

TOWN OF TOWNSEND
April 2, 2014
“Notice to Show Cause” Minutes
Public Hearing Minutes
Council Meeting Minutes

“Notice to Show Cause” Public Hearing – 7:00 pm

- I. Call to Order: 7:00 pm**
 - a. Roll Call: Mayor Jermaine Hatton, Councilman John Ness, CW Lorraine Gorman, CM Rudy Sutton, Town Attorney Fred Townsend, Town Manager Dawson Green, Town Clerk Cathy Beaver
 - b. Recognition of Visitors: 11
 - c. Pledge of Allegiance: Pledge was said.
- II. Testimony concerning 316 Gray Street:**
 - a. TA Fred Townsend explained this hearing is a notice to show cause permitting the property owner to present evidence to contest the conclusions presented by our building official that the structure is a dangerous building, and represents a number of violations per our codes relating to the maintenance of buildings in the Town of Townsend. It is not a typical function for Council to act as a judge; typically they act in a legislative capacity. Tonight they have they have the responsibility of listening to facts and make conclusions of law and issue an order. Council will preside over the hearing, we will first hear from our building official about his findings and conclusion and his recommendation. Then we will hear from the property owner who can provide evidence and contest any fact made by the building official. At the end of the submission period to establish the record, Council will entertain a motion or multiple motions. Council could decide the building official has failed to make a case that the structure violates our code or that it violates the code but certain sanctions are more important than other. Council could also make a determination that the property owner should be given a certain amount of time to make repairs or demolish the building. Those are all potential results from today’s hearing.
 - b. TA Townsend stated we will first hear from Town Manager Dawson Green who will place in the record administrative evidence relating to notices and how notices were accomplished for today’s proceeding.
 - c. TM Green stated for the record: April 12, 2013 a notice of violation was sent to the property owner. On February 28, 2014 a notice to show cause letter was mailed to the property owner at two different addresses. On March 5, 2014 the notice of violation was posted on the property.
 - d. Mayor Hatton asked TM Green to state the property owners name for the record.
 - e. TM Green stated it is Ralph G. Faries Sr. and Ralph G. Faries Jr.
 - f. Mayor Hatton asked David Naples to come forward and give his report and recommendation for the record.
 - g. Mr. Naples thanked Council for allowing him to speak this evening. He said the property in question is 316 Gray Street. I have been in building code enforcement for 15 years. Have worked for local governments, regional governments and am a master code official. There are only 3 of us in the State of Delaware. I have a lot of experience; my background is in all phases of construction including a housing code official which is an expert level of knowledge regarding property maintenance codes. The Town asked me to inspect this property from a peripheral view; I did not enter the property, and catalog any violations I found. This was done on April 12, 2013. There were 7 or 8 violations which were noted in the notice of violation sent to the property owner. The most significant violation is the partial failure and collapse of a portion of the building in question. It is a roof overhang on the Gray Street side of the property. What appears to have once been a bilco door entrance is in failure, will allow storm water, rain water, snow and vermin to invest the building as well as almost every window in the building is broken. That is what I could see from the outside. The overhang is considered a dangerous building per Town ordinance. Subsequent to the notice of violation, TM Green and I had a meeting with the owner who assured us he would take action to remedy the violations. We have seen no activity on this property for the last year. Went to the property again this week and took more photos to document the ongoing deterioration of this property.
 - h. Mr. Naples said his recommendation is the property, at least in part be razed and the balance of the structure that doesn’t appear to be in failure at this time, at least be classified as a nuisance to the Town.
 - i. TA Townsend asked Mr. Naples if he had pictures and was told yes, everyone has a copy in their folder and they are part of the record.
 - j. TA Townsend asked if there was a submission that accompanied the pictures.

