

TOWN OF TOWNSEND
April 6, 2011
Public Hearing @ 7:00 pm
Council Meeting Minutes @ 7:30 pm
@ Townsend Fire Hall
107 Main Street

7:00 pm – Public Hearing

- I. **Call to Order:** 7:00 pm
- II. **Roll Call:** Mayor John Hanlin, Councilwomen Sandy Sturgis and Karen Jennings, Councilmen John Ness and Steve High, Attorney Fred Townsend, Engineer Tom Wilkes, Secretary Cathy Beaver and 5 guests.
- III. **Third and Final Reading Ordinance No. 11-01, Burning in Town Limits:** Councilwoman Sandy Sturgis
 - a. Sturgis motioned, Ness seconded to read by title only.
 - b. Discussion: Sturgis explained the purpose of the ordinance is to enable residents to use properly screened fire pits in their back yard. She stressed leaves cannot be burned, it is illegal state wide.
 - c. Sturgis motioned, Ness seconded with unanimous vote to adopt Ordinance No. 11-01.
- IV. **Third and Final Reading Ordinance No. 11-02, Comprehensive Plan Amendment:** Councilman Sandy Sturgis
 - a. Sturgis motioned, Ness seconded to read by title only.
 - b. Discussion: This ordinance is to re-zone the car lot at Rt. 71 and Main Street from residential to commercial.
 - c. Sturgis motioned, Ness seconded with unanimous vote to adopt Ordinance No. 11-02.
- V. **First and Second Reading Ordinance No. 11-03, Light Pollution Ordinance:** Councilwoman Karen Jennings
 - a. Jennings motioned, Ness seconded to read by title only.
 - b. Hanlin asked Council if there was any discussion.
 - c. Jennifer from the Middletown Transcript asked Jennings to explain what the ordinance is.
 - d. Jennings said the ordinance gives an overview in the beginning. The purpose of this ordinance is to continue on with our conservation initiative with energy waste and things of that nature. The purpose is to set some guidelines for light trespass or obtrusive light. An example of that is a streetlight or neighbors flood light which shines right on your house. This will be a control for future municipal lighting. (Jennings showed an example of lighting.) You won't notice any impact on the light at ground level; it is just re-directing the light. This is what the Town is going for (pointed to a picture where all the light shines toward the ground, not into the sky) in the terms of safety, in the terms of utility.
 - e. Jennings then read the purpose of the ordinance as follows:

PURPOSE

The purpose of this Ordinance is to provide regulations for outdoor lighting that will:

- Permit reasonable uses of outdoor lighting for night-time safety, utility, security, productivity, enjoyment and commerce.
 - Minimize adverse offsite impacts including light trespass, and obtrusive light.
 - Help protect the natural environment from the adverse effects of night lighting which threatens wildlife by disrupting biological rhythms and otherwise interfering with behaviors of nocturnal animals
 - Conserve energy and resources to the greatest extent possible
 - To decrease the expense of lighting.
 - Curtail light pollution and improve the nighttime environment for astronomy.
 - Improve the travel conditions for persons and vehicles on public ways by reducing glare.
 - To improve the aesthetics of the Town of Townsend in general while providing adequate night-time safety, utility, and security
- f. Jennings said this will coincide with our partnership with the National Wildlife Federation and our community wildlife habitats and certifications.
 - g. She added the Town has spent over \$90,000.00 over the last 8 years on light bills; this will help cut back on energy costs and save the Town money.

