

TOWN OF TOWNSEND
February 5, 2014
Public Hearing & Council Meeting Minutes

Public Hearing: 7:00 pm

I. Call to Order: 7:19 pm

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness (arrived 7:20 pm), CW Lorraine Gorman, CM Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TC Cathy Beaver
- b. Visitors: Dwain Haines, Fred and Carmen Mack, Lynne Newlin, Keith Shoemaker, Jeff Spiegelman and Scott Goss
- c. Pledge: The pledge was said

II. Final reading of Ordinance No. 14-02, Disposition of Garbage, Trash and Rubbish – CM Rudy Sutton

- a. CM Rudy Sutton read the ordinance by title and read the synopsis as follows: This Act changes the discontinuation of trash and recycling services from 30 days to 60 days for delinquent accounts and payment of a resume service fee, in addition to payment of the overdue balance, before services shall be resumed.

III. Public Comments:

- a. Mr. Mack asked how this will affect people who pay the bill on time. Will their garbage be picked up the same time as the delinquent accounts?
- b. Mayor Hatton stated this ordinance is putting a delinquent process in place and cleaning up the process. Once a bill is 60 days past due the trash service will be stopped. To resume service the bill must be paid in full and a fee to resume the service must also be paid.
- c. Mr. Mack what they will do with their garbage.
- d. Mayor Hatton said they will have to dispose of it themselves. When a trash truck stops in front of a house and takes the garbage, the Town is billed for it. If a resident isn't paying the Town, the Town is still paying. Rather than pay for service that isn't being paid for, we are cutting the service off and this will help prevent past due trash bills from getting out of hand as they have previously.
- e. CM Sutton moved to put Ordinance No. 14-02 under unfinished business for adoption.

IV. Adjournment: 7:25 pm, Mayor Hatton adjourned the public meeting. (Could not have a motion as there was not a quorum).

Council Meeting - 7:30 pm

I. Call to Order: 7:30 pm

II. Opening Ceremonies

- a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- b. Pledge of Allegiance: Pledge was said.
- c. Recognition of Visitors: Dwain Haines, Fred and Carmen Mack, Lynne Newlin, Keith Shoemaker, Jeff Spiegelman, Scott Goss
- d. Announcements:
 - Town Hall will be closed Monday, February 17, 2014 in observance of Presidents Day.
 - Residents must be registered at the Town Hall to vote in Townsend Elections. Please bring your ID to register on any of the following dates:
 - Monday – Friday, 8:00 am – 4:00 pm
 - Wednesday, February 19, 2014, 6:00 – 8:00 pm
 - Wednesday, March 19, 2014, 6:00 – 8:00 pm
 - Saturday, April 5, 2014, 9:00 am – noon
 - April 17, 2014 is the deadline for registering to vote in the election on May 3, 2014.
 - If you are interested in running for Town Council, candidate packets will be available to pick up at the Town Hall on Monday, March 3, 2014.

III. Additions/Deletions to Published Agenda:

- a. CM Ness removed 5a, state police are not here.
- b. CW Gorman added Newsletter under unfinished business.
- c. Mayor Hatton removed 7d and 7f, CM Esler is not here.

- d. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda with the above deletions and addition.

IV. Council Minutes (copies on back table)

- December 18, 2013 Workshop minutes approved at workshop
- January 8, 2014 Council minutes approved at workshop

V. Reports of the Officers

a. State Police: Lt. Tom Paskevicius – deleted

b. Representative: Jeff Spiegelman

- On break from session, putting the budget together. Will have updates in March.
- The gas tax is on everyone's mind, rumor is it didn't meet with enthusiasm. Working on alternatives to build infrastructure without a gas tax.
- Will let you know if anything comes up that may affect the Town.
- Mayor Hatton asked if municipal street aide is off the table to be cut in this budget.
- Representative Spiegelman said he isn't sure. It is a political game on what everyone will get. If we don't do the gas tax, one of the alternatives would be to potentially cut municipal street aide. The other one would be the 896 project being delayed and will affect this area.
- Mayor Hatton asked what the Towns and municipalities will be getting in return if the municipal street aide is taken away.
- Representative Spiegelman said no one knows.
- Mayor Hatton explained municipal street aide pays for our plowing and any street repairs we do. It will be a huge loss for us if it is cut. He asked if there are any other bills on the table that will affect the Town.
- Representative Spiegelman said not at this time other than there are a couple things dealing with ambulance service. Have a meeting next to discuss the turn-arounds for the fire equipment.

c. Townsend Fire Department: Bob Biggs/Keith Shoemaker

- Keith said a new heating system will start being installed in March. Depending on where they are working the Town meetings may be moved somewhere else.
- The Ladies are having a quarter auction Friday, 2/7/14. Doors open at 5:30, starts at 7:00 pm.
- On 2/26/14 they will have another chicken and dumpling dinner, doors open at 4:30 pm until 7:00 pm.
- Dwain has spring fling tickets if anyone wants one.

