

**TOWN OF TOWNSEND**  
**December 4, 2013**  
**Council Meeting Minutes**

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**7:30 pm – Council Meeting**

**I. Call to Order: 7:32 pm**

**II. Opening Ceremonies**

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CM Joel Esler, CW Lorraine Gorman, CM Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, FO Azure DeShields, TC Cathy Beaver
- b. Pledge of Allegiance: Pledge was said.
- c. Recognition of Visitors: Dwain Haines, Keith Shoemaker, Scott Goss, Lt. Deveney, Lt. Bushweller, Corporal Hazard
- d. Announcements:
  - Town Hall closes at noon on Monday, December 23, 2013 and is closed on December 24<sup>th</sup> and 25<sup>th</sup> for the Christmas holiday. We will re-open at 8:00 am Thursday, December 26<sup>th</sup>.
  - Town Hall will also be closed Wednesday, January 1, 2014 for New Year's Day.

**III. Additions/Deletions to Published Agenda:**

- a. CM Sutton deleted 7b.
- b. CM Esler motioned, CM Ness seconded with unanimous vote to accept the agenda with the deletion.

**IV. Council Minutes (copies on back table )**

- October 23, 2013 Workshop minutes approved at workshop
- November 6, 2013 Council minutes approved at workshop

**V. Reports of the Officers**

- a. State Police: Lt. Douglas Deveney
  - Lt. Joshua Bushweller and Corporal Hazard were present.
  - Lt. Bushweller said he works for HR at state police headquarters. State Police Superintendent Colonel Nate McQueen would like to get the state police more involved in community policing and community outreach, as it was years ago. He assigned me the task of reaching out to communities; I formed a committee with other police companies and other troopers to come up with ideas on how to become more involved in the communities. We decided we need to come out and meet with the citizens and want your feedback on our initiatives and ideas.
  - First, we propose to get more involved with the citizens by forming a community outreach called "Stand Tall". This means "state troopers and neighbors developing trust and lasting legacies". It will probably end up being called "STU", "Stand Tall Unit".
  - Our mission statement is: Commitment to ongoing and pro-active communication with our citizens and business' in community based organizations and to strengthen our policies and practices by forming partnerships.
  - We all feel very strongly that we need to service our residents and business' and would like your feedback on our ideas and any suggestions you may have.
  - We would like to start having living room conversation's and coffee house chats where people can meet and share their concerns. We want to start a citizen's recognition program and hope to start our seven (7) week police academy for citizens back up.

- We propose to have one (1) trooper from each post on this committee, state wide. Biggest problem right now is we don't have the resources, but the Commander is very committed to doing this.
  - Lt. Deveney added that Captain Sapp is 100% behind this program. He is dedicated to community outreach and hope Townsend has seen this since this administration has come on board.
  - After more discussion about the committee and what the state police hope to do for the citizens and communities, Council all agreed this was a great idea. All agreed to email their support and ideas.
  - Lt. Deveney said there are no crime trends for Townsend, some robberies on Rt. 13 from Summit Bridge Road to Smyrna, 2 out of 3 arrests have been made. Have cleared approximately 40 armed robberies. It is the Holidays, be aware of your surroundings and keep your sheds locked.
- b. Representative: Jeff Spiegelman – not at meeting.
- c. Townsend Fire Department: Keith Shoemaker
- Breakfast with Santa is Sunday, December 15, 2013, 8:00 am – 10:30 am. Tickets are \$6.00 each, money raised goes to the needy family fund.
  - Spring Fling 2014 tickets are on sale, Dwain has some if anyone is interested.

## VI. Reports

- a. Fred Townsend III, Attorney:
- TA Townsend said he has worked on the Town's options for dangerous buildings. We need to notify property owner of a dangerous building, rules are pretty explicit, would need Dave Naples assistance with inspections and a letter that structure needs fixed and what we expect them to do within a specified time frame, or demolished. If the Town ends up having to demolish a building, will first have to do title search to see if any liens, fairly inexpensive to do this, and a letter would have to go out to the property owner and anyone with a lien against the property. The owner would be notified and have a very short period of time to fix or demolish, if they don't do it the Town has to notify the homeowner to appear before Council for a meeting and then the Town can start action.
  - CM Ness asked for the shortest time frame from start to finish on a distressed property.
  - TA Townsend said it should be accomplished in a 3 month period, don't have to do foreclosure or have it on the agenda.
  - CW Gorman asked if the Town has to demolish, what would be the next step?
  - TA Townsend stated if the Town follows all the rules and fronts the cost, could then put a lien on the property. Another option could be to make a special tax assessment against the property, in the end you have to decide if you want to take the owner to court, could be better off putting lien on property and collecting money at a later date. There is another option I could explore where the Town can sell someone's property to re-coup the Town funds.
  - Mayor Hatton stated to clarify; we are discussing the property behind the Little Italy property. Dave assessed the property and sent a letter to the owner in April.
  - CW Gorman asked if we are moving forward with this.
  - Mayor Hatton stated we will put this on the next workshop agenda for discussion.
  - TA Townsend added that Council doesn't need to initiate this; the Town building official can initiate the next step.
  - Mayor Hatton clarified that the information TA Townsend just shared with Council pertains only to structures, not derelict properties.
- b. Owen Hyne, Engineer:

