

**TOWN OF TOWNSEND**  
**November 3, 2010**  
**Public Hearing @ 6:30 pm**  
**Council Meeting Minutes @ 7:30 pm**  
**@ Townsend Elementary School Cafeteria**  
**126 Main Street**

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**6:30 pm – Public Hearing**

- I. Call to Order: 6:37 pm
- II. Roll Call: Mayor John Hanlin, Councilwoman Sandy Sturgis, Councilmen John Ness and Steve High, Attorney Fred Townsend and Secretary Cathy Beaver. There were 10 residents.
- III. Third and Final Reading: Ordinance No. 10-07 – Re-Zoning Property
  - a. Sturgis motioned, Ness seconded with unanimous vote to read by title only.
  - b. There was no discussion.
  - c. Sturgis motioned, Ness seconded with unanimous vote to adopt Ordinance No. 10-07 to change the zoning from residential to commercial for property 25-008.00-238 located at 5890 Summit Bridge Road and property 25-011.00-001 located at 5880 Summit Bridge Road.
- IV. Charter Changes – Discussion
  - a. Hanlin told the residents there are several charter changes being discussed to update the Townsend Charter. We have just updated and adopted the Comprehensive Plan which is the future of the Town so the Charter now has to be updated. The University of Delaware recommends this.
  - b. The first item being discussed is how the Mayor is elected. Currently, the Mayor is appointed by Council (5 member panel) after the elections each May to serve a one (1) year term. Council appoints whom they think would be best suited to do the job and serve as Mayor. The change being discussed is to have the residents vote on who they want to serve as Mayor and whether it would be for a one (1), two (2) or three (3) year term.
  - c. Torie Baker, TVII, I work the Town election every year and am continually asked by voters why they don't vote for the Mayor. It makes me uncomfortable that we may vote for a new Mayor yearly, could always be in transition. I want consistency and continuity with the Mayor.
  - d. Hanlin said speaking as a resident, when he got involved in coming to meetings and council, he thought the 1 year for Mayor was good. If he wasn't doing a good job, wasn't performing his Mayoral duties, these guys (Council) would know it, same as with former Mayor Raughley. Typically, the people won't know it, we don't have a huge turn-out for meetings and most people don't read the minutes. They don't know what's going on or what the Mayor is or isn't doing. If I don't do a good job as Mayor, hopefully my 4 fellow council members will tell me.
  - e. Torie stated she feels the Mayor should be elected by the people for more than one year. She hears it all the time; the people want to elect the Mayor.
  - f. Hanlin said he understands, he is here to represent the people but has to look at the whole picture for the residents. If a good portion of residents come forward and say they want to vote for the Mayor, rather than just 5 or 6 people who want it, have to look at what the majority of the people want. Once we have the information, the 5 of us will have to look at the whole picture, what repercussions if the people elect the Mayor, what benefits for the people to elect the Mayor. Hanlin stressed he is here to represent the residents and wants to hear all their opinions, but in the end if only 10 people want this change, then he isn't doing his job to change it when the majority don't want it.
  - g. Torie again stated many people have told her they want to vote for the Mayor. Hanlin said to have everyone email council or write a note and mail it to Town Hall stating they want this change. We don't want people from outside Town limits sending votes in. We will need resident's names and addresses.
  - h. Hanlin said the next item is the planning commission and board of adjustment. It has been suggested on several occasions by the State of Delaware and the University of Delaware that we do this.
  - i. The Planning Commission would be a committee to come up with future changes for the Town. It would be made up of Town residents. Sturgis put ads out several times in the past for this, and the only respondents were people outside of Town limits. No one wants to do it.
  - j. The Board of Adjustment currently is the Mayor, Town Attorney and Town Engineer. This board also needs to be made up of residents and the main reason is so there is no conflict of

interest. This board reviews variance applications submitted by residents for changes to their property that currently are against the Town codes.