VI. Reports

a. Fred Townsend III, Attorney:

- TA Townsend said he had nothing to report.
- Mayor Hatton asked where we stand with the property on Gray Street.
- TA Townsend said he talked to Dave Naples, the Town inspector who stated we can't rely only on the provisions of our code because there are standards that may be difficult to prove, for instance to say the cost of these repairs would exceed the value. Do we have the expertise to determine the value or the cost of repairs? A court may require an appraiser to tell us the value and qualified contractors to tell the cost of repairs to a damaged building. Dave stressed we should rely on the applicable building code for standards that would be applied more easily. That will require me to rewrite the letter to be sent out. I should have it done by next week and mailed.
- CM Ness asked for future cases pertaining to the ordinances, is there anything Council can or should do to make the process less nebulous.
- Fred said we could bootstrap the building codes that are applicable but it would be best if we include a reference in the ordinance to the applicable building code (which changes from time to time) and explicitly say the standard shall apply as set forth in the building code. This should get us through challenges in the future. I think we would prevail either way but it would be good to change the ordinance.

b. Owen Hyne, Engineer:

- TE Hyne said he has the letter drafted to mail to the developer in TVII to replenish the escrow account.
 - TM Green asked if TE Hyne saw the email with the change in the escrow amount. TE Hyne said he will check it and change the numbers.
 - CM Ness asked if there is something in the new financial system that could warn us when an escrow account is getting low.
 - Mayor Hatton said he doesn't believe so but the financial officer and town manager will be keeping a closer eye on the escrow accounts in the future. They are all set up correctly in GL's now, easier to monitor.
 - Construction on the streetscape should start end of February or March, depends on weather. This phase goes from Chestnut Street to South Street.
 - Would like to lock down the locations of the benches and trash cans, this will be the last thing installed but contractor needs to get them ordered. The important thing is to put the benches where they make sense, don't think they should be in front of people's houses.
 - Currently have benches placed in front of the granary (not the best location but would be nice to have some streetscape features along that block), Post Office, DE Homes, Little Italy, the masonry building, and on the corner of South Street in front of the church.
 - The upgrade from real wood to synthetic wood on the benches and cans will not cost the Town any money. There is a change order that needs a motion tonight.
 - Mayor Hatton asked TE Hyne if he had talked to DelDot about the right-a-way on the corner of South and Main Street.
 - TE Hyne said the state has the right-a-way, it is a state owned street, he said he will talk to them but doesn't feel there will be any concerns.
 - Mayor Hatton asked if we will keep the sidewalk the normal width, not reduce it to accommodate.
 - TE Hyne said the proposed sidewalk being put in is six feet wide. There are some sidewalks that are narrower than that and when we widen the sidewalk we will go into people's yards, or perceived yards, it is actually public right-a-way and the Town and State has every right to do it although we try not to damage anyone's yard or encroachment any more than we have too.
 - Mr. Haines said he isn't sure about that, when he bought his home his lawyer told him part of his property goes into the road off one corner. You may want to double check on it.
 - TA Townsend stated it is very possibly correct but there isn't any one rule that applies to all properties. Very early on people's lots may have extended to the middle of the road but over the years those situations have been reduced. It is a rare occasion when somebodies property line extends into the road now.
 - TE Hyne stated the property lines on the plan for the project are based on the best available tax map information and not aware of any instances like you are talking about.
 - CW Gorman stated/asked if DelDot would have addressed any potential threats up front before the plans were finalized to prevent any potential conflict.
 - TE Hyne said yes, and it is a state right-a-way.
- c. Dawson Green, Town Manager:
- There were 11 new home permits issued in January, 8 for Handler and 3 for JS Homes.
 - Signed the municipality endorsement permitting the State to spray for mosquitos from mid-March through November. If anyone has any issues please contact me.
 - While plowing during the snow events, some of the cold patch around the manhole covers was torn up. Austin and Bednash are going to repair it.
 - On Wiggins Mill Road, traveling north approximately 50 feet from the Caesar Rodney sign is a storm drain that was clogged causing the road to flood. Contacted DelDot who never came out and George unclogged it for us today.

VII. Committee Reports

- a. Finance Committee: Chair – Mayor Jermaine Hatton
- Finance Report – report is on the back table.
 - The Town received the financial audit back from Roland and Johnson. It was a pretty decent audit; we have cleared up a lot of issues from 2 years ago. We updated our financial software system and getting additional things taken care of as well.