- h. This will also improve the nighttime environment for astronomy. We will be having lots of stargazing outreach nights at the park this summer, working in partnership with Astronomy magazine and Delmarva Stargazers Astronomy Club.
- i. Jennings then read the exemptions to the ordinance.
- j. She said the entire purpose of the ordinance is energy conservation; she is not going to employ light police. It is re-directing our lights, using our resources and conserving energy.
- k. Ness said that basically the ordinance is a guideline for all residents and commercial entities to control light pollution.
- l. Dwain Haines asked if there is a specific area in Town that is a problem.
- m. Jennings said no and DelDot is working on these initiatives as well. It is a statewide theme to reduce energy waste. Energy costs are rising and this is a way to ensure our taxes here won't go up.
- n. Dwain said he understands, but asked if there is anywhere specific in Town in somebody's home that is a problem. He isn't aware of any and he pays his own bill, doesn't think he should be told what he can and can't use.
- o. Hanlin said this is also designed to prevent light trespassing. An example is if you have a big spotlight on the back of your home that has a motion detector and that light is infringing on a neighbor's property when it comes on, it can cause problems. This is just part of the ordinance.
- p. Dwain stated he didn't realize this was a huge problem in Town.
- q. Hanlin said it isn't a big problem.
- r. Jennings said it is a conservation effort for energy environment, to continue on with the initiative. It isn't a huge problem with our wildlife, but am working to preserve what we have. Also working to preserve our energy costs to ensure they are as low as possible and am looking for every opportunity to reduce the amount of energy we use in our Town. Lighting is very expensive. Light trespass has been a problem for some residents in the past.
- s. High said you are directing light to its source where it needs to go, therefore reducing indirect light, conserving energy and saving money.
- t. Jennings said that is correct and explained using a picture she had drawn of the board. If the Town ever gets a complaint about light trespass, she said she would like to help the person who owns the light buy an in-expensive light shield to eliminate the trespass and direct to light to the ground and they will still get the appropriate light they want.
- u. Ed Watts asked Jennings where this would save money; you would still have the same light wattage.
- v. Jennings recommends using lower wattage bulbs, the Town intends to do this, and you don't need as many lights.
- w. Watts said if you use lower wattage and are lighting a large area it won't light up as well.
- x. Jennings said DelDot is doing this also.
- y. Watts said DelDot doesn't run our streets right or control our personal lights; you are not reducing wattage using a shield.
- z. Jennings stated the ordinance is about how to better use lights in the future, you don't need big, giant white lights pointing into the air. If you use a shield, you won't pollute the sky and can use less lumen and still get the same light result because it will all be directed to the ground.
- aa. Watts said this ordinance needs to be put to a vote in the Town.
- bb. Hanlin said that is what this meeting is for.
- cc. After more extensive discussion, Hanlin said he was going to curb the discussion, Jennings and Watts could talk later but we had to move on.
- dd. Vote: Jennings, High and Ness – aye, Sturgis – abstain. Vote was unanimous and passed.

VI. Adjournment: 7:31 pm, Sturgis motioned, Ness seconded with unanimous vote.

7:30 pm – Council Meeting

I. Call to Order: 7:32 pm

II. Opening Ceremonies

- a. Roll Call: Mayor John Hanlin, Councilwomen Sandy Sturgis and Karen Jennings, Councilmen John Ness and Steve High, Attorney Fred Townsend, Engineer Tom Wilkes, Secretary Cathy Beaver.