- k. Fred added as an example that a resident may want to add an addition to their home but can't do it as the lot is too small for the current codes. This would be a reason for a variance request to go before the board of adjustment.
- l. Ness added as a resident this would be great, however, we can't get residents to volunteer to do it.
- m. Sturgis stated we still need to get it in the charter for the future.
- n. Ness asked if it is added to the charter, are we obliged to have these boards in place.
- o. Sturgis said no, it is looking toward the future, the Town can have a board in the future, we have a police department in the charter now and don't have our own because we can't afford one.
- p. Fred added that it will be Council's duty to solicit and find people who would be willing to do this for a 2 or 3 year term and Council will appoint them to the committee.
- q. Hanlin said the final change up for consideration is sheriff sales. Sturgis recommends we adopt the NCC law for sheriff sales.
- r. Sturgis said right now our charter has a section called munitions sales. With the county, if your house goes to sheriff sale, you have 20 days to come back and pay the buyer the purchase price plus 10% to repay the debt and legal fees. The way our charter reads with the munitions sale, if your house is sold, you have 1 year to come up with the money to pay the buyer back what he bought the house for at munitions sale. It doesn't matter how much money the buyer has put into the house, you only have to pay the purchase price. No one will buy a house we take the sale because of this. Therefore, we want to change the charter and adopt the county laws for sheriff sales.
- s. Mr. McWilliams, a TVII resident asked if the Town forecloses on homes.
- t. Hanlin said no, we have never foreclosed on a home; we put liens on them though.

V. Adjournment: 7:03 pm, Sturgis motioned, Ness seconded with unanimous vote.

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### **7:30 pm – Council Meeting**

**I. Call to Order:** 7:31 pm

**II. Opening Ceremonies**

- a. Roll Call: Mayor John Hanlin, Councilwoman Karen Jennings, Councilmen John Ness and Steve High, Attorney Fred Townsend, Engineer Tom Wilkes, Finance Officer Azure Wright and Secretary Cathy Beaver. (Councilwoman Sturgis not present for council meeting).
- b. Pledge of Allegiance: Pledge was said.
- c. Recognition of Visitors: 18 residents in attendance.

**III. Additions/Deletions to Published Agenda:** None.

**IV. Council Minutes** – October council minutes on back table (approved at workshop)

**V. Unfinished Business**

- a. New computer hardware and software – Councilwoman Sandy Sturgis
  - i. Tabled until the workshop

**VI. New Business**

- a. Town Hall – Councilwoman Karen Jennings
  - i. Tabled until the workshop

**VII. Reports of the Officers**

- a. State Police: Lt. LaMarche: Not Present
- b. State Representative: Quinn Johnson:
  - i. We can watch TV in peace now, no more campaign ads on TV. Glad it's over, was a huge campaign, more than democrat vs. republican. As an elected official, we need to be accountable to the people every day, not just on election day.
  - ii. Have a lot of work to do in the state.
  - iii. In the last session we added a venue for the casinos. We need the people's opinions on having more casinos, please email and call me, stop by or grab me in the store.
  - iv. There will always be budget issues to deal with. With the stimulus money, there is more at one time than others.

- v. Thankful to everyone for all your support. Am happy to be back representing you. We are the largest district in the state.
  - vi. Still moving forward on projects in Town.
  - vii. Hanlin thanked Quinn for all his support at all times.
- c. Townsend Fire Department: Keith Shoemaker
- i. Nothing to really report. Construction is moving along.
  - ii. Hanlin asked if they had a completion date yet.
  - iii. Keith said no, however the ladies are starting to book the banquet hall for June.

## **VIII. Reports**

- a. Fred Townsend III, Attorney:
- i. No official report, encourage Council to contact me about any charter changes.
  - ii. The county is taking the Lupo property to sheriff sale for us, can't give you a date but it is moving along. I know Council is anxious to have this property fixed up.
- b. Tom Wilkes, Engineer:
- i. Will return the final plans for the streetscape to DelDot next week. It will all be done in conjunction with fixing the railroad tracks and re-paving of Main Street.
- c. Tom Wilkes, Interim Town Manager:
- i. 100's of trees have been planted at the park.
  - ii. Nothing else to report.
  - iii. Hanlin said he has had many compliments on the way the park is now looking with the trees being planted and the mulching.
  - iv. Torie stated the tree contractor has been parking his truck in front of the stop sign on Edgar Road where you turn into the park. It blocks the stop sign and people aren't stopping. Someone is going to have an accident.
  - v. Tom will notify the contractor.
  - vi. Ness asked if the trees will now have to be watered.
  - vii. George Hemmert stated everything will die like last time without water, asked about an irrigation system.
  - viii. Tom stated the water meters have been installed at the park. There are no current plans for an irrigation system.

