

TOWN OF TOWNSEND
February 3, 2010 @ Townsend Fire Hall
Public Hearing @ 6:00 pm
Council Meeting Minutes @ 7:30 pm

6:00 pm – Public Hearing

I. Call to Order: 6:03 pm

II. Roll Call: Mayor Dave Raughley, Engineer Tom Wilkes, Attorney Fred Townsend, Secretary Cathy Beaver

III. Board of Adjustment Hearing – Home Day Care – 123 Edgar Road

- a. Raughley stated this hearing is more of a usage variance and must be approved by the Board of Adjustment to have a home day care in a residential district.
- b. Raughley asked the board if they had any questions.
- c. Fred asked if it was OK, they would like to hear from the Romero's before asking questions.
- d. Mr. Romero stated he and his wife have discussed opening a home day care since moving to TVI. Wife has worked with home daycare for 9 years. Found if we opened our own day care we can provide better service, wife loves kids and I support her.
- e. Mrs. Romero said she has worked in day care and teaching for 15 years, want to open own day care to have more 1 on 1 interaction, want to provide better education in a smaller setting.
- f. Fred asked if they had done all the pre-liminary paperwork to get licensed.
- g. Mrs. Romero said yes, she has renewed all of her classes including CPR and applied for all the licenses' through the state, county and town. The fire marshal has already done his inspection and signed off.
- h. Mr. Romero stated this is a step you have to do to be licensed in the state, whether or not the BOA approves the daycare, they must pass all state and county inspections.
- i. Fred asked if they had talked to their neighbors about opening this daycare.
- j. Mrs. said no.
- k. Fred asked if any of the neighbors had approached them about the day care.
- l. Mr. said they didn't really know their neighbors always say hi but don't know them personally, everyone always speaks in the neighborhood but no one bothers you, all respect each other's privacy. However, once they received the town letter, one neighbor approached us and asked if she could place her child in our daycare.
- m. Fred asked if they had neighbors behind them.
- n. Mr. said yes, one has 2 small children, but they all stay to themselves.
- o. Fred asked how many children they planned on having in the daycare.
- p. Mrs. said the state will decide how many you are permitted. Level I is 6-9 kids and Level II is up to 12 kids. They have not told us yet.
- q. Mr. added that with both levels 2-3 of the kids have to be before and after school care only.
- r. Mrs. added you are only permitted 2 infants also.
- s. Fred asked if they would hire or have any assistants.
- t. Mrs. said at Level I you aren't required to, but she has several friends who will work there daily. Both are also certified teachers.
- u. Fred asked if they had talked to the homeowners association to see if they permitted home business' in TVI.
- v. Mr. said yes, right now it is still under Handler and we are waiting for the letter from them.
- w. Fred asked what the hours would be.
- x. Mrs. said they will be 6:30 am to 6:00 pm. Mr. added that part of the licensing with the state is to have a signed contract from all the parents with all the clauses included.
- y. Mrs. added that a state requirement is everything has to be in writing. She will be provided breakfast and lunch and 2 snacks.
- z. Fred asked when they moved to TVI.
- aa. Mr. said on 5/26/06.
- bb. Fred asked if they had ever had a home daycare before moving here.
- cc. Mr. said no.
- dd. Fred asked if it was their impression that the homeowners association would permit them to open a home daycare.
- ee. Mr. said yes.
- ff. Tom asked what they thought their typical hours would be.
- gg. Mr. and Mrs. said it depends, people start work at different times so drop off and pick up times will vary. We will also have full time which will be 4-5 days a week, half time kids for 2-3 days a week and before and after school kids. Again, all of this must be in the state contract.
- hh. Tom stated the town ordinance restricts times and how many children are permitted per square foot of the house.
- ii. Mr. showed the board where the children would be located in the house and the square footage. He showed all the entrances and exits and stated they have an alarm system that warns you when a door is opened. He said another advantage of the location is the park across the street, can take the children there to play when it's warm.