- Still waiting on bonds from the contractor for the streetscape. The holidays have held them up.
- Checked with DelDot and they want the Town to be done with the streetscape mid-June so have to start end of February or beginning of March.
- There is heavy equipment in TVI doing grading and they have put a basin in at the back of the property. They are boxing out the roads to set the foundation.
- The surface paving in TVII is almost complete. There is a letter ready to be sent to MS Development about the conditions of their paving.
- Gray Street Properties have installed some of the utilities in TVII, done some site grading and improvements.

c. Dawson Green, Town Manager: nothing to report

## VII. Committee Reports

a. Finance Committee: Chair – Mayor Jermaine Hatton

- Finance Report

I. Total Assets - \$2,105,059.84

II. Total Liabilities - \$1,129,130.33

- Visa card was missed to pay bills online when the system was set up; it will be added to the payment options within the next couple weeks.
- All is going well with the system; we receive a lot of online payments.

b. Public Works Committee: Chair – CM Rudy Sutton - deleted

c. Land Use & Development Committee: Chair – Mayor Jermaine Hatton

- Moving forward with going to PLUS to update our comp plan.
- Contacted NCC Special Services about our sewer capacity, have a meeting scheduled with them next Monday.

d. Community Relations – CM Joel Esler

- People are invited/reminded to make complaints at the Town Hall or print the form from our website and send it in. We have to have all complaints in writing.

e. Public Safety Committee: Chair – CM John Ness

- Have been talking to Peggy Bell about Deljis in anticipation of the Town hiring their own police officer. Have to send in some paperwork and attend a meeting to get our agent number.
- Mayor Hatton verified us getting an agency number will not lock us into having to move forward with this.
- CM Ness said it is the start of the process, simply recognition that we are working to get our own police force.
- Mayor Hatton asked CM Ness for a skeleton budget if the Town decides to pursue this.

f. Charter & Ordinance Committee – CM Joel Esler

- Re-Schedule January 1, 2014 Council meeting

I. CM Esler motioned, CM Ness seconded with a unanimous vote to change the January 1<sup>st</sup> Council meeting to January 8, 2014.

- Town Charter status update

I. CM Esler said he spoke to Doug Tuttle from IPA for several hours. He feels the initial work we have done is phenomenal and it will keep our costs way down since the bulk of the work is done.

II. Asked him about our annexation procedure and he said it is correct the way it is written, no changes need to be made to this section. The state says we must have an annexation procedure in our charter which we do.

III. There are several things Doug needs to research for wording, an example is eligibility to be able to run for Town Council with financial obligations

to the Town. This is new and Doug thinks it is great and a great example for other Towns. Doug suggested we have a set amount (owed the Town) rather than say delinquent debt.

- IV.** Doug feels the Code of Ethics added to the charter is a great idea. He can't believe we have no way of removing a Council member or Mayor if necessary.
- V.** Doug agreed with striking our sheriff sale section and feels adopting NCC Code is the way to go.
- VI.** Mayor Hatton asked if we have a proposal from IPA yet.
- VII.** CM Esler stated Doug will put that together now. This was a scope call so he would know how much work IPA will have to do, which will affect the cost to the Town. We should have the estimate by the next meeting.
- VIII.** Mayor Hatton asked for a time frame to have it done.
- IX.** CM Esler said Doug wants it done by March, he asked me to talk to Jeff to see when he can get it to legislative hall.
- X.** Doug advised me that the way our charter is written now, we are a commission government which means everyone (employees) reports to Town Council. We are changing our charter from a commissioner government to a Council/manager government which is not currently in the charter. Doug suggests we pass an ordinance after the charter is done specific to TM Greens job position and title and state it was effective on his hire date. He cautioned that we need to be very careful the way we are operating the Town now, the Town Manager position isn't in the charter and there is no ordinance to support the position, until the charter is done. Doug also stated Council needs to come up with an employment agreement that expresses what we expect of the manager and what the manager expects of us. Essentially this will be a contract.
- XI.** Mayor Hatton suggested we write the ordinance now.
- XII.** CM Esler stated overall Doug thought our re-written charter was extremely intelligent and suggested we also update our comp plan and I told him Mayor Hatton was working on that.
- XIII.** TA Townsend asked if IPA recommended we have an ordinance that creates a position of Town Manager.
- XIV.** CM Esler said that with the edits to the charter, the Town Manager is hired by ordinance, which is something we don't have right now. Think we need to fix this as soon as possible.
- XV.** TA Townsend agreed and said it would be better to have an ordinance to create the position. Presuming the charter is written with a Town Manager and clear cut responsibilities, we have the authority to hire a Town Manager. Ordinances can be written to amend the code of ordinances or you can write an ordinance that isn't intended to go into the code book that might say in accordance with our obligations, we are appointing Mr. Green as our Town Manager. You would have to have a hearing but then it would be done.
- XVI.** CM Esler said that is what Doug said also.
- XVII.** Mayor Hatton asked TA Townsend to write the ordinance as soon as possible.
- XVIII.** TA Townsend said he can have it done by Friday.