- b. Pledge of Allegiance: The pledge was said.
- c. Recognition of Visitors: 12 guests
- III. Additions/Deletions to Published Agenda:**
 - a. Hanlin asked to delete item D under announcements, we missed the deadline.
 - b. Hanlin said Quinn Johnson and Lt. LaMarche won't be able to attend.
 - c. Hanlin asked to delete item 6, presentation, person won't be able to attend this meeting, if she comes later, we can do it, otherwise it will be tabled until next month.
 - d. Ness motioned, High seconded with unanimous vote to accept the changes to the agenda.
- IV. Council Minutes – March council minutes (on back table, approved at workshop)**
- V. Presentation – Certificate of Appreciation – Mayor John Hanlin and Council**
 - a. Hanlin stood and announced we recently had a resident who moved from Town limits. He has always volunteered at Town events and started the KKAD25 program, has his back yard certified as a wildlife habitat, and has always been very active. This certificate of appreciation is being presented to Don Loesch.
 - b. Hanlin read the certificate, Don came up and accepted it and said he plans on still participating and helping at Town events.
 - c. The rest of Council all thanked Don for all he has done.
- VI. Presentation – Volunteer of the Year - Mayor John Hanlin and Council**
 - a. Tabled to next council meeting.
- VII. Swearing in of Election Board Members – Cathy Beaver**
 - a. Granville Higgins
 - b. Terry Mobley
 - c. Edward Watts
 - d. The board members came forward, placed their hands on the bible and read their oath of office for the board of elections. The three members then signed their oath.
 - e. Hanlin thanked the three board members for volunteering to serve.
- VIII. Unfinished Business**
 - a. Town Hall Heater/AC contract – Mayor John Hanlin
 - i. Hanlin stated the Town received 3 proposals for the new system at the Town hall. The current system is 17 years and tired.
 - ii. Hanlin stated we are getting a letter from the Carters, who own the building we use as a Town Hall to give us permission to install the new unit. This will enable us to use the energy grant we received. We hope to have the letter signed by the end of next week.
 - b. Electric pole behind Town Hall – Councilwoman Sandy Sturgis
 - i. Sturgis stated we still haven't received any bids to put the pole back up.
 - c. Metlife pershing account vote – Councilwoman Sandy Sturgis
 - i. Sturgis explained Tony from Metlife was at our last workshop.
 - ii. Our account ending in 6022 makes no interest, this is an escrow account.
 - iii. Hanlin added for the record that he believes this is the roadway account and we will have access to the money within 12 hours of needing it.
 - iv. Sturgis motioned, Ness seconded with a unanimous vote to roll the account into a pimco interest bearing account.
 - v. Hanlin said he will have Azure contact Tony.
 - d. Advertising public hearing agenda's in Middletown Transcript – Councilman John Ness
 - i. Ness stated he has received additional information since the workshop. We can put the agendas for our meetings in the Middletown Transcript for free. The agendas all list the public hearings at the top.
 - ii. Jen stated it is free and she has been in contact with Cathy of the deadline to get it in the paper.
 - iii. Ness motioned, High seconded with unanimous vote to advertise the public hearings/council meetings in the Middletown Transcript and add a descriptive line under each public hearing.
 - e. Hiring of Town Manager – Mayor John Hanlin
 - i. Hanlin stated Council has interviewed several candidates for Town Manager; it has been a lengthy process. Last time we did this, it wasn't the greatest of candidate pools, this time we got it done. Had excellent candidates, came down to 3 candidates and will let our HR chair, Councilman High take it from here.

