

TOWN OF TOWNSEND
May 2, 2012
Minutes
Public Hearing/Council Meeting

7:00 pm – Public Hearing

- I. Call to Order:** 7:05 pm
 - II. Roll Call:** Mayor Steve High, Councilwoman Sandy Sturgis, Councilmen John Ness and Dwain Haines, Secretary Cathy Beaver. (One visitor, Joel Esler, was present).
 - III. Third and Final Reading Ordinance No. 12-03 - Approving Annexation of 5988 Summit Bridge Road – CW Sandy Sturgis**
 - a.** CW Sturgis motioned, CM Ness seconded with unanimous vote to read Ordinance No. 12-03 by title only.
 - IV. Adoption of Ordinance No. 12-03 – Approving Annexation of 5988 Summit Bridge Road – CW Sandy Sturgis**
 - a.** CW Sturgis motioned, CM Ness seconded with unanimous vote to adopt Ordinance No. 12-03, Annexation of 5988 Summit Bridge Road.
 - V. Adjournment:** 7:07 pm, CW Sturgis motioned, CM Ness seconded with unanimous vote.
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7:30 pm – Council Meeting

- I. Call to Order:** 7:30 pm
- II. Opening Ceremonies**
 - a.** Roll Call: Mayor Steve High, Councilwomen Sandy Sturgis and Karen Jennings, Councilmen John Ness and Dwain Haines, Engineer Tom Wilkes, TM Dawson Green, FO Azure DeShields, Secretary Cathy Beaver, Attorney Fred Townsend arrived at 7:33 pm.
 - b.** Pledge of Allegiance: Pledge was said.
 - c.** Recognition of Visitors: 13 visitors
 - d.** Mayor High deterred from the agenda stating he wasn't sure he would still be here in June and wanted to recognize the people who work in the office, the backbone of the Town who get everything done. In the Town of Townsend the continuity is Secretary Cathy Beaver, Finance Officer Azure DeShields and Town Manager Dawson Green. We also have Shirley Hart who comes in and does filing and anything else needed and our Maintenance man George Hargrove.
 - e.** Mayor High called TM Dawson Green up and added that he is doing this in order of seniority with the most seniority coming last. Mayor High presented TM Green with a framed flag of the Townsend logo and thanked him for his service.
 - f.** Mayor High then called FO Azure DeShields and presented her with a framed flag and thanked her for her service. He added that her nick name in the office is "Big Blue".
 - g.** Mayor High then said he has gone from the junior ranking to the senior ranking and called Secretary Cathy Beaver to the front. He thanked Cathy for everything she has done and all the years of service to the Town which seem like at least ten years.
 - h.** As Mayor High sat back down, CW Sturgis stepped forward and surprised Mayor High by presenting him with a framed flag of the Town seal and thanked him for his service. Mayor High thanked everyone.
 - i.** Mayor High told the residents that this flag is also representing Townsend in Washington DC. He presented one to Senator Carper, Senator Coons and Representative Carney while there with the DLLG.
- III. Additions/Deletions to Published Agenda:**
 - a.** CW Jennings asked to table the veteran's affairs until after the new budget in July.
- IV. Council Minutes – April Council minutes approved (copies on back table)**
 - a.** Mayor High apologized to all for the minutes not yet being added to our website.
- V. Unfinished Business:** none
- VI. New Business**
 - a.** Mayor High introduced the candidates running for election.
 - b.** Meet and Greet the Candidates for Council
 - Joel Esler
 - I.** Mr. Esler stated he lives in TVII and is looking forward to working with the community and Town if elected and push us to the next generation.
 - Jermaine Hatton
 - I.** Mr. Hatton stated he lives in TVII West and like Joel wants to help take Townsend to the next level and have a sense of community amongst all our residents, new residents and old residents. I think communication between Council and residents is lacking and with my background I want to help work on that.
 - Steve High
 - I.** Bottom line for me is to continue representing residents in the entire Town, Townsend Station, Townsend Village I, Townsend Village II East and West and Old Town, and even the residents in the outlying area of the 19734 zip code. I will continue working with the state and county government. I will also continue representing Townsend by working on the board of the DLLG, was appointed to the

executive committee 1 ½ years ago. This is a direct link to our governor and State government. I will also continue fair and equal treatment for all.