- k.** Mr. Naples said a notice of violation and the initial pictures were a part of the primary submission in April, 2013 when the property owner was notified; the pictures taken Monday were done to show nothing has changed since the original notice was sent and these were not sent to the property owner.
- l.** TA Townsend said Mr. Naples indicated the roof overhang of the structure as shown in photograph 2 is a dangerous building pursuant to Townsend code 14-151 sub paragraph 3 which reads: those being all or portions of structures that have the following defects, improperly distributed loads on the floors or roofs or in which are overloaded or have insufficient strength to be reasonably safe for the purpose of use. He asked Mr. Naples if this was his finding in respect to the overhang and Mr. Naples said yes.
- m.** TA Townsend asked Mr. Naples if it is also his finding that the structure has become so dilapidated, decayed, unsafe and unsanitary, or fails to provide the amenities essential for habitation, that it injures the health, moral, safety and general welfare of those who may use the property.
- n.** Mr. Naples stated yes, that is his position.
- o.** TA Townsend asked Mr. Naples if it is his conclusion that parts of the property that are attached in such a manner that they may fall or injure members of the public or property located nearby.
- p.** Mr. Naples said yes, that is his finding.
- q.** TA Townsend stated that was sub section 8 and 9. He asked if the structure is defective to the extent that its condition is unsafe, unsanitary or dangerous to the health, morale, safety and welfare of the people in Town.
- r.** Mr. Naples said yes, that is his finding.
- s.** Mr. Townsend stated there are other codes in Townsend that are applicable to structures such as this one, aside from our code. Townsend has adopted other code structures. He asked Mr. Naples if this were a true statement.
- t.** Mr. Naples said yes, the Town of Townsend at the time of the original violation had adopted the 2003 version of the international property codes.
- u.** Mr. Townsend asked Mr. Naples, for the record, to state generally or specifically any violations to the property management code he referred to with respect to this structure.
- v.** Mr. Naples stated those specific violations were annotated in the notice of violation dated April 12, 2013. They consist of items 2-7 on the list. For example, item #2 – exterior property not maintained in a clean, safe and sanitary condition. The code citation immediately after, 302.1 titled Sanitation, is a direct quote from the international property maintenance code.
- w.** TA Townsend said he believes for the record, Mr. Naples should make a statement in respect to those.
- x.** Mr. Naples said with respect to the notice of violation issued on April 12, 2013, to continue the violations as noted, item #3, exterior structure not maintained in good repair, structurally sound and sanitary, code section 304.1, Exterior Structure – General. Item #4, structural members not maintained free of deterioration and capable of safely supporting the imposed live and dead loads; front roof overhang supports, code 304.4 – structural members. Citation #5, roof drains, gutters and downspouts not maintained in good repair, code section 304.7 – roofs and drainage. Code violation #6, basement hatchway not maintained to prevent the entrance of rodents, rain or surface water drainage, section 304.16 – basement hatchways. The final citation, item #7, window glazing not maintained free from holes or cracks, section 304.13.1 – glazing.
- y.** TA Townsend asked if the pictures that are included reflect the citations quoted.
- z.** Mr. Naples said yes.
- aa.** TA Townsend asked Mr. Naples to speak in respect to photo #1 and #2.
- bb.** Mr. Naples said the first photo is an overhead shot from NCC parcel view to identify this specific property. Photo #5 shows a rear portion of the property and shows the windows are broken out. The broken windows would fall under item #7. This is one illustration of the numerous windows broken out on the property. Photo #2 reflects the most significant violation on the property. It effectively shows the roof overhang over some garage doors on the Gray Street side which is in partial failure that refers to code violation #1, dangerous building and it is reflected in code violation #2, #3, #4, and #5 as well.
- cc.** TA Townsend asked Mr. Naples for his recommendation.
- dd.** Mr. Naples stated he recommends to immediately remove the part of the structure that is in failure and require the balance of the building that doesn't appear to be in structural failure to be secured to eliminate the attractive nuisance issue.
- ee.** TA Townsend asked for Mr. Naples to explain securing the building.