- ii. High said chair of one, committee of one! It has been a lengthy process, started about 10 months ago. It was deemed important because of the loss of an employee named Michael Jester who was triple hatted; maintenance guy, code enforcement (number one job) guy and his number three job was kind of, sort of like a town manager running around making things happen. In order to make our Town more efficient, we decided to hire a Town manager to backfill from Mr. Jester who passed away about 18 months ago. This has been long awaited. The Town manager position has been offered and accepted pending his background investigation results by a Mr. Dawson M. Green. Any questions?
 - iii. Resident Barbara Smith asked what the Town Managers responsibilities would be.
 - iv. High said basically he will take care of everything in Town, oversee the Town employees, Mrs. Azure DeShields, the finance officer and the Executive Secretary Cathy Beaver working directly for him. He will report to Town Council. As you know, all of us are volunteers; this is a non-paid position. He will oversee the daily business and the running of the Town during office hours. Basically, he will be on call 24 hours a day, strapped with a blackberry and if he needs to be brought in, he lives in Middletown and can be here in 10 minutes.
 - v. There is another individual we are replacing; the position was vacated several months ago. Will let Mayor Hanlin introduce that in a minute. The daily running of the park and cleaning up the trash hasn't been done for a while; now that spring and summer are coming we need a presence out there. The Town Manager will be out and about doing business, taking care of permits, trying to get grants, all the business that we all do for the Town as volunteers.
 - vi. Haines asked what his salary will be.
 - vii. High said Mr. Green was offered \$48,500.00.
 - viii. Watts asked about overtime.
 - ix. High said he is salary, 24/7, no overtime.
 - x. High motioned, Ness seconded with unanimous vote to hire, pending positive background investigation results to Mr. Dawson M. Green.
 - xi. Hanlin said we have our first Town Manager.
 - xii. Jennings clapped and said "Mission Accomplished!"
- f. Hiring of Field Maintenance Technician – Mayor John Hanlin
- i. Hanlin said this will fill a position that was vacated a couple months ago. This person will do general maintenance, cutting grass, street sweeping, everyday maintenance, assist with snow plowing, etc. Since this person will be out and about, he will also help be the eyes and ears about Town. He will bring things to his bosses (Town Manager) attention.
 - ii. High said this person will keep the Town clean, whatever is needed, take care of the Town and Town equipment which consists of Town truck, bobcat, lawnmower and Kubota tractor. He will report to and get his directions from the Town Manager. Until the manager reports to duty, he will report to Tom Wilkes, our interim manager. He will start part time to start and work to full time with the weather.
 - iii. Smith asked if the position was posted.
 - iv. High said both positions were posted in the News Journal and Middletown Transcript. The Town Manager was posted in the paper in the paper two times. Had a
 - v. Hanlin added that all of Council met and went through the manager applications and narrowed them down to 5 candidates each, broke them down to 5 candidates to interview.
 - vi. High motioned to hire for the maintenance position, the job has been offered and he isn't subject to a background investigation but was subject to a drug test because he will be running equipment, and pending the results of the drug test, we have offered and it has been accepted, the position to Mr. George G. Hargrove at \$10.00 an hour to start.
 - vii. Jennings seconded the motion.
 - viii. In the discussion, Sturgis asked why this individual isn't getting a background check.
 - ix. Hanlin said it isn't necessary because this person will not be handling money.

- x. Sturgis said he will, however, be maintaining the park and around children.
- xi. Hanlin said that was a good point.
- xii. High amended his motion to hire George G. Hargrove pending the drug test and background investigation results at \$10.00 per hour, Jennings seconded with a unanimous vote.

IX. New Business

- a. Poll Workers payment – Councilwoman Sandy Sturgis
 - i. Sturgis motioned, High seconded with a unanimous vote to pay the poll workers \$100.00 per person, the same as previous years, to work the polls this year (if needed).
- b. Lunch for Poll Workers – Councilwoman Sandy Sturgis
 - i. Sturgis motioned, Ness seconded to buy the poll workers lunch in the event there is an election.
 - ii. Hanlin asked if there was a dollar amount.
 - iii. Sturgis said we always order from Town and it is inexpensive.
 - iv. Ayes – unanimous.

X. Reports of the Officers

- a. State Police: Lt. LaMarche – not here
- b. State Representative: Quinn Johnson: not here
- c. Townsend Fire Department: Keith Shoemaker
 - i. Building coming along. Need to pour concrete pad in back and rain is holding them up. Can't test anything, generators, etc. until the pad is done. It all goes on the pad.
 - ii. Dwain has spring fling tickets.
 - iii. Dwain said June 8, 2011 if the drawing.

XI. Reports

- a. Fred Townsend III, Attorney:
 - i. At workshop Council discussed writing a procurement policy. I have an example for you to read.
 - ii. The example was given to Cathy to make copies for Council.
 - iii. Hanlin said Sturgis and Ness offered to work on the committee to create a procurement policy which will set the procedures for job bids, etc.
- b. Tom Wilkes, Engineer: Nothing to report.
- c. Tom Wilkes, Interim Town Manager: Nothing to report.

