

TOWN OF TOWNSEND
January 7, 2009 @ Townsend Fire Hall
Public Hearings @ 7:00 pm
Council Meeting Minutes @ 7:30 pm

7:00 pm – Public Hearings

I. Call to Order: 7:01 pm

II. Roll Call: Mayor Dave Raughley, Councilman John Hanlin, Councilwomen Sherry Drake and Karen Jennings, Engineer Tom Wilkes, Financial Officer Azure Wright, Code Officer Mike Jester, Secretary Cathy Beaver. (Attorney Fred Townsend – 7:15 pm)

III. Third & Final reading, Ordinance No. 08-13 – Adopting the Code of Ordinances

- a. Hanlin motioned, Jennings seconded with a unanimous vote to read ordinance 08-13 by title only and council adopt the ordinance. (Councilwoman Sturgis arrived at this time and also voted aye). Raughley read ordinance 08-13 by title only and explained it to the residents in attendance. If anyone would like to see a copy of this book of ordinances, you can look at on at the Town Hall.

IV. Shoppes of Townsend – Final Approval of Plans

- a. Raughley stated he is very impressed with everything the builder has done; they have made many changes per resident's requests from previous meetings and have downsized the center and made changes. He read the letter received from Buchanan, Ingersoll & Rooney, PC as follows:
 - i. To the Mayor and Council of Townsend
 - ii. Re: The Shoppes at Townsend.
 - iii. Dear Mayor Raughley and Town Council members:
 - iv. This plan is scheduled to be presented to Mayor and Council at tonight's council meeting. At that time, we will be asking for final record plan approval conditioned upon receiving all required no objection letters from required agencies, such as the State Fire marshal, and final approval of drawings from the Town's engineer.
 - v. I thought I would write briefly to update you on what has happened since we last appeared before Mayor and Council this past July. At that meeting, we discussed four issues: (i) dirt piles, (ii) sewer capacity, (iii) a traffic light at the entrance, and (iv) a "rights-in" along the northern half of the project, and a "rights-out" along the southern half.
 - vi. Since that meeting, I am happy to report the following. First, the dirt piles have been removed as promised. Second, we have confirmed that sufficient sewer capacity exists with New Castle County and are in the process of signing an agreement with the County for that capacity. Third, we have agreed with DelDOT to fund a traffic light at the entrance when DelDOT determines that a traffic light is justified. We are working to persuade DelDOT that a light is justified now, and are preparing a "Signal Warrant Analysis" for DelDOT's review, but we have no control over DelDOT's final decision in this regard. Similarly, we have met with DelDOT regarding the issue of "rights-in/rights-out" and are preparing a Traffic Operation Analysis as requested by DelDOT for its review and comment. At Council's request, the plan before you tonight includes both the "right-in" entrance and the "right-out" exit. If DelDOT approves those features, they will be built.
 - vii. So that the plans may proceed in as efficient a manner as possible, we ask for conditional final record plan approval from the Town, conditioned upon (i) obtaining all required no objection letters from appropriate agencies (i.e., the Town Engineer, New Castle County Conservation District, the State Fire Marshal, and New Castle County Special Services), and (ii) submitting a final plan which conforms to any final comments regarding Code compliance from the Town Engineer. The plan will also include a note stating that the "rights-in/rights-out" will be constructed if approved by DelDOT; but, if not approved, we would submit a resubdivision plan without those features.
 - viii. Thank-you. We believe that the Shoppes of Townsend will become a valuable addition to the Town, and we look forward to seeing you Wednesday night.
 - ix. Very truly yours, William E. Manning
- Raughley introduced Bill Manning from Buchanan, Ingersoll and Rooney, the attorney for the Shoppes of Townsend when he finished reading the letter.
- b. Bill started with stating the last public hearing was on July 2, 2008, and he is going to take us from then until now because there have been a fair amount of changes made and some other issues resolved that we heard about. Physically the biggest change is here. If you remember, we had a big two story building here, retail on the bottom and offices on the top. So close for concern, the residents that live right behind this building were concerned the roof would rise above the berm that will be planted so we took the second story off. There are no two story buildings in the facility at all. Instead of retail here, these will now be three office buildings. That change is also what people in the market place wants and we feel we can build this space up. The visual from the second floor has now been resolved. This also shrunk the