- ff.** Mr. Naples stated all the window openings should be secured, boarded up. The basement hatchway should be repaired to a water resistant state. The roof overhang over the loading dock and the large roof overhang over the garage doors be removed.
- gg.** TA Townsend asked if Mr. Naples was given access to the interior of the building, would it be possible to come to conclusions about the soundness of the building that you couldn't come to with only an exterior inspection.
- hh.** Mr. Naples said yes.
- ii.** TA Townsend added that if Mr. Naples is permitted access to the interior of the building, he could conclude the building needs to be addressed in manners beyond what is on the record.
- jj.** Mr. Naples said there is a strong possibility with entry to the building he would find further evidence to recommend the building be removed.
- kk.** Mayor Hatton asked Ralph G. Faries or Ralph G. Faries Jr. to come forward and be heard.
- ll.** Mark Faries introduced himself as the inheritor (son) of the property. He stated Jr. and Sr. are passed away and he is here on behalf of the family.
- mm.** TA Townsend verified the name is Mark Faries and asked Mr. Faries to verify what he said about the record owners.
- nn.** Mr. Faries repeated they are deceased.
- oo.** TA Townsend gave his condolences and asked if Mr. Faries is an heir?
- pp.** Mr. Faries said yes, through the will my brother and I inherited the property. His name is Ralph G. Faries.
- qq.** TA Townsend said based on this testimony it is appropriate to hear testimony from Mark Faries.
- rr.** Mr. Faries thanked Council for hearing him and requested time to have a structural engineer come in and give his decision on the condition of the building. He added he doesn't believe it is as dilapidated as the Town believes. He said he agrees with all of the violations listed and is willing to fix all the issues while he waits for an engineer to inspect the building and give a report to Council which will enable him to move forward in a proper manner.
- ss.** Mayor Hatton said the original notice went out in April 2013 and identified all the issues. It has been a year, plenty of time to address the issues and have an engineer come in, yet nothing has been done.
- tt.** Mr. Faries stated he agrees it should have been addressed. He said his mother passed away last year and there were many things that had to be taken care of and financially she left them unable to address the issues at the time. He stated financially he is now able to take care of business and bring the building up to code and make the curb appearance appealing.
- uu.** Mayor Hatton asked how long the family has owned the building.
- vv.** Mr. Faries said they have owned it since 1953; it has been unoccupied since 2008 due to family obligations.
- ww.** TA Townsend stated Mr. Naples said the overhang needs removed and if I understand correctly, you agree with that assessment.
- xx.** Mr. Faries stated he agrees with all the violations for the exterior of the building. The overhangs will be taken down or structurally fixed where they will pass code. Financially I feel they will probably be taken down. I have bilko doors for the basement entrance and will re-glass or board up all the windows on the first floor and replace all the windows on the upper floor.
- yy.** TA Townsend asked if there are any specific recommendation Mr. Naples made that he objects too?
- zz.** Mr. Faries said his only objection is when he said if he gained entry it wouldn't pass.
- aaa.** TA Townsend stated Mr. Naples said it was possible it wouldn't pass.
- bbb.** Mr. Faries said he understands and would be willing to meet Mr. Naples there to let him into the building.
- ccc.** TA Townsend asked how much time Mr. Faries needs to make the corrections.
- ddd.** Mr. Faries stated 60 days would enable him to make all the corrections, haul away the debris and make it presentable
- eee.** TA Townsend stated he wants it perfectly clear what we are talking about. Mr. Faries will remove both overhangs, replace bilko doors, replace or board up all broken windows on the first floor and replace all the windows on the second floor.
- fff.** Mr. Faries said yes and to make it as ascetically presentable as possible while we are waiting for a new business. It will also give time for the engineers to come in and let me report their findings to Council.
- ggg.** CM Sutton asked Mr. Faries if he will be replacing the siding that is falling off the building.

- hhh.** Mr. Faries said it will be put back into place and once the building is considered a sound building he plans on taking the asbestos shingles off and either wrap it with corrugated steel or vinyl wrap to match the rest of the buildings in Town.
- iii.** CM Ness stated Mr. Faries seems confident about the structural stability of the building. What if the engineer or Mr. Naples states the building isn't secure.
- jjj.** Mr. Faries stated the building will then have to be demolished and he would like to keep the property commercial and put another building up in the footprint that is already there. This would serve the Town and me as a businessman. It is almost impossible to rent the building as it stands now.
- kkk.** TA Townsend asked Mr. Faries if there is anything else he wants to present to Council or any documentary evidence he wants to introduce.
- lll.** Mr. Faries stated he has a structural engineer application he submitted and gave Mayor Hatton a copy.
- mmm.** TA Townsend stated it is fair to state that Mr. Faries has taken some steps in response to receiving the notice. However, the application does not represent a report.
- nnn.** Mr. Faries agreed, it only shows I have contacted an engineering firm to inspect the building and they gave me a quote of \$600.00 if I choose to use them.
- ooo.** TA Townsend stated Mr. Faries can make that decision after Mr. Naples inspects the inside of the building. If Mr. Naples concludes the building is structurally sound and doesn't need to be removed in order to comply with our code, Mr. Faries won't need to spend \$600.00. He verified that Mr. Faries understands some of the codes that are in violation refer more to the appearance of the property. Even if the structure is declared structurally sound, it could still be ordered to be demolished because of these violations if they aren't addressed. The responsibility is on Mr. Faries to bring the appearance of the structure up to par to avoid this.
- ppp.** Mr. Faries stated he understands.
- qqq.** Mayor Hatton stated we started this process in April 2013 and he is sorry for his loss, however, why should the Town believe there will be changes made to the property at this point in time if we do grant you 60 days.
- rrr.** Mr. Faries said you have my word and I have showed that I have made an effort to start to resolve these problems. I'm at the mercy of the Mayor and Council to allow me to make these changes and finish this on a positive note. I would like to take care of this in a professional manner where the Town has what it needs and I will be able to break even and not take a loss. Want it to be positive for me and the Town. When I talked to Mr. Naples and Mr. Green in April, my plans were to put in a community orientated retail store to help drive commerce for the Town. Once we get through this I am open to any suggestions.
- sss.** CM Ness asked TA Townsend how it will affect the overall status of the property if Council decides to grant the 60 days. Will it reset the clock or if the property isn't up to standard at the end of the 60 days, will it move onto the next level.
- ttt.** TA Townsend said it depends on how Council wishes to proceed. They could conclude the structure represents various violations of the code and issue an order that within 30 days these code violations must be remedied. I could be asked to put this order in writing and the 30 days would run from the date of the letter. Another way to handle it would be to continue today's hearing pending a safe period in which the property owner is given to fix the various code violations and allow access into the structure for Mr. Naples to do an inspection. After this Council could re-notice a hearing or let the matter lay on the table indefinitely.
- uuu.** TA Townsend asked if Mr. Naples had any additional comments on what he has heard.
- vvv.** Mr. Naples said he doesn't believe an engineer is needed at this time. First he will inspect the inside and the primary things he will look at is any compromised area and assess how long it has been compromised and what damage that has caused to the rest of the structure. Those are things I can do on behalf of the Town. I would have liked to see some action prior to this but given the circumstances don't believe 60 days is unreasonable.
- www.** Mr. Faries told Council he was on the phone with Artesian Water today who says I owe them \$600.00. The water and sewer were turned off in 2008. Artesian is researching their records to see where these charges came from. If in fact I owe them money I will make arrangements to pay it in full. Mr. Faries said he doesn't know if they have a lien but the Town has them listed as an interested party.
- xxx.** TA Townsend clarified they are listed as an interested party because they have a judgment, technically a lien on the property and we have to advise anyone who has an interest in the property since we are proposing a number of violations which could result in the demolition of the property. That's why they are listed. We aren't commenting on the quality of their interest.