- Our financial officer and Town Manager have signed up for some additional training and hopefully it will alleviate some of the issues in the financial audit. We had a good financial checkup for where our finances are now. We are being very fiscally responsible and balancing our budget.
- b. Public Works Committee: Chair – CM Rudy Sutton
- Placement of Streetscape benches and trash cans
 - Sent an email to Council with 7 locations for benches. Would like to know if Council can get together Saturday morning to go over the placement of the benches and receptacles.
 - So there is not a quorum, 2 members will meet at 7:00 am and 2 will meet at 7:30 pm on the corner of Commerce and Main Street.
- c. Land Use & Development Committee: Chair – Mayor Jermaine Hatton
- Met with New Castle County on Tuesday in regards to the current land use and development in Townsend. They offered some of their planning resources to aid us to ensure we do smart growth planning rather than becoming a baby Middletown. We are working within their regulations and plan on getting together again next month. One of the planners is coming down to walk the Town with me to look at ideas for bringing some commercial business to Town. We want to retain our small Town charm yet bring new business to Town so we can thrive.
 - Representative Spiegelman said part of the Governors FY 2015 budget may help Townsend with these projects.
- d. Community Relations – CM Joel Esler – deleted
- e. Public Safety Committee: Chair – CM John Ness
- CM Ness stated Lt. P. apologized for not making it to the meeting tonight. There are currently no trends in Townsend. They did make 2 arrests for the copper thefts in Smyrna which will potentially close 28 cases for them.
- f. Charter & Ordinance Committee – CM Joel Esler – deleted
- g. Parks & Recreation Committee: Chair – CW Lorraine Gorman
- National Wildlife Week – March 17-23
 - Townsend Nature Walk @ Blackbird Creek Reserve Thursday, March 20, 2014, 5:30 – 6:30 pm
 - Free guided tour, call Town Hall to register, limited to 25 people.
 - Easter egg hunt
 - Easter egg hunt date has to be changed from April 12th. That is opening day for MOT Little League. Would like to change the date to Sunday, April 13th, starting at noon with the rain date on Saturday, April 19th at noon.
 - Would like to definitely like to have hotdogs and sweets because of the time.
 - We are going to have an Easter bonnet/crazy hat contest.
 - Electric in the park
 - The job is out to bid, it is on DE online, will be advertised in the News Journal on 2/11 and 2/18 and in the three Gatehouse Media papers on 2/13 and 2/20.
 - Mandatory pre-bid meeting is Wednesday, 3/5/14 at 1:00 pm.
 - Bids will be opened prior to the workshop on 3/19/14.
 - Am working on a community yard sale in the park, will be sometime in April or May. We discussed this briefly once before. Townsend residents can set up tables in the park that live in rural areas that don't get the traffic. There would be no charge. It would be a nice way for residents to meet each other.
 - Mayor Hatton asked if we have heard from MHS for the parade. CW Gorman stated he is waiting for permission from the board. I haven't heard back from Appo HS.

VIII. Unfinished Business

- a. Adoption of Ordinance No. 14-02, Disposition of Garbage, Trash and Rubbish – Councilman Rudy Sutton
- CM Sutton motioned, CM Ness seconded with unanimous vote to adopt Ordinance No. 14-02, disposition of garbage, trash and rubbish.
- b. Town Municipal sign/Victorian Townsend sign – CM Rudy Sutton

- At the last meeting we discussed replacing the Town municipal sign at the Town Hall and the Victorian sign in front of Townsend Station. I am waiting for 2 bids to come back, believe we can get a better price. Also talked to Michelle to see if she would budge on her number, really like the PVC signs. Should have the information by mid next week and we can discuss and vote on it at the workshop.
 - Mayor Hatton asked if we could see some pictures of a PVC sign and CM Sutton said he will get some pictures.
 - CM Ness asked about the Town Hall directional signs for Main Street and TM Green said he still has to contact DelDot.
- c. Town Newsletter – CW Lorraine Gorman
- We have a lot of events coming up and need to get the information to the residents. Feel it would be a good idea if everyone can get their newsletter contributions together by the February workshop so we can get the newsletter out by beginning of March. If we don't do this now it will keep getting pushed back.
 - CM Ness asked if there is a limit to the size of each article and added that all this information should be on the website.
 - CW Gorman said there is no limit right now, whatever information Council feels is pertinent, we have a lot of information to share. Not all people use the web and feel the newsletter is a great personal way to get information to the residents.
 - Mayor Hatton said for clarity, is each council member going to base their article on their committee things.
 - CW Gorman said yes and there will be other generic information like the pavilion is for rent.

IX. New Business - none

X. Citizens Comments & Participation - none

XI. Adjournment: 8:16 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