- jj. Tom asked if they had children of their own.
- kk. Mrs. said three, ages 14, 12, and 10. The 2 oldest are very active in after school events. All of our children are old enough that the state doesn't add them into the ratio for the daycare.
- ll. Tom asked about the in ground pool with the children.
- mm. Mr. stated they can't get the gates open, and the fence and gates and locks meet all the town, county and state codes. Also, both of our older children are life guard certified.
- nn. Raughley asked if any residents were here about the daycare.
- oo. John Malizka asked why the letter they received from the town stated this hearing started at 6:30 pm and we started it before that.
- pp. Cathy apologized. Those letters were mailed before we scheduled a second BOA hearing.
- qq. Dina and John Malizka live diagonally behind the Romero's at 752 Tracy Circle. Dina stated they don't want to start any problems but are against the daycare. Worry about the pool with kids. They have a dog that's always in my yard, how will they keep track of 9 kids. Shouldn't be able to use the town park for a business, it's the residents park. If this is passed, believe the development will go to hell. Moved here from New York, it happened there. All kinds of business' run out of people's homes and really brought neighborhood down. The restrictions here not permitting business in the home are part of the reason we moved here.
- rr. Ted Jagelski of 129 Edgar Road agreed with the Malizka's. Stated the homeowners association clearly restricts home business. Also very worried about the pool. If this passes, it will open the door for other business in the development.
- ss. There was much more discussion, and the question was raised about who all is supposed to receive letters prior to the hearing. There was no clear answer to this question. Because of this and the wrong time in the letters that were sent, Raughley motioned, Fred seconded with unanimous vote to table the BOA hearing until next month.
- tt. Fred will look to find the diameters for letters to be sent.
- uu. Recess was taken at 6:40 pm.

IV. Board of Adjustment Hearing – Anderson Homes – raised elevation of new homes

- a. Hearing started at 6:50 pm.
- b. Raughley stated this hearing was different than the last one, it is a request for a height variance from Anderson Homes for 11 homes to be built on Wiggins Mill Road, Lots 306 through 316. John McBride, the director of construction for Anderson Homes is here for the hearing.
- c. Fred had no questions and asked to hear from Mr. McBride. Tom also had no questions as he is already familiar with the request.
- d. Mr. McBride stated that these 11 lots on Wiggins Mill Road along the creek have grading drops from 7 to 8 feet from the front to the back of the lots. With that kind of drop, it prevents us from building any of our current homes. It is virtually impossible to re-grade and a hardship. It would be a shame to put ranch style homes on these lots.
- e. Fred asked how deep the lots are.
- f. John stated they are an average of 120 feet.
- g. Fred asked where the drop off starts.
- h. John showed the lot plan of one of the homes. He stated Anderson Homes is asking for a 3' variance at the roof line. It will be impossible to tell the difference from the street side; will only be able to see it from the creek side.
- i. Fred asked what kind of material would be used.
- j. John said standard is a concrete foundation with a smooth finish; we could cauterize it to match the siding.
- k. There was a general discussion about the grades.
- l. Tom asked if they were planning to build the Ellicott model home on all the lots.
- m. John said they can do some other house options, each lot has a different slope and there shouldn't be more than a 4' slope on any of the lots.
- n. Fred asked if he was sure they could live with a 3' variance request.
- o. John said yes, any more that that can work with the grading.
- p. Raughley asked if there were any residents here for this hearing. None replied.
- q. Raughley motioned to permit Anderson Homes a 3' height variance for 11 lots, #'s 306 through 316 on Wiggins Mill Road, the creek side only.
- r. Fred asked to amend the variance to permit 3 ½ "height variance.
- s. Raughley amended his motion to give 3 ½ "height variation for the 11 lots, numbers 306 through 316. Fred seconded with a unanimous vote.
- t. Motion passed.

V. Comprehensive Plan Review/Hearing

- a. Raughley introduced Ed O'Donnell from the UofD. This is the 3rd comp plan Ed has worked on for us. Ed updated the 2003 plan which was state mandated. The top priority at the time was the Middletown area.

- b. This update has taken a year and has really tested his patience. This comp plan was changed for land acquisition to go out Caldwell Corner Road and up to Green Giant Road. The purpose of the meeting tonight is to approve a resolution to enable us to submit the plan to the state.
- c. Ed said he sent Cathy the report for the 2009 Comp Plan Annual Report. It must be completed before we can submit the plan for certification. Once the plan is approved, it will be on the UofD website. After approval, we will also do the final editing.
- d. Raughley stated some of the text within the body of the comp plan needs updated. Ed said to give it to him and it will be done.
- e. Raughley showed on the maps the area of Townsend and the additional land this comp plan will encompass. He explained to the residents what TDR's (transfer development rights) are and how they work.
- f. There were no questions from the residents.
- g. Sturgis motioned, Hanlin seconded with a unanimous vote to accept the revisions for the land use portion of the comp plan with the approved zoning changes for Ed to add.
- h. A resident asked about wastewater management.
- i. Ed stated the Town is ahead of most with on water resource management.
- j. Raughley explained about the aqua-fir and that all new homes built in Townsend are built so that all water runoff goes back into the recharge system. Townsend won an award for this.
- k. Ed thanked council and said once the revisions are made it will be on their website and submitted to PLUS.
- l. Raughley asked Cathy to write a resolution accepting the comp plan.