center. It was 180,000 square feet when we were here last and it's now just under 90,000 square feet. The folks who live in the corner were concerned the burm wasn't long enough and they would be looking right into the back of the commercial center. The burm has been extended so there will be a complete visual buffer, not just from the burm but there are plantings. Actually we have already submitted the landscape plans and they are on record. In addition to the things I've talked about, there were 4 issues we heard a lot about the last time. 1) Security issues created by the large dirt piles. If you noticed, within 4-6 weeks of the July meeting, that dirt has all been removed except a small pile down at the end which we will be using in the center. We were asked to take the dirt piles down and we did. 2) There were concerns about sewer capacity. The county has confirmed that under its agreement with the Town there is capacity and it has reserved that capacity for us. There will be a signed sewer agreement probably within the next week, so that issue has been resolved. 3) A lot of conversation about the traffic signal right here (Bill pointed to the entrance to TVII from Rt. 71 on Karins Blvd.). We didn't have it in our original plans. It is not cheap. **We have agreed with DelDot that we will pay for it (the traffic signal).** The only thing that has to happen to enable us to have a traffic signal is for DelDot to ask for it. DelDot is very picky and won't put up traffic signals unless they feel are warranted, they have the traffic information, and **all we can do is commit to pay for it when and if DelDot installs it, and we have made that commitment.** I think in time there will be a light, and I think it will be sooner rather than later, we just don't know what DelDot has to say about that. 4) You'll recall a whole lot of conversation about these entrances and exits (pointed to the right in/right out on the drawing). They were not on the drawings we presented to you in July, there are issues associated with them. We have been to DelDot and said "we want them and the Town wants them", can we put them in? DelDot said they aren't so sure, do a traffic analysis for us, that has been done and provided to DelDot and we're still going back and forth. These will either be installed or not, depending on what DelDot says. If DelDot permits them, we will put them in.

So...these are the four major concerns that I remember being expressed in that public hearing and I think it's fair to say, and actually you can add the visual affects so there were five issues, and we responded to all of them. The center is now smaller, it is one story only, it has a whole lot more traffic circulation than we had showed you originally, quite frankly I'm not sure these are really necessary (pointed to the right in/right out), but we put them on the plan and will build them if DelDot permits us too. **The light we will install if DelDot says install it.** So that's the end of the presentation.

Questions - Hanlin said you have agreed to pay for the light when it's installed and asked if they had a signed agreement for the traffic signal. Tony Y stated it has not been signed yet, it's been going back and forth in editing. Bill added they actually have the agreement with DelDot that they are getting ready to execute. DelDot is looking into what they call warrants, it's actually numbers. Hanlin said that isn't what he is getting at, he understands that obviously right now the right in/right out isn't warranted but in 5-10-15 years after a new traffic study shows its needed, are you guys still going to pay for it then? The answer was yes. Raughley said he knows these were both big issues with the residents and asked if it could change or help with the residents' requests going into DelDot? Bill said this is not a unique situation, DelDot faces requests for stop lights all over the state, if any of you have ever wrestled with DelDot on this issue, they have guidelines and follow them pretty rigidly. I'm not going to say DelDot will ignore the Town's request, and I encourage the Town to express their wishes to DelDot however you want, there is no problem with that, quite frankly I think the sooner DelDot says yes, the better, but you'll find they are fairly thick skinned regarding the public and traffic lights because they deal with this every day, and if they put up every light people requested, we'd never get to work! If the numbers warrant a traffic light they will tell us to put it in. Wilkes asked to clarify again that **even if its years down the road before DelDot agrees a light is needed, the owner will still pay for it then. Bill said that yes that is their agreement with DelDot.**