yyy. Mr. Faries said he understands but when he came in and talked to the Town they weren't even aware of this.

zzz. TA Townsend said he is right. The title search revealed they had a judgment and were entitled to a notice of the hearing. They could have come here today and said don't demolish the building because it would affect them. Their claim is a limited amount of money.

aaaa. CM Ness asked if there are any other interested parties.

bbbb. TA Townsend said no, the title search only showed Artesian Water.

cccc. Mr. Faries said he would be happy to provide a copy of the bill if the Town needs it. It states it will be disconnected by the 4th of this month.

dddd. TA Townsend said that isn't necessary.

III. Decision: Mayor Hatton asked for a motion.

a. CM Ness asked Mr. Naples if sometime in the next two weeks he would be able to inspect the inside of the building so he can add it to the motion.

b. Mr. Naples said yes, he will be in Town 5 days a week until the end of July.

c. Mr. Faries asked Mr. Naples if he could come do the inspection tomorrow, April 3rd at 2:00 pm.

d. Mr. Naples said that would be fine.

e. CM Ness motioned to allow Mr. Faries 30 days to remove the roof overhang, board up the first floor windows and replace the bilco doors. The remainder of the items brought up today are to be completed within 60 days. Mr. Naples will inspect the building and provide a report of his findings to Council.

f. TA Townsend said he believes what we have is a motion to suspend today's proceeding for 30 days with respect to removal of the overhang, securing the windows and basement entrance and allow access to the inside of the building for additional inspection. What is the additional 30 days beyond that for?

g. CM Ness said the remainder of the items, cosmetic items, siding, curb appeal, roof drains and gutters, balance of the items Mr. Naples commented on.

h. Mayor Hatton stated we need to get a second on the motion. Before us we have a motion to give Mr. Faries 30 days to remove the overhang, repair the windows and bilco doors and granting Mr. Naples access to the interior of the property. The additional 30 days will take care of the cosmetic issues that need addressed.

i. CM Sutton seconded the motion.

j. CW Gorman amended the motion to allow 30 days to fix the major violations which include the removing the roof overhang, the bilco doors and broken windows. After the 30 days Council can make a determination to decide if things are being brought into compliance and extend it for an additional 30 days.

k. Mayor Hatton said to clarify; we will give Mr. Faries 30 days to correct the major violations to bring the building up to code.

l. A resident suggested before wasting any more time, Council should let Mr. Naples inspect the inside of the building tomorrow to see if it is structurally sound. He will make his determination then if the building needs demolished. Why waste time or money Mark doesn't have until after the inspection. He stated he has documents in the court and can put a lien on the property tomorrow and it will wipe all you guys out. Find out if the building is structurally sound and go from there. You started out with 60 days, now you're down to 30, makes no sense. Give the man an opportunity to do what needs done.

m. CW Gorman asked who the gentleman was.

n. He stated he is Oliver Jennings of Oliver Jennings and Associates and is here with Mark Faries. What does the Town want; obviously you want something out of this. You have this professional here who has done all this work in Washington DC and everywhere else who is worried about stuff that is only cosmetically wrong at this time, so there is a need for the Town to want to do something. You need to let Mark know.