VI. Adjournment: Hanlin motioned, Jennings seconded with unanimous vote to adjourn at 7:30 pm.

7:30 pm – Council Meeting

- I. Call to Order:** 7:45 pm
- II. Opening Ceremonies**
 - a. Roll Call: Mayor Dave Raughley, Councilmen John Hanlin and John Ness, Councilwomen Sandy Sturgis and Karen Jennings, Attorney Fred Townsend, Engineer Tom Wilkes, Secretary Cathy Beaver.
 - b. Pledge of Allegiance: Pledge was said.
 - c. Recognition of Visitors: 23 visitors.
- III. Additions/Deletions to Published Agenda:** none
- IV. Council Minutes** – January council minutes on back table (approved at workshop)
- V. Unfinished Business**
 - a. Ordinance No. 10-01 – Emergency Snow Removal: Councilman John Hanlin
 - i. Hanlin announced that the Emergency Snow Removal Ordinance No. 10-01 was approved at the workshop due to the weather forecast. There are copies of it on the back table. All cars on Townsend streets must be parked on the odd numbered side of the street once the Mayor declares a snow emergency. You will receive a call from Reverse 911 with a recording when this happens. Any car parked on the even numbered side of the street can and will be towed at the owner's expense.
 - b. Code of Ordinances – vote on purchasing CD – Councilwoman Sandy Sturgis
 - i. Sturgis motioned, Hanlin seconded with unanimous vote to purchase the Code of Ordinances on a CD in Microsoft Word format with a limit of \$200.00.
 - c. Jr. Council – Delaware League of Local Government Meeting/Dinner: Councilman John Hanlin
 - i. It was decided to take the 7 Jr. Council members to the March League Dinner/Meeting. Letters and permission slips will be sent to the parents.
 - ii. Hanlin motioned, Jennings seconded with unanimous vote to invite the Jr. Council to the March dinner and pay for their dinners.
 - iii. The 5 Jr. Council members at the meeting stood and introduced themselves.
 - iv. Raughley said he had a meeting with Sara Wozniak from the Appoquinimink River Association, St. Andrews School and the UofD. They have asked to partner with the Town to clean the retention ponds and plant gardens around them. High school students from St. Andrews will come in to do this. Jr. Council members will partner with the high school students to help with this project. We are trying to correlate with Earth Day. This will be a good solid project for Jr. Council and a chance for volunteers in Town.
 - v. Hanlin asked that parents please send Cathy their phone numbers and email info.
- VI. New Business:** None.
- VII. Reports of the Officers**
 - a. State Police: Lt. Campanella
 - i. Lt. Wallace was here in place of Lt. Campanella. They will take turns coming to the meetings.

- ii. There were 18 calls for January as follow: 1 – 911 hang up, 1 – crash causing personal damage, 4 – alarms, 1 – check on the welfare, 1 – disorderly conduct, 4 – domestic, 1 – loud radio, 1 – public relations, 1 – sexual assault, 3 – suspicious persons/vehicle, 2 – theft.
 - iii. There were also 26 speeding tickets issued, 10 seatbelt fines plus other fines like stop sign violations.
 - iv. Have a meeting with Councilman Ness tomorrow.
 - v. Hanlin asked if the traffic violations were in conjunction with the community watch requests.
 - vi. Wallace said yes, but Main Street is still the main focus.
- b. State Representative: Quinn Johnson:
- i. Contacted DelDot to ensure Main Street is taken better care of with the impending storm.
 - ii. Sandy stated the last two storms DelDot responded quickly and plowed Main Street.
 - iii. Getting the railroad crossing on Main Street fixed is a railroad issue. They have 100's of crossings statewide that they rate; our track on Main Street is slated to be fixed in 2011 when DelDot does the new paving of Main Street. There is a phone number on the sign next to the railroad track, I would recommend everyone call the railroad and complain and maybe they will do it sooner.
 - iv. For the crosswalk to Happy Harry's, they have painted the lines but the weather has prevented them from completing the job.
 - v. Legislation is on break right now.
 - vi. Have received the governor's budget for 2011 to review, it is still bad but better than last year. A synopsis of the budget solution, we received a lot of ideas from the people and state employees, there is still room to grow and reduce more, and we did reduce government staffing. Also trying to get grant money to help the budget.
 - vii. All meetings are online now and open to public if anyone would like to attend one.
 - viii. A resident asked if there were any plans to widen the one lane bridge on Wiggins Mill Road because it is dangerous.
 - ix. Quinn stated not at this time, possibly after the comp plan is approved and then we may be able to get a developer to pay for it.
 - x. Sturgis added that the speed limit going out of Townsend is 25 mph and coming into town it is posted as 50 mph.
- c. County Representative: Bill Powers: Not there.
- d. Townsend Fire Department:
- i. The sub sale was a huge success.
 - ii. Wednesday, February 17, 2010 is the chicken and dumpling dinner.
 - iii. The flea market is March 20, the ladies aux is renting tables and they will be serving lunch.