- Mayor High asked if anyone had any questions.
- CW Jennings asked Mr. Esler and Mr. Hatton what their backgrounds are. Mr. Hatton, you stated that your background would help you to bridge the communication gap between Council and the residents.
- Mr. Hatton stated he is a native Delawarean, grew up in lower, slower Delaware and migrated north with several moves. I used to be an IT consultant which I know the Town is currently looking for. I am currently a branch manager at Wells Fargo in Middletown. I am a mentor at Brick Mill, coach football and baseball.
- CW Jennings commented that the mentor program is a wonderful thing.
- Mr. Esler stated he came from the area, joined the military out of high school, after that was a government contractor, now he works in IT research for an internet security company which is a tricky way of saying I'm a professional hacker. I figure out ways to break into computers and prevent others from doing it. My secondary job is a community manager for many projects. Hopefully with my background I will also be able to improve communication.
- Mr. Rocke asked both new candidates what involvement they have had in Townsend events and how long they have lived here.
- Mr. Esler said he moved to Townsend in 2006, has been to meetings a few times, unfortunately not as often as he wished, before this current job he traveled a lot with his work, now he doesn't travel and am around more, can be more involved.
- Mr. Rocke asked if he can be more involved now.
- Mr. Esler said yes.
- Mr. Hatton stated he moved here in June 2008. Have attended meetings in the past but not on a regular basis. With my local branch job now my schedule is wide open and I can dedicate my time to the Town. I have a passion to see our Town grow and prosper.
- Mr. Sturgis asked the two new candidates where they see the Town in five (5) and ten (10) years.
- Mr. Hatton said our Town was growing but has now stalled. Feel we need to bring more infrastructure and shops to the Town. We have nothing here except Walgreens and have to go to Middletown for everything.
- Mr. Esler said he doesn't disagree. The issue with this Town is there is a delicate balance in Town between the people who don't want shopping centers and the residents who do. I think the Town took off very quickly and with the recession everything stopped. Now the contractual obligations to the neighborhoods are not being met. The builders and property owners are not keeping their bargains. There is a delicate balance to bring in new and keep the small Town kind of feel.
- Mr. Rocke asked the new candidates if they were aware of the conflict in the past between "Old Town" and "New Town. He asked how they felt about it and what they can do to bring us together. The Old Town has been accused of not wanting to grow and New Town wants too.
- Mr. Esler stated that is what he was referring to, the delicate balance, Old Town wants to stay a small community and small Town, a lot of people I have talked to don't want shops and restaurants, or the extra traffic it will bring, I am not enthusiastic about shops in front of my development. Again, it's a balance, lack of communication is a big issue that needs improved; attitude now is "it is what it is". It is a delicate balance to see what residents want and work toward a common goal and improve the information flow. Middletown had the same problems.
- Mr. Hatton said he hates to sound like a broken record but he feels the same way Joel does. I feel it will be a long battle, but this room here doesn't represent enough parties. First thing we need to do is get the community out, more people need to come together to see what the issues in Town are. He said he understands the Old Town feeling, that is how he grew up. Once we actually have open dialogue we can talk about the issues and talk about moving the Town forward in a positive manner. It all starts with dialogue and getting more people involved and bringing up the enthusiasm for the Town.
- Mayor High thanked both candidates and wished them both luck in their campaign and election. He reminded all present the polls are open 8:00 am – 6:00 pm at the Town Hall.

VII. Reports of the Officers

a. State Representative: Quinn Johnson

- Mayor High said Quinn wasn't able to attend the meeting; he has a Town flag to present him also but will have to catch up to him at a later date.

b. Townsend Fire Department: Keith Shoemaker/Jeff Dawson

- On May 23, 2012 the ladies will be having another chicken and dumpling dinner from 4:00 – 7:00 pm. If you want any, you better get there early. They ran out by 6:00 pm last time.

- CW Jennings asked if there were any vegetarian options available.
- CM Haines has spring fling tickets available.