o. CW Gorman said we are letting him know and it isn't only cosmetic problems at the property. The building is not safe.

p. CM Sutton said there is nothing the Town wants from this other than to deem the property safe. There are first floor windows broken that need boarded up, a roof that is falling down, what if a child goes into that building and winds up hurt or dead....

q. Mr. Jennings stated it is very simple, it hasn't happened in years, let the inspector go in tomorrow and then make a decision on what needs done.

r. TA Townsend said procedurally speaking, we have a motion and second, then we have an amended motion which hasn't been seconded, but it is implied within the motion that if Mr. Naples comes back

within the week and says the structure needs removed and Mr. Faries elects not to spend \$600.00 to clear the lien, he also won't choose to spend money to fix a building that is going to be razed. The motion that is currently made will accomplish the same thing this gentleman thinks is appropriate. Would like to commend Mr. Faries for inviting Mr. Naples in, and Mr. Naples to agree to the inspection with no notice so the sooner we get his results the better for everyone, including the property owner. Right now you have a motion to amend the original motion which essentially says you have 30 days to correct the major code violations, but it doesn't address remaining issues related to the property.

- s. Mr. Jennings said if Mr. Naples says the property needs demolished you will need at least 120 days to determine a process. People can't come in tomorrow, there is asbestos and who knows what in there. You need to put a time frame on it.
- t. CW Gorman said we need to go one step at a time.
- u. Mr. Jennings said if the building has to be demolished you will have to deal with me because I will file my documents with the court. What does the Town want to do and see there, we have to find out. That is what Mark was asking.
- v. Mayor Hatton stated he understands but we will deal with that once we cross the first hurdle.
- w. Mr. Jennings asked if the zoning was going to stay the same and was told yes.
- x. Mayor asked for a second on the amended motion.
- y. CM Sutton seconded the amended motion.
- z. Mayor Hatton stated this will give Mr. Faries 30 days to take care of the roof, the major defects in Mr. Naples report and allow Mr. Naples inside the building to do an inspection and report back to Council tomorrow. There is a 30 day balance to complete the cosmetic items on the list.
- aa. TA Townsend asked Mayor Hatton to verify/repeat the major violations to be repaired in 30 days. He said he wants everyone to understand what has to be done.
- bb. Mayor Hatton stated the major violations to be fixed in 30 days are remove the 2 roof overhangs, fix the bilco doors and fix or board up all the windows.
- cc. Mr. Faries agreed to this.
- dd. Vote on amended motion: unanimous

IV. Adjournment: 7:53 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.

Public Hearing: 7:20 pm

- I. Call to Order:** 7:59 pm
 - 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. Visitors: 8
 - c. Pledge: Pledge was said.
 - II. Final reading of Ordinance No. 14-03, Disposition of Garbage, Trash and Rubbish – CM John Ness**
 - a. CM Ness motioned to read Ordinance No. 14-03 by title only and read the as follows: This Act includes recycling services and removes the annual cap on trash collection fees of \$120.00 (\$10.00 per month) per calendar year and replaces it with a monthly trash and recycling late fee per the Town's fee schedule.
 - b. CW Gorman seconded the motion. Vote unanimous.
 - c. CM Ness motioned to move the vote on the ordinance during the regular council meeting under unfinished business. CM Sutton seconded, vote unanimous.
 - III. Public Comments:** none
 - IV. Adjournment:** 8:02 pm, CM Ness motioned, CW Gorman seconded, vote unanimous.
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Council Meeting - 7:30 pm

- I. Call to Order:** 8:10 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, FO Azure DeShields, TC Cathy Beaver
 - b. Pledge of Allegiance: Pledge was said.
 - c. Recognition of Visitors: 9
 - d. Announcements:
 - 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
- 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 are available to pick up at the Town Hall. These must be turned in by Thursday, April 3, 2014.
- Elections are Saturday, May 3, 2014 @ Town Hall, 8:00 am – 6:00 pm.
- Office closed Friday, 4/18/14 for Good Friday.
- Mr. Fitzhugh asked how many seats are open for Council.
- Mayor Hatton said there are 2 seats, his seat and CM Esler’s seat.

III. Additions/Deletions to Published Agenda:

- a. CM Ness asked to delete 5a, Lt. Paskevicius unable to attend.
- b. CW Gorman asked to add electric under the park committee.
- c. Mayor Hatton added streetscape change order #3 under public works.
- d. Mayor Hatton added vote to adopt Ordinance No. 14-03 under unfinished business.
- e. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda with the above additions and deletions.