XII. Committee Reports

- a. Finance Committee: Chair – John Hanlin, II:
 - i. Total Assets - \$3,238,708.09
 - ii. Total liabilities & equity - \$3,207,634.87
- b. Streets Committee: Chair - John Hanlin, II:
 - i. Nothing to report.
 - ii. Streetscape still at DelDot.
 - iii. Hanlin addressed the street issues in TVII and told the residents we are all very frustrated and he has sympathy for all of them. He added that the developer isn't following through on any of his promised, his excuse is the blacktop plants aren't open yet, which we all know isn't true.
 - iv. Sturgis added that we had talked about going after the bond money.
 - v. Hanlin stated the problem is we need a copy of the bond to file a lien.
 - vi. Hanlin asked Fred if this was correct.
 - vii. Fred said yes, there are ways to work around the bond but it won't be fast. He added the lender does not have the original bond either.
 - viii. High asked who would maintain the original document and where would it be kept, in the Town Hall.
 - ix. Fred said yes.
 - x. Jennings said, and it's not in our Town Hall. Does it even exist, was this a handshake kind of deal.
 - xi. Hanlin said no, there was a bond and we understand it was destroyed.

- xii.** Fred said we don't know that for certain
- xiii.** Jennings said if it was destroyed, does it even exist.
- xiv.** Fred said Jennings asked if it was a hand shake deal and it was not. The bond has been mis-placed and we can't produce it right now. If we need to act upon the bond without the original bond, it will involve litigation.
- xv.** Jennings asked why the bond would be destroyed.
- xvi.** Fred said he has no idea and didn't prepare to answer these questions tonight.
- xvii.** High said the bottom line is we don't know where it is, we're still looking for it.
- xviii.** Fred agreed.
- xix.** Mr. McWilliams asked if they contact Anderson Homes or who about the pot holes, etc. in the development.
- xx.** High asked him if they have a homeowners/maintenance corporation to contact.
- xxi.** Hanlin said it is the same as TVI, BC Communities.
- xxii.** High stated the Mayor and Council will continue to work for the residents, they all feel the residents' pain.
- xxiii.** Hanlin added that unfortunately the developer has all the power until the development is turned over to the Town, then we will maintain it; if it is turned over now it could be a financial burden.
- xxiv.** High said we are having trouble locating the bond but once it is located we will be set free.
- xxv.** Sturgis clarified that developers have to put bond money up at the start of building, they have to follow through on all the rules or they can lose the bond money.
- c. Storm Water Management Committee: Co-Chairs – Sandy Sturgis and Steve High: Nothing
- d. Zoning Committee: Chair - Sandy Sturgis: Nothing
- e. Health & Public Welfare Committee: Co-Chairs – Sandy Sturgis and Steve High:
 - i.** DSWA special pick-ups – Sturgis stated once a year Pine Tree Transfer Station has special pickups for paint cans etc., and they have started a pilot program doing special pickups every Friday. You can call them at 378-1407 to learn more.
 - ii.** Mr. McWilliams said that several weeks ago someone dumped approximately 50 dead geese in front of people's houses in TVII (Wiggins Mill side). There was also an overflowing dumpster on West Founds Street in the unfinished part with dead geese in it. We bagged up the geese and threw them in the dumpster. These geese weren't shot, they were just dead. I called fish and wildlife police and was told it isn't illegal to kill geese. I called the Town Hall and was told it would be taken care of. Several days later the dumpster was removed but the dead geese and other trash was left all over. I called the Town Hall again and several days after that someone cleaned up the geese and trash.
 - iii.** Hanlin asked who he talked to at the Town Hall and he said he didn't know.
 - iv.** Jennings added that Council wasn't notified.
 - v.** There was a long discussion about the area where the dumpster and dead geese were. There is no building going on in that area right now and teens hang out there to do whatever. Council was asked if it would be possible to have the police patrol there at night more often.
 - vi.** Sturgis suggested possibly having the builder put construction barricades to block the 3 entrances to the area.
 - vii.** Mr. McWilliams said that is what they want. He added that calling the police does no good. They say oh well, or never show up. In this case they said to call fish and wildlife.
 - viii.** Ness said to call or email him, he will call the police.
 - ix.** There was a discussion about the burned out home. Residents were told the home is still owned by a person whom we have no contact information for. We will be putting orange fence around the property, posting it and sending letters to the surrounding homeowners.