*g.* Parks & Recreation Committee: Chair – CW Lorraine Gorman

- Electrical Service At the Municipal Park

- CW Gorman wanted to clarify that we are only getting proposals together, not making any commitments for the electric at the park.
- The baseline will be installing the transformer and major electric installation, everything else is an add on and everything will be put out to bid if Council decides they want it. The main thing, for purposes of putting this out to bid is to decide if we want to go with Delmarva owned/maintained lights or Town owned/maintained lights. It is a huge cost either way we go. If we go with customer owned lights we can turn them on/off when we want, add a timer, etc. Minimum usage cost is less than \$26.00 per month for the meter with no usage. If we go with Delmarva owned lights we will have to run larger conduit to put the wires through for an additional cost. The key is to address only the parking lot lights now with no guarantee when or if they will be put in. Council needs to decide what would be best for the Town, Delmarva or Town owned. This is only for purposes of putting a bid together, not that we are acting on it. Need to be prepared and put everything out there.
- TE Hyne said the design is well under way, tying up the loose ends. The plan is designed on the Town owning and installing their own lights. There was a memo at the last workshop about this. The biggest loose end, which I hope to resolve tonight, is which light fixture Council wants. Once you decide, we can finalize the design. We are on track to have the design done by the 1/8/14 meeting if you decide tonight.
- CW Gorman said she likes the idea of being able to turn the lights on and off when we want.
- CM Esler stated he isn't a fan of owning our own lights, didn't do it in the streetscape because of the cost of repair or replacement.
- TE Hyne stated in the long run it will be beneficial for the Town to own their own lights. There will be higher upfront costs but after that you only pay for the meter and electricity used. If Delmarva owns the lights you will pay a significant tariff every month which you will pay forever. If you own your lights you can put controls on them and Delmarva lights will always be on dusk thru dawn.
- CM Esler verified that Delmarva owned lights would not run through the Town transformer.
- TE Hyne said that is correct.
- CM Esler asked what it would cost if we have to call someone in to fix a light.
- TE Hyne said it could cost up to \$5,000.00.
- CW Gorman said they have talked about putting the light poles on a concrete base for extra protection.
- TE Hyne passed around different light pole models and asked Council to choose what they like. There are 14 lights, 8 in the two parking lots and 6 along the entranceway. You could choose several different ones and can change the options on the lights.
- After much discussion, Council agreed on the Promenade style light pole. It is the most expensive model but RVB can finish the design and Council can change their mind at a later date and save budgeted money if they decide to move forward with this.
- CW Gorman clarified that the transformer is being moved over to the side of the park and there will be a service panel by the gazebo. Council had also

- discussed the option of putting lights up at the flag poles to enable us to leave the flags up all night.
- Mayor Hatton said he doesn't believe we need lights on all night, we take the flags down and the park is closed dusk to dawn. All agreed.
  - CW Gorman said the Town had a request to rent the pavilion for a Christmas Eve Service. She added she doesn't think we should do it as the park is closed dusk to dawn. Don't want to deny it but don't want to set a precedence.
  - CM Sutton asked if this is something we should vote on. He asked if this organization has done this in the past.
  - CM Esler said they did it last year.
  - CM Sutton stated we are trying to have a wholesome community and feel we should let them do this as they have done it before; this is a positive for the community.
  - Mayor Hatton added that under previous Council we had astronomy events in the park after dark.
  - CM Esler stated it went well last year; feel we should permit them to do this.
  - CM Ness motioned, CM Esler seconded with unanimous vote to permit the church to have a candlelight service on December 24, 2013, 5:30 – 7:30 pm.

**VIII. Unfinished Business - none**

**IX. New Business - none**

**X. Citizens Comments & Participation - none**

**XI. Adjournment:** 8:57 pm, CM Ness motioned, CM Esler seconded with unanimous vote.

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