IV. Council Minutes (copies on back table)

- February 19, 2014 Workshop minutes approved at workshop
- March 5, 2014 Council minutes approved at workshop

V. Reports of the Officers

- a. State Police: Lt. Tom Paskevicius - deleted
- b. Representative: Jeff Spiegelman
 - Rep. Spiegelman said all state reps have tipping fees if Council would like to use any of his \$1,000.00 for Town events.
 - Mayor Hatton thanked Rep. Spiegelman but said Waste Industries pays for all this.
 - Rep. Spiegelman said they have another 2 weeks in session, working toward putting the final budget together.
 - Mayor Hatton asked where we are with the gas tax in the budget.
 - Rep Spiegelman said there has been no change with the gas tax outside of political maneuvering. It appears it may be dead; there isn’t much support for it. There has been some movement on the water tax, it looks like the information we have isn’t structured. It appears to be a tier system based on the county assessment and a cap at 85%. Want to do something similar to all businesses. We have also been told any money raised will stay in the county it is raised. The money will be used to obtain low rate loans for water clean-ups or water management. We have no other information at this time.
 - Mayor Hatton asked where we stand with MSA (municipal street aide) if the gas tax doesn’t pass. The Governor has stated in the past if the gas tax doesn’t pass MSA will be reduced.
 - Rep Spiegelman said they have heard that also but when we were originally presented with the gas tax bill, MSA was not part of it. There is some confusion about where it came from. Part of the problem is, it is an election year and asking for a large tax isn’t good. The Governor has proposed a grant program for municipalities to attract more business to the area and I’m a co-sponsor of that bill. The cost of the bill is at 7.5 million dollars. There are other things in the budget that could be cut to provide for this bill.
- c. Townsend Fire Department: Bob Biggs/Keith Shoemaker
 - We started working on the air conditioner in March.
 - The last Saturday of every month is our BBQ.
 - April 15th is the last chance to buy early bird spring fling tickets.

VI. Reports

- a. Fred Townsend III, Attorney: no report.
- b. Owen Hyne, Engineer: nothing to report.
- c. Dawson Green, Town Manager:
 - Weather is better, working with the developers who will be filling in pot holes in TVII West.
 - Two new construction building permits were issued last month but it is starting to pick up.
 - In TVII West off Wiggins Mill Road there are only 33 lots still available to build. TVII East has 83 lots left and TVI has 110 lots available.

VII. Committee Reports

a. Finance Committee: Chair – Mayor Jermaine Hatton

- Finance Report – lots going on.
 - Based on the projected numbers and what TM Green said, we could be down to one builder within the next 18 months which will shrink the overall revenue in the budget.
 - Council is now working on next year’s budget and a 3 year projection to ensure we stay fiscally sound. Right now our budget is based on selling 25-30 new homes a year.
 - Mr. Haines asked if there is any news for a business in front of TVII.
 - Mayor Hatton said they have heard nothing to date. Have been told we don’t have the population to support a major undertaking in the strip. Need good traffic to support a business there.

b. Public Works Committee: Chair – CM Rudy Sutton

- Streetscape change order #3 –
 - CM Sutton motioned, CM Ness seconded to accept DelDot’s approval of Grassbuster’s request for a 45 day extension on the streetscape due to weather.
 - Mr. Haines said he has heard this contractor was kicked out of some states for their work and asked if anyone looked into them before giving them the contract.
 - Mayor Hatton said he knows nothing about other states but they currently have 9 active projects in Delaware with DelDot. I talked to DelDot Tuesday and they are very happy with their work on all the projects to date.
 - Mr. Haines said he also heard they have never done anything like this before.
 - Mayor Hatton stated they did the streetscape in Harrington. We have had no trouble with them to date.
 - Vote – unanimous.
 - CM Sutton gave an update on the Town signs that need replaced. Aztec (who handled the signs in the past) gave a quote of \$2,950.00 for 2 signs made from PVC. This doesn’t include mounting the signs.
 - Received a second quote from Apple Tree Signs which is located in Townsend. Their bid for 2 signs was \$1,768.00 and includes installing the signs. With that, I believe we should move forward with this bid.
 - Mayor Hatton asked to see the sign sample before moving forward.
 - Mr. Fitzhugh asked if these are regular signs.
 - Mayor Hatton explained the signs will replace the Victorian Townsend sign across from the fire hall and the sign at the Town Hall.
 - Mr. Fitzhugh doesn’t believe PVC signs will look good in Town, won’t match the landscape.
 - CM Sutton stated we have other options we are looking at also.
 - Mr. Fitzhugh asked what lines are going to be buried with the streetscape.
 - Mayor Hatton stated no lines will be buried. It wasn’t part of the scope of work, new lights will be put up and some conduit will be buried for the new lights and there is only 1 crossover.
 - TE Hyne said Delmarva is configuring the locations for the crossovers.
 - Mr. Fitzhugh asked what the new lights will look like, he hasn’t seen them. Will they be like Middletown’s?
 - Mayor Hatton said they won’t look like Middletown’s. It is a standard light coming from Delmarva, again to save cost, so we could get the streetscape done. We had 3 choices from Delmarva to choose from for free.
 - Mr. Fitzhugh asked if they will be mounted on the existing telephone poles.
 - Mayor Hatton said no, they will be mounted on separate poles, not on the telephone poles out there now and will be between 12-15 feet high.
 - Mr. Fitzhugh asked if the curbs are going to sparkle.
 - Mayor Hatton said no, there will be no glass in the sidewalks. That was a pipe dream in the beginning and very expensive.
 - Mr. Haines asked what conduit is going underground.