- f. Energy & Environment Committee – Chair – Karen Jennings: Nothing
 - i. Townsend Wildlife Habitat Project
 - ii. Astronomy Night in the Park
- g. Veteran Affairs Committee – Co-Chairs – Karen Jennings and Steve High: Nothing
 - i. Veteran Tree Planting Dedication Ceremony
 - ii. Veteran Appreciation Ceremony
- h. Police Committee: Chair – John Ness: Ness asked residents to call him with any issues.
 - i. Townsend Community Watch –
- i. Parks & Recreation Committee - Co-Chairs – Sandy Sturgis and Steve High:
 - i. Easter Egg Hunt – April 16, 2011 @ 11:00 am @ Town Park
 - I. This is for residents only, starts at 11:00 am at the park. Postcards were mailed last week and these are your invitation. The egg hunt is broke down into age groups and the ages for the hunt are 1-10.
 - II. There is no rain date.
 - ii. Poles/chain around parking lots at park – bids: not discussed.
 - iii. Community Yard Sale
 - I. Sturgis motioned, High seconded with unanimous vote to have a community yard sale on Saturday, 5/21/11 from 8:00 am – 3:00 pm.
 - II. Rain date is Sunday, 5/22/11.

XIII. Announcements: Hanlin read the announcements.

- a. If you are interested in running for Town Council, the candidate packets are available at the Town Hall. They must be turned in by April 7, 2011.
- b. You must be registered to vote at the Town Hall to vote in Town elections.
- c. Elections will be held Saturday, May 7, 2011 at the Town Hall. Voting will be from 8:00 am – 6:00 pm. There are currently three (3) seats up for election this year, those held by Mayor John Hanlin, Councilwoman Karen Jennings and Councilman John Ness.
- d. Sturgis explained to the residents that you will actually be voting for 3 councilperson. Once elections are over, Council nominates and appoints a councilperson to serve as Mayor for one (1) year.
- e. FBI (Baltimore Division) Citizen’s Academy in Delaware – deleted under deletions.

XIV. Citizens Comments & Participation

- a. Dwain asked if we could move the speed trailer to Commerce Street. Motorcycles and trucks fly down Commerce from the corner of Dexter Corner. I asked you 3 months ago to do this.
- b. High stated as soon as the maintenance guy starts we will have him move it to Commerce Street.
- c. Ness said he will ask the police to patrol more also.
- d. Dwain said he doesn’t bother calling the police anymore, by the time they come if they show up, the vehicles are long gone.
- e. Mrs. Smith from TVII West said she understands building is slow but feels the development should still be maintained, the roads and grass, etc. She said she works hard every day and this is her investment and she should not be subject to a slum looking neighborhood. That’s what it looks like. It’s getting warm now and the grass is growing, it was very overgrown last year before they finally cut it, they never maintained it. She told Council she didn’t think any of them would live like that.
- f. Jennings asked if we could maintain the grass and bill the developer.
- g. Hanlin said no, the developer is responsible for that part of the development and he has to abide by our ordinances and the grass ordinance was revised last year, grass can be no longer than 10”. This was one way we tried to alleviated part of the problem. The Town Manager will be responsible for making the developers abide by our ordinances and if they don’t we will fine them. The maintenance man will also be our eyes and ears and report back to the manager. Unfortunately this is the best we can do right now.
- h. Tom added that is has also been very frustrating to him. You would think the developer would keep it nice to sell more lots.
- i. Mr. McWilliams said it is nothing but a dumping ground right now. Much of it is coming from other places.
- j. Ness asked that if they can get a license plate number to call him.

- k.* Hanlin suggested questioning the children also, be surprised what they may tell you. He asked residents to please keep them informed.
- l.* Mr. McWilliams asked about the possibility of putting a speed bump on Wiggins Mill Road. Speed limit is 25 and people fly.
- m.* Hanlin said we can't do it on state roads.

XV. Adjournment: 9:06 pm, Sturgis motioned, Ness 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