate the lights for our movie nights in the summer.
 - III. Steve Duncan will be donating \$3,000.00 to help to fix the field.
 - IV. The revenue from the 2016 fair and what is left in the park budget will cover all the cost to fix the field. It should be done in several weeks and will be nice.
 - V. CM Ness asked if we should maintain the field as we go once it is fixed and CW Gorman said yes, it is part of the package. The Town will be buying a piece of equipment to maintain going forward.
 - Easter Egg Hunt – Sunday, April 9, 2017 @ 2:00 pm
 - I. We will be having the crazy hat contest again this year.
 - Town Fair – Saturday, September 23, 2017 – parade @ 10:00 am, fair 11:00 – 3:00 pm
 - I. Have started receiving vendor and parade registrations in. Smyrna HS Band will be back this year, have already registered.

VIII. Citizens Comments & Participation

- a. A resident commented that he had asked about our service agreement with Verizon and was surprised CM Hatton wasn't aware of it. It states the Town is supposed to get franchise fees and asked if we are still getting them. TM Green said yes.
- b. Mr. Glanding asked if the boats can be moved from the yard next to him.
- c. Mayor Sutton said we are working on it, please be patient and it will all be done.
- d. Mr. Glanding asked if the mobile home in the yard is illegal. He showed Council Ordinance #9 from 1977 that states mobile homes aren't permitted in yards. He would like something done about this. He

also showed Council pictures of the residents now double parking in front of his house on Fulton Street and of their 5 dogs.

- e. Mayor Sutton said part of the problem is Fulton Street is a public Street and they can't prohibit them from parking on it; it is a tough situation. However, the untagged vehicle was moved from Walnut Street. He assured Mr. Glanding the situation with the items in the yard are being looked into.
- f. TM Green said he spoke to Dave about someone living in the mobile home last year and Dave stated we can't prove someone is living in it. He added he will look at the ordinance with Dave again, including the nuisance ordinance and will try to address it that way.
- g. Mr. Glanding stood in front of the room and thanked Mayor Sutton for everything he is doing to help him. He told everyone present that the Mayor has followed through on everything he has told him and even came to his house and walked the property with him.
- h. Mayor Sutton said the neighbor is willing to help and do what they can, and we will be doing a new ordinance which will also make it better.
- i. CW Gorman announced the Town Council is not responsible for the letters the residents in the developments received raising the Homeowner Association fees to pay for the streetlights. Council has not come to a decision on how they will be paid for. She added she called Tom Cahill and he said they did this in case they would need to collect the money.
- j. A resident verified that the Town won't accept the streets into Town until a decision on the lights has been made and the punch list is done. CW Gorman said that is correct; it all goes hand in hand.

IX. Adjournment: 10:00 pm, CW Gorman motioned, CM Ness seconded with unanimous vote to adjourn.