VIII. Reports

- a. Fred Townsend III, Attorney: nothing to report.
- b. Tom Wilkes, Engineer:
- i. Harry found two doors boarded up and sided over on the outside of the building. This is part of the problem, as none of the wood is treated and holds water.
 - ii. Putting together a scope of what needs to be done, will have it tomorrow.
 - iii. There is also termite damage.
 - iv. Raughley said he will be talking to the Carter's this week.
 - v. Sturgis motioned, Hanlin seconded with unanimous vote to have Dave Cummings tear the carpet out of the lobby and have a company come in and sanitize the floor and walls to prevent mold from spreading.

IX. Committee Reports

- a. Finance Committee: Chair - Dave Raughley:
- i. Have no report. Azure is out; her grandfather has been in the hospital.
- b. Streets Committee: Chair - John Hanlin, II:
- i. Hanlin asked Tom and Fred about the tree issue on Ginn Street.
 - ii. Fred said he can't find any support in the charter or ordinances that the trees are town responsibility. He doesn't anticipate he will recommend the town do anything. He will have his report ready for the workshop.
 - iii. Hanlin stated Austin and Bednash were out plowing the streets within 30 minutes of his call for the last storm. I called them just before we hit 4 inches. They started with old town. Took them about 4 hours total. Had a lot of positive feedback and some negative.
 - iv. Sturgis suggested with storm being predicted that they start a little sooner so they can keep up.
- c. Water Committee: Chair – John Ness: nothing to report
- d. Zoning Committee: Chair - John Hanlin, II, Co-Chair – Sandy Sturgis:
- i. Hanlin said he hadn't talked to NCC about changing the name at TVII yet but will call next week.
- e. Health & Public Welfare Committee: Chair – Sandy Sturgis: nothing to report.

- f. Energy & Environment Committee – Chair: Karen Jennings:
 - i. Townsend Wildlife Habitat Project:
 - I. Still working on the Town certification. Need to certify more yards.
 - II. Next month I will have a proclamation for “Earth Hour”.
 - III. Raughley added that April 23 from 10:00 am to noon is a voluntary blackout for earth hour.
- g. Veteran Affairs Committee – Co-Chairs: Karen Jennings and John Hanlin
 - i. Project 19734 Soldier Support: TES has a bin to collect donations for our soldier’s.
 - ii. Veterans Picnic – April 17, 2010: Need volunteers.
- h. Police Committee: Chair – John Ness: Obey speed limits and stop signs.
 - i. Townsend Community Watch: Have a meeting tomorrow; please send me any questions or comments.
- i. Executive Park Task Force: Chair – Dave Raughley
 - i. At the workshop we will look into buying swing sets for the park.
 - ii. Hanlin stated MOT soccer would like to use the multi-purpose field and asked if they could. All of council said yes. Hanlin will bring the contract to Town for council approval.
- j. Parks & Recreation Committee: Chair – Sandy Sturgis: nothing to report.

X. Announcements:

- a. 2010 Census will be coming soon. We encourage all residents to fill it out as soon as possible and mail them back in. The Census Bureau will have a QAC (question assistance center) set up at the Town Hall from 3/19/10 to 4/19/10, Monday through Friday, 11:00 am – 2:00 pm.
- b. Raughley stressed the importance of filling the census out and mailing it back in. There is federal funding available based on the amount of people.

XI. Citizens Comments & Participation

- a. Jennings said Autism Delaware has a walk on April 3rd. Please contact her if you are interested.
- b. Jr. Council member Sadie Lobdell stated styrofoam is not bio-degradable and the café at TES uses a lot of it. Sadie asked if there was anything the town could do to convince the school to not use styrofoam.
- c. Jr. Council member Dajah Wilson said the school used to use re-usable, washable trays.
- d. After much discussion, it was decided the Jr. Council would write letters and petition the school to reduce the use of styrofoam.

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

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS WITH THE TIME TO BE DETERMINED