## **IX. Committee Reports**

- a. Finance Committee: Chair – John Hanlin, II:
- i. Hanlin stated Azure has prepared a budget vs. actual report. If anyone wants to see it, call the Town hall.
  - ii. Currently, total assets are 3,754,148.35 and total liabilities and equity is 3,723,069.27.
- b. Streets Committee: Chair - John Hanlin, II:
- i. All patching and repairs to the roads in TVI is done for now.
  - ii. TVII still hasn't been completed. As much as we pushed and tried to have it done, it won't be done this year. 11/15/10 is the last day to get blacktop. Developer doesn't have the money yet.
  - iii. Hanlin guaranteed the residents he will be out in late winter to check on all pot holes etc and make sure they are taken care of.
  - iv. Dwain Haines, Commerce Street resident stated there is a pot hole that keeps coming back at Commerce and Main Street. He feels it needs to be checked into before the streetscape is done.
  - v. Tom stated the streetscape covers sidewalks, curbs, light poles and amenities. It doesn't involve the streets. However, we want to do the streetscape first as we will mess up portions of the road doing the curbs and Main Street is a state maintained road.
- 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: nothing
- f. Energy & Environment Committee – Chair – Karen Jennings:
- i. Townsend Wildlife Habitat Project: If anyone is interested in certifying their backyard, please contact me.

- ii. Light Pollution Ordinance: Jennings briefly spoke with Tom about a light pollution ordinance. She is gathering more information for it. Would like to table this discussion until the workshop.
  - iii. Halloween night Jennings set up some telescopes in her driveway, it was a perfect night and the kids looked at the stars and Jupiter while trick or treating.
  - iv. During new moon nights, Jennings would like to start having a Townsend astronomy outreach program in the park or during full moon on Main Street for the kids.
  - v. Townsend has a face book page and a website she'd like to utilize to announce when she will be doing the star gazing nights as part of the energy and environment committee.
- g. Veteran Affairs Committee – Co-Chairs – Karen Jennings and Steve High:
- i. High reported still on track for the upcoming veterans' ceremony we have every year in April. Still in planning process, not a lot to report right now. Have a lot of vets in Town and want to maintain the recognition they deserve.
  - ii. Hanlin added that volunteers are welcome to step up and help with this ceremony.
  - iii. Jennings said Lt. Matt Dan and Representative Quinn Johnson will be speaking.
  - iv. Jennings said they still need to figure out location.
  - v. Project 19734 Soldier Support
- h. Police Committee: Chair – John Ness:
- i. Townsend Community Watch - KKAD25 has been very successful. If anyone wants signs, call me, I can order more.
  - ii. Will be talking to Council about buying some more permanent signs to put up.
  - iii. At the Fall Fest, Corporal Rose did fingerprinting again. Huge success.
  - iv. If anyone has any issues, please email or call me.
  - v. Ness thanked all the volunteers at the fall fest and the fire company for participating and bringing some engines out.
- i. Parks & Recreation Committee - Co-Chairs – Sandy Sturgis and Steve High:
- X. Announcements:** Hanlin thanked everyone who helped at the Fall Fest.
- XI. Citizens Comments & Participation**
- a. Torie Baker said the drains at Ginn and South Street in TVII is still flooding when it rains. Could someone please look at them?
  - b. Tom said he talked to the developer and they were surprised the paper was still in the drains. They said they would take care of them, I will call them again.
  - c. Torie also said her neighbor asked her to speak on her behalf, their houses back up to an undeveloped field that is extremely dark, no lights. Someone tried to break into her house the other night. They would like to know if the developer could get some lights out there. The streetlights don't reach back there. It is a cut through for people coming into Town and a haven for 4-wheelers.
  - d. George Hemmert, TVI resident said all the residents in TVI received letters from the maintenance corporation asking for \$300.00 per home for dues, snow plowing and maintenance. He asked if they have to do this, some of the roads are done now. Wanted to know if the Town was now responsible for them.
  - e. Tom said Handler is still responsible for all the roads; they won't be turned over to the Town until the building is all done.
  - f. Ness said he is looking into this as a TVI resident, it isn't a Town issue, it is a TVI homeowner issue. The Town doesn't enforce homeowners' association rules. I am trying to set a meeting up with TVI residents, make sure you give me your contact information.
  - g. Hanlin added he has already been through this with Townsend Station. The maintenance corporation doesn't typically bring the residents into the loop until they are 80 – 90 percent done building. He advised TVI residents may want to meet with Representative Johnson and he'd be happy to offer advice, having been through it. The Town is not responsible for any of the roads out there yet.
  - h. Mr. McWilliams of TVII said he has seen a huge improvement with the speeders on Wiggins Mill Road. Would like to thank Lt. Lamarche for the police presence. They are there 4 or 5 times a week now. Has really helped.
- XII. Adjournment:** At 8:30 pm High motioned, Jennings seconded with unanimous vote to go into executive session in 5 minutes to discuss personnel issues.

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