Bill then showed the residents the renderings (pictures) of the proposed shopping center. He stated that no HVAC will be visible on the roofs. He pointed out the appearance of the gables and windows at the top of the buildings suggest a second story but there are no 2 story buildings, it is all architectural dress to make it more presentable. Hanlin asked if there is any way the proposed gas station could be made to have the same type of architecture. Bill said they usually have their own style, Wawa builds all of there stores the same and won't build unless that is the way they can do it. He stated we could have town codes stipulating how something can be built. Raughley stated he received a letter from Bill via email that he read to the residents. After reading the letter he stated he feels this is a statement showing they are working with the Town and trying to do everything they can to please the residents. John Ness asked Bill if they had a website that residents could look at similar projects. Bill said no, they don't build shopping centers all over the world. If anyone has any questions they can contact Tony Yarmolyk at Kershaw Construction, Bruce Baker at Karins Engineering or myself. Torie Baker asked if they had anyone interested in the site yet, or are they going to build it and hope vendors come. Bill said they won't build until someone commits to a site. He feels the daycare will be the first to go as daycare demand is very high and he believes they will find a tenant soon. Concern was again expressed by residents about the turning radius for delivery trucks. Bill stated all the turning radiuses have been designed with truck traffic in mind. Currently the mailboxes are there and from what I hear the postmaster has said he hopes to have home delivery at the houses by mid February. Tony Y. said the same situation exists in TVI with the mailboxes and he was told that in 2009 there would be home

delivery. Tony added that residents will see site work starting at the shoppes; however no buildings will be built until a tenant is committed. Torie expressed concerns about the lighting on Karins Blvd. The school children catch their bus and are dropped off from school at Karins and Rt. 71. She said there is some lighting along the sidewalk but wanted to know if they would be left there. Tony stated the lights would stay there and once the development is built out the buses will start coming in to pick up and drop off children. Tom Wilkes added that he sent a letter to council and 90% of his concerns have been addressed.

Hanlin motioned, Sturgis seconded with unanimous vote to accept the plans as the conditional final record plan approval based on the letter received from Buchannan, Ingersoll & Rooney contingent on the conditional problems mentioned there, as well as the letter from dated 12/31/08 to the Town from Remington, Vernick and Beach, Tom Wilkes, making sure that all the comments in his letter are satisfied.

V. Adjournment: 7:42 pm – Sturgis motioned, Drake seconded with unanimous vote.

7:30 pm – Council Meeting

I. Call to Order: 7:45 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Dave Raughley, Councilman John Hanlin, Councilwomen Sandy Sturgis, Sherry Drake and Karen Jennings, Attorney Fred Townsend, Engineer Tom Wilkes, Code Officer Mike Jester, Financial Officer Azure Wright, Secretary Cathy Beaver
- b. Pledge of Allegiance: The pledge was said.
- c. Recognition of Visitors: 19 present

III. Additions/Deletions to Published Agenda: approved as written.

IV. Council Minutes – December council meeting minutes approval. (Copies are on back table.)

- a. Sturgis motioned, Drake seconded with unanimous vote to approve the minutes.

V. Unfinished Business

- a. None

VI. New Business

- a. None

VII. Reports of the Officers

- a. State Police – Troop 9: Lt. Daniels said there were 17 calls for December 2008 and 22 citations. The calls are as follows: 2 – 911 hang ups, 4 – alarms, 1 – assist, 1 – crash w/property damage, 1 – criminal mischief, 1 – fraud, 1 – mental patient, 1 – missing person, 1 – OPR, 1 – stolen motor vehicle, 2 – suspicious persons/vehicle, 1 – traffic violation. Corp. Alexander worked the NYE party and all went well. John Ness, a resident in TVII stated that Monday night there were several cars broken into in TVI and some had items stolen from them. It happened on Tracy Circle and Edgar Road. He has called Handler about putting up more street lights but hasn't received an answer yet. Torie Baker spoke up and stated they had problems in TVII also. Lt. Daniels emphasized again, don't leave anything in your cars to attract thieves. Park in your driveway rather than on the street and lock your cars.
- b. State Representative incumbent, Quinn Johnson: Not present.
- c. County Representative, Bill Powers: Not present.
- d. Townsend Fire Department: Leonard Wallace was representing the fire department as Keith Shoemaker is sick. He talked a little bit about Michelle Smith, the EMT from Delaware City that was tragically killed by a motorist while on a call. He said any and all donations can be made to a trust fund for her Daughter to the Delaware City Fire Company. He asked if the Town may be interested in making a donation. Hanlin asked that it be added to the workshop agenda. Raughley asked Leonard to please thank the fire company and the ladies auxiliary for the use of the hall for the NYE party. He stated it was a huge success.

VIII. Reports

- a. Fred Townsend III, Attorney: Nothing to report. Fred apologized for being late, he had car problems.
- b. Tom Wilkes, Engineer: Nothing to report.
- c. Mike Jester, Code Officer: Nothing to report.