VIII. Reports

a. Town Attorney Fred Townsend III:

- Only one item which stems from the discussion at the workshop, updating the FOIA ordinance. In your folders is a revised amendment to the code of ordinances which will really simplify our ordinance. It is not on the agenda for consideration tonight but I ask Council to refer it to a workshop. Perhaps next month we could have it on the agenda for first and second reading. I ask Council to pay close attention to the terms in the attachment. It addresses a lot of questions asked at the workshop. It will also be more consumer friendly, instead of a hefty charge per page requested, it will 10 cents per page, 20 cents for double sided.
- CW Jennings asked if this is the model the governor recommends.
- Fred said yes, this has been adopted by all state agencies.
- CM Ness asked if we could discuss the Lupo property. He asked if it had been turned over to a real estate agent.
- CW Sturgis stated the realtor was supposed to contact Mr. Green about getting into the home to see it before listing.
- CM Ness asked Fred if someone wants to present a bid, can we legally do that rather than going through a realtor. Since this is a municipality, do we have to go through a formal bidding process with advertising and showing, etc.?
- Fred stated it could be done in a less formal process but he feels we should advertise in the community, the real estate community that we'd like to enter into an agreement with a reputable, local agent. Then Council as a whole needs to decide who to place the property with. Do not feel it would be appropriate to just pick an agent without letting other agents express interest in listing the property.
- CW Sturgis verified that Fred is stating we need to put it out as a formal bid.
- Fred said under the circumstance that sounds pretty extreme, we could advertise as a surplus property for sale and describe it and ask people to send letters of interest as opposed to a lengthy bid process.
- Mayor High asked if it would be illegal if someone walked into the Town Hall and said they would pay "X" for the property. Can that be entertained by Council if we have it listed with an agent?
- Fred said a listing agreement would be an exclusive right to sell so wherever the buyer came from you would have to pay a commission to the realtor. If before you list the property a buyer comes and offers to buy the property, I think you would be hard pressed to accept it. Unfortunately the municipality is a different animal that being in the private sector, we don't have the luxury of a contract without some type of scenario where the public is made aware of the property for sale. If it isn't marketed and people don't know it's available, there is a risk the Town will be criticized if you enter into a contract with someone.
- CW Jennings stated she would criticize that.
- Fred said the Town has already gone to measures to let the public know the property is available.
- CW Jennings asked if it is posted on the property now.
- Fred stated he doesn't believe it is posted right now but has certainly been on the agenda enough times, but if we do get a contract, we need to develop some kind of policy to get rid of it and we also need to pay close attention to what has happened in the past. Since we have made a number of efforts to dispose of the property, we may not have to go to the extreme that we otherwise would have. We certainly don't want to lose a buyer because we aren't flexible enough. That isn't in the best interest of the Town or the residents.
- Mr. Rocke asked if Fred if he is saying the Town should just advertise it rather than listing it and having to pay a commission. It would be more feasible that way and it could be advertised as a surplus property.
- Fred said he didn't know if it was more feasible, but we can go in that direction. A realtor however, will market the property and you will get value back and the best price for the property, yet you have to pay for that service. Council has to make a decision on the record on what you want to do.
- CM Ness asked to add the Lupo property to the workshop agenda.
- CW Jennings also asked Mr. Green to add FOIA to the workshop agenda.
- Fred added that we can list the property as "distressed". He wouldn't be surprised if a realtor will want to charge a higher commission because of the shape of the property.

b. Town Engineer Tom Wilkes:

- Tom said he has nothing to report.

- CM Haines asked about the streetscape.
 - Tom said he has the streetscape back and is working on incorporating the changes DelDot requested. Should be done in a couple weeks and will submit back to DelDot for final review and approval.
 - CW Jennings asked when this happened, did DelDot just get back to you.
 - Tom stated he has had several meetings with DelDot and went through all the comments and was told the process is going to be streamlined, one person will handle all the comments from the different areas now and he will have the final say on the project. Before I would get comments from the different divisions and some of the comments would be conflicting.
 - CW Jennings asked what will we know in 2 weeks.
 - Tom stated he will re-submit the plans to DelDot for final review and approval.
 - Mayor High asked that prior to sending the plans back to DelDot to please meet and discuss everything with Mr. Green.
- c. Town Manager Dawson Green:
- TM Green said the past several weeks he has been very busy trying to keep residents, developers and builders to keep up on their property, keeping the grass cut and the property clean. Posted 20 notices today, it increases weekly.
 - CM Ness asked if people are responding.
 - TM Green said yes, the people still at the property are responding, unfortunately some of the properties are abandoned and we don't have forwarding addresses.
 - Mayor High wrapped it up by stating that in the last 2 weeks approximately 45 postings have been done and that is good.