- TE Hyne said only the conduit for the new pedestrian lights being put in.
 - Mr. Haines said originally there was conduit to be put in for Atlantic Broadband for the future so it wouldn't cost later.
 - TE Hyne said wherever they are putting conduit in the ground they are putting additional conduit in the ground while it is open, pretty cheap to do it and if we can use it later it will save money.
 - Mr. Haines said he understood it would be for the cable, electric and everything else. I was told they were all going to run it underground while it was open and it would save money.
 - TE Hyne said that would be a significant higher expense.
 - Mr. Fitzhugh asked when the streetscape will be done.
 - Mayor Hatton stated July 31st with the 45 day extension we just voted on.
 - Mr. Fitzhugh asked if that is for the entire streetscape.
 - Mayor Hatton said no, it is only Phase I, to do Phase II and III we have to go back to DelDot and go through the entire process again and get additional appropriation for it. Keep in mind, the money going into this section is coming from the federal government and the state. The Town isn't paying for anything.
 - Ms. Willey said they sprayed line for the bump outs and asked if they will be on both sides of the street.
 - TE Hyne said yes, they will be on both sides and will be approximately 6 feet from the curb at the corners.
 - Ms. Willey said there will be no way 2 cars can pass going through the bump outs and they better check it. TE Hyne said he will check it out.
- c. Land Use & Development Committee: Chair – Mayor Jermaine Hatton
- The Town has issued an application to the PLUS review to update our comp plan to include 6 new parcels. 4 parcels go out Dexter Corner Road, 1 at the corner of Main and Pine Tree Corner Road and 1 on Caldwell Corner Road across from TVI. We need these included in our comp plan for the possibility of future annexation. The application went to PLUS yesterday and we are on the agenda for the meeting on April 23rd.
 - Mr. Haines asked if he ever found out anything new on the sewer capacity.
 - Mayor Hatton said no but we can't wait on them and have to continue to move forward. He explained that we are down to about 66,000 gallons a day of sewer capacity left per the 25 year agreement the Town signed with NCC in 2001. Now we are trying to get additional sewer capacity with NCC. Until that happens we are kind of dead in the water. There isn't enough capacity if a new developer wants to come to Town. With what is going on at the corner of Main and Rt. 71 is going to eat away at some of the 66,000 gallon reserve. We have an agreement with NCC and they have to provide sewer to us but the question is how much more they will give us. We can't go outside to get it anywhere else the way the agreement is written, we are beholden to NCC.
 - Ms. Willey asked if it is true a Dollar General is going in on the corner.
 - Mayor Hatton said a developer is building a retail structure there, who the actual tenant will be we have no way of knowing until there is a signed agreement.
 - Mr. Fitzhugh asked if the Town is going to hire someone else once the streetscape is done to keep the streets clean. Have one person doing everything; he is at the park 99.9% of the time.
 - Mayor Hatton said we are trying to find someone to provide street sweeping for the Town for the spring and summer. The equipment we have isn't very good and we don't have the funds to buy a commercial/industrial street sweeper.
 - Mr. Fitzhugh said the state is supposed to do Main Street 3 times a year.
 - Mayor Hatton said he can't force them to do anything. We are just little Townsend. They sweep at their leisure.
 - Mr. Haines said the machine has been broken.
- d. Community Relations – CM Joel Esler
- The community yard sale needs to be promoted by mouth. If no one signs up we won't advertise it. Everyone needs to sign up through the Town hall.
 - Ms. Willey said she has some friends who make handmade jewelry and asked if they can come.