IX. Committee Reports

- a. Finance Committee: Chair - Dave Raughley: Wright read the financial report as follows: \$3,095,956.66 in total assets and \$3,064,883.44 total liabilities & equity.
- b. Streets Committee: Chair - John Hanlin, II:
 - i. Old Orchard Lane: Hanlin asked to remove this discussion until the workshop.
 - ii. Hanlin stated we had very high winds on trash day last week. He asked residents to please ensure the trash is secure and their bags tied tightly. There was trash blowing all over town.
- c. Water Committee: Chair – Karen Jennings: nothing to report.
- d. Zoning Committee: Chair - John Hanlin, II: nothing to report.
- e. Health & Public Welfare Committee: Chair – Karen Jennings: nothing to report.
- f. Townsend Wildlife Habitat Committee: Chair – Karen Jennings: Jennings reminded the students in attendance that Principle Sheppard will present to all children a certificate who certifies their yards as a

backyard habitat. Raughley said if anyone is interested to please call Councilwoman Jennings for help or advice, and once it is done you also get a cool sign to put in your yard. (He showed the sign he will be putting up in his yard.)

- g. Energy & Environment Committee – Chair: Karen Jennings: nothing to report.
- h. Veteran Affairs Committee - Chair: Karen Jennings, Co-Chair – John Hanlin: Jennings said there was a meeting on 1/8/09 at 7:00 pm at the Town Hall. She read the letter Hanlin wrote to all veterans (which is in the newsletter) in hopes they will contact the Town hall and participate in the ceremony honoring all veterans on April 18, 2009 @ the Townsend Fire Company at 11:00 am – 3:00 pm. Hanlin stated if you know any veterans, please have them contact us. Raughley said it will be a lot of fun and he hopes to see all the veterans there.
- i. Police Committee: Chair – Dave Raughley: Raughley stated he saw people here that are involved with the community watch. He saw the email from John Ness in reference to cars being broken into in TVI. He stated he feels the community watch needs to get started up again and said the Town Hall could be used for meetings until they get too big. Sandy has made arrangements with the church to hold meetings there on the 1st Tuesday each month also. He reminded residents that council supports this committee and there is money in the budget for equipment. Just let us know when you'll be meeting.
- j. Executive Park Task Force: Chair – Dave Raughley: The park is rolling. Jester said he has pipe being delivered and there is a meeting with the conservation district next week. Jester asked that residents please keep their children off the pipes, do not let them play on them as they could get hurt. Drake thanked Ritchie Emrick and the Union for all they have been doing. John Ness asked what the ETA for the new town hall is? Jester stated it is on the plans but not being considered right now. Raughley added that the town hall could possibly fall into the infrastructure phase of building and we may get some stimulus money to help build it. Right now the town budget won't allow us to build the town hall/community center. There will be an amenities meeting sometime in the first couple weeks of February. We are starting to order things from Liberty as it will take 2-3 months from the order date to delivery date. We are looking into getting bids from local contractors on the pavilions; it may be cheaper than ordering them through Liberty.
- k. Parks & Recreation Committee: Chair – Sandy Sturgis, Co-Chair – Sherry Drake
 - i. New Years Eve party: Raughley thanked Sturgis for putting the NYE party together. He thanked Torie for taking care of the food during the party and Azure and Cathy for all their help putting the party together. He said he talked to most of the people there and they all told him it was a great party; don't change anything other than better advertisement. They all added they will be back next year and bring more friends with them. Hanlin and Jennings both added their thanks and said they had a great time, it was a great party. Sturgis said DJ Jammin Jeff has already committed to the party next year and he will also be at the town fair on June 20th.
 - ii. Sturgis motioned, Drake seconded with unanimous vote to have an Easter egg hunt again this year on Saturday, April 4, 2009 from 1:00 – 4:00 pm. Rain date will be Sunday, April 5, 2009. Raughley suggested they contact the Jr. Council members to help with the egg hunt. Sturgis said she will send letters.

X. Announcements: The MOT throws are on sale. You can order them through the town hall or right from the Southern NCC Rotary Club. Residents were shown what they look like.

XI. Citizens Comments & Participation:

XII. Adjournment: 8:30 pm, Sturgis motioned, Hanlin seconded with unanimous vote.