IX. Committee Reports

- a. Finance Committee: Chair – Mayor Steve High
- Mayor High asked Azure to read the totals from the report.
 - Azure stated she didn't have a copy of it and CM Ness gave her his report to read from.
 - As of 4/30/12, total assets - \$3,194,456.83 and total liabilities - \$3,163,383.63.
 - Mayor High stated Council still needs to have a budget meeting for FY 2012-2013. Each committee member needs to look at the copy in your folder and at the meeting we will tweak it. Mayor High asked all Council to get back with Cathy by Friday with a good date and time for them to meet.
- b. Streets Committee: Chair – CM Dwain Haines
- Found a street light out and reported it to Cathy to call it in to be fixed.
- c. Health & Public Welfare Committee: Co-chairs: CM John Ness & CM Dwain Haines - nothing
- d. Energy & Environment Committee: Chair –CW Karen Jennings
- Townsend Wildlife Habitat Project
 - I. Anyone interested in certifying yard, please call.
 - II. Getting ready to submit paperwork for community wide certification, have to meet certain goals yearly to maintain the honor. Townsend is listed as a community wildlife habitat with the national wildlife federation.
 - III. If you are interested, now is a good time, contact me and I'll apply for you.
 - Astronomy Night in the Park
 - I. We may have something this weekend depending on weather from sunset to 9:00 pm. Please check on facebook.
- e. Veteran Affairs Committee: Co-Chairs – CW Karen Jennings & CM Dwain Haines - Tabled until after the 2012-2013 budget is approved.
- Project 19734 Soldier Support
 - Veteran Plaque Foundation and Installation
- f. Police Committee: Chair – CM John Ness
- Remind residents to drive the speed limit, summer coming, kids out.
 - If see anything, please call the DE State Police.
 - Remind your children the park closes at dusk and they must leave the park.
 - If you have any issues or questions, please email or call me.
 - Townsend Community Watch
- g. Parks & Recreation Committee: Co-chairs - CW Sandy Sturgis & Mayor Steve High
- CW Sturgis thanked the few volunteers who came and helped plant the trees in the park.
 - Mayor High thanked the MOT Rotary Club for donating the trees to Townsend. He also thanked Mr. and Mrs. Harris who were walking their dog in the park and came back to help plant the trees.
 - CW Sturgis reminded all of the community yard sale on Saturday, May 5th. At the request of residents I asked about TVII East residents using the property at the front of the development to set up their tables and was told no, we can't use it as it is private property.

- Mayor High added that the MOT Rotary Club donated trees, potting soil and mulch, sandwiches, chips and drinks for all the volunteers and thanked them for everything. There will be some letters going out to thank them officially.

X. Announcements:

- Mayor High read the following announcements.
- Elections will be held Saturday, May 5, 2012 at the Town Hall. Voting will be from 8:00 am – 6:00 pm. There are two (2) seats up for election this year, those held by Mayor Steve High and Councilwoman Sandy Sturgis.
- The Town Hall will be closed Monday, May 28, 2012 for Memorial Day.

XI. Citizens Comments & Participation

- Mr. Gorman asked what the status is for the new Town Hall. The last time he was here there was a big presentation and we haven't heard anything since.
- Tom said it is in architectural design and they have also moved into the mechanical designs, electric and plumbing.
- Mr. Gorman said he recalls it would be done/built in 6-9 months.
- Tom said correct, once construction starts.
- CW Jennings said it is moving forward.
- Tom added that we are still projecting construction will be complete by the end of the year/December.
- CW Jennings said we will present this design also. We incorporated all the feedback from the public.
- CM Haines said we won't have to worry about enlarging it later.
- CW Jennings said all the feedback was excellent.
- Mr. Gorman said he just wondered, we heard so much, then nothing.
- CW Jennings said it will definitely be done.
- Mayor High said it is a work in progress. It is in a crawl stage right now.
- Mr. Gorman said we better crawl fast if it's going to be done by December.
- CM Ness wanted to say that he is disappointed Councilwoman Sturgis isn't running for re-election but wanted to thank her publicly for her work on the park and all the events plus everything else she has done for the Town.
- All clapped.
- Mayor High asked if CW Sturgis wanted to say anything.
- CW Sturgis stated we still have another meeting before her term is up and she won't be leaving, she'll be on the other side of the table.

XII. Adjournment: 8:16 pm, CW Sturgis motioned, CM 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