- CW Gorman said this is for Townsend residents in hopes of everyone mingling and meeting their neighbors. We aren't looking for vendors for this event. If enough people are interested and sign up we will advertise the event. It will draw more people if we advertise but if no one wants to do it, it is too expensive to advertise.
- e. Public Safety Committee: Chair – CM John Ness
 - Mr. Fitzhugh asked what CM Ness has found out about getting a police department into Town.
 - CM Ness stated he talked to some surrounding Towns with small police forces. I put numbers together for Council review. DelGis also assigned Townsend a number so we can get the fine money from tickets, etc.
 - CM Ness said the next step is to put a final presentation together for Council to review to see if we want to move forward or not.
 - Mr. Fitzhugh asked how much it would cost to put a speed camera on Main Street. It is like radar but up in the air and they shouldn't cost that much.
 - CM Ness said other Towns have had issues with them. I can look into it but it would cost to buy it and install it and have it verified.
 - Mr. Fitzhugh asked if we can get a grant.
 - Mayor Hatton said the financial officer just verified it costs \$100,000.00 to put one up. There is a lot to do before one could be put up and it is a state street so we would have to have permission.
 - CM Ness added we would have to have a police force in place to apply for the grants.
- f. Charter & Ordinance Committee – CM Joel Esler
 - Mayor Hatton said the Town has received updated language for the charter changes. We will discuss this at the 4/23/14 workshop and hopefully finalize it and get it to leg hall for approval.
 - Mr. Fitzhugh asked if the people will be able to vote for the Mayor instead of Council.
 - Mayor Hatton said it is currently in the re-write and Council will vote on it at the workshop.
- g. Parks & Recreation Committee: Chair – CW Lorraine Gorman
 - The nature hike on 3/20 was very nice and the guide was wonderful. If it's a nice day and you need something to do, go for a walk there, it's beautiful.
 - Townsend Easter egg hunt – Sunday, April 13, 2014 @ 12:00 (noon)
 - The bonnet/crazy hat contest precedes the hunt.
 - Rain date – Saturday, April 19, 2014 @ noon
 - Townsend Community Yard Sale at the Park – Saturday, May 10, 2014
 - Annual Townsend Fair and Parade – Saturday, September 27, 2014
 - Registration forms are available. If you know anyone who wants to be a vendor or in the parade have them call or come in and register.
 - State police have already committed to bringing the helicopter again this year and the horses and a K-9 demonstration.
 - Award bid for Electric to the Park
 - Mid-Atlantic Electrical services were the low bidder. Based on TE Hyne's recommendation, I think we should go with the base bid for the installation of the transformer and electrical sub-panel as well as option #2 which is installation of the lights at the pavilion and gazebo. Both options and the engineering services will keep us well under our budget with the grant we are getting for the matching funds. It will take about 2 months to get the physical work done.
 - CW Gorman motioned, CM Ness seconded to award the contract to Mid-Atlantic Electrical Services for the base bid for the electrical services as well as option #2.
 - CM Ness asked if this include the ability to have a lock box to turn the lights on and off.
 - CW Gorman said yes. The total of the base bid and option #2 is \$95,290.00. It will give us the ability to turn the lights off and on or leave on low or high if there is an event going on. It includes outlets in the pavilion and gazebo.
 - Mayor Hatton added we have a matching grant from DNREC to do this work. They will match every dollar we spend.
 - Mr. Fitzhugh asked if there will be lights in the gazebo.
 - Mayor Hatton said they will be installed and will be controlled with a lock box.

- Vote: unanimous.

VIII. Unfinished Business

- a. Vote to adopt Ordinance No. 14-03 – CM John Ness
 - CM Ness motioned, CM Sutton seconded with unanimous vote to adopt Ordinance No. 14-03.
 - TM Green asked what the monthly late fee will be, for the record.
 - Mayor Hatton stated it will be 10% of the monthly fee.

IX. New Business - none

X. Citizens Comments & Participation

- a. Ms. Willey said we really need to push for a community watch.
- b. Mayor Hatton stated we have one.
- c. Ms. Willey said the kids with the basketballs throw their balls against my house. I'm missing a shutter now because of this.
- d. CM Ness said we have people to get information out to the people but to get people to walk through the communities is very tough. If you have an incident please contact the state police.
- e. Ms. Willey said she was bedridden and by herself. They wanted to know which way they went and what they were wearing, etc. I couldn't tell them and they didn't come. The police never come unless you can give them a lot of information.
- f. Mr. Fitzhugh said the police come through Town but don't stay, I know this because I sit on my porch without the light on.
- g. Ms. Willey said her girlfriend and her walked the Town last year on their own and rescued a girl that was being beat up, called the police and they came. I can't do it now, I can't walk well.

XI. Adjournment: 9:03 pm, CW Gorman motioned, CM Sutton seconded with unanimous vote.
