

Townsend Workshop Minutes

Open Park Electrical Bids: 6:31 pm

- I. Roll Call: Mayor Jermaine Hatton, CM John Ness, CW Lorraine Gorman, CM Rudy Sutton, TE Owen Hyne, TC Cathy Beaver. CM Joel Esler is listening via cell phone but will not be able to vote on anything in the meeting tonight.
 - II. Recognition of Visitors: Scott Goss, Victor Rolli (Mid-Atlantic Electrical Services), Larry Rocke
 - III. Pledge of Allegiance: Pledge was said.
 - IV. Open Park Electrical Bids – Owen Hyne
 - a. TE Hyne said the electrical bids for the park closed at 6:30 pm tonight. The bids were all presented on the DE online procurement system. Four bids were received as follow:
 - i. Cahill Electric – base bid \$78,142.50
 - ii. CMI Electric – base bid \$135,999.58
 - iii. Mid-Atlantic Electric – base bid \$75,360.00
 - iv. Shure-line Electrical – base bid \$ 89,829.15
 - b. TE Hyne said the apparent low bidder is Mid-Atlantic Electric; bids are now available for everyone to see online. All will now provide RVB with hard copies of the bids and TE Hyne stated he will put the bid tabulation together and have his recommendation to Council prior to the April 2, 2014 Council meeting.
 - V. Adjournment: 6:47 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
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Workshop: 7:00 pm

- I. **Call to Order:** 7:00 pm
- II. **Opening Ceremonies**
 - a. Roll Call: Mayor Jermaine Hatton, CM John Ness, CM Joes Esler (via cell phone), CW Lorraine Gorman, CM Rudy Sutton, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver.
 - b. Recognition of Visitors: Scott Goss, Larry Rocke, Sandy Sturgis, Doug Tuttle and Julia O’Hanlon (from IPA)
 - c. Pledge of Allegiance: Pledge was said.
 - d. Announcements: none
- III. **Additions/Deletions to Published Agenda**
 - a. CM Sutton added change order #2 for the streetscape under public works.
 - b. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the agenda with the addition.
- IV. **Charter Briefing – Doug Tuttle and Julia O’Hanlon**
 - a. Mr. Tuttle stated this project to update the charter started late in the fall after talking with CM Esler. The copy started with the official charter version on the Town website. There are notations throughout with the changes recommended and several new sections have been added. With the additions, sections have been re-numbered. We cleaned up redundancies and fixed typos.
 - b. Mr. Tuttle went through the changes. Section 4.6, Powers of the Mayor, has substantial revisions which Council may or may not want to include. We have proposed the Mayor be a voting participant, currently the Mayor only votes to break a tie which is the most important vote to be made.
 - c. In Article 5 under Elections, the Mayor is currently selected from within Council after each election. An alternative is the Mayor is elected by the residents in the odd year for a two year term. If you do this it fits in with the current election cycle.
 - d. An interesting addition is a qualifier to run for office. As requested we have added “a perspective candidate who has delinquent money owed to the Town is disqualified from running for office”.
 - e. Mayor Hatton asked if this is addressed to an individual or the parcel address they live at. He added we bill the owner, yet a potential candidate could live at the same address and not be listed on the parcel.

f. Mr. Tuttle said he isn't sure how Council would address this. He feels having the language in the charter shows we expect people to be responsible. The Code of Ethics has been added to the charter which would also address this. Mr. Tuttle said this isn't in the charter now; Council doesn't have to add it.

g. Mayor Hatton asked if there is precedence in the state for this type of language. We don't want it to not pass in leg hall because of this.

h. Mr. Tuttle said they will research this but it is not illegal. There are Towns that have language in their charters stating a resident can't vote if they owe the Town money.

i. Article 6, Code of Ethics is new to the charter. We have added language that if a Council member misses three unexcused meetings they are dismissed from Council.

j. Section 7, Town Manager is a new section. It is a new position since the last charter was revised.

k. CM Esler said Attorney Townsend recommended we delete all the monitions section currently in the charter and adopt the NCC monitions sale policies. He added he will forward the email to Doug.

l. Mr. Tuttle said they expanded on the police force section, 7.8, in anticipation of future growth. Changed the jurisdiction to a mile outside of Town limits also.

m. Section 8.5, financial section has some new language in reference to overdue taxes.

n. The annexation section will be removed and replaced with one paragraph similar to the Middletown charter.

o. On page 26 we will change the number from 5 to 3 in reference to public places the Town posts notices.

p. Any language that refers to the commission will be changed to say Council.

q. On page 29 the audit language was changed and goes into a little more detail.

r. Mr. Tuttle stated we discussed electronic participation, haven't found language in any other charters, they are ordinances and he said he will provide the language to Council.

s. Mayor Hatton asked what the next step is for this revision.

t. Mr. Tuttle stated Council needs to agree or strike new language and we can revise the charter with tonight's recommendations and send an updated draft to Council for approval. He added the big decision will be how the Mayor is elected.

u. CM Ness asked when the drop dead date is to present the revised charter to legislative hall.

v. Mr. Tuttle said Council has to adopt the charter first, and then give it to Representative Spiegelman to present to leg hall, all before June 30th.

w. Voting on the revised charter will be added to the workshop scheduled for April 23, 2014.

V. Council Minutes

a. Approval of February 19, 2014 Workshop minutes

b. Approval of March 5, 2014 Council minutes

c. CM Ness motioned, CW Gorman seconded with unanimous vote to accept the minutes.

VI. Reports

a. Fred Townsend III, Town Attorney – not at meeting

b. Owen Hyne, Town Engineer

○The streetscape groundbreaking ceremony will be at 3:00 pm on Friday, 3/21/14 at the corner of Commerce and Main Street.

○The contractor may start saw cutting on Friday and start demolition work on Monday. Work is going to start at the Chestnut Street intersection.

○CM Ness asked for a calendar for the street detours.

○TE Hyne said there won't be any street detours, they will be using flaggers.

○Mayor Hatton asked if we had the schedule of work yet.

○TE Hyne said we hoped they would be finished with the project in mid-June but because of the weather that isn't happening. They have asked for a contract extension of 45 days. We can't give that to them until they provide us with a schedule showing they can meet the extension. We have been pushing them

hard for the schedule but still don't have it. They will not get my or DelDot's approval until we have the schedule.

- Mr. Rocke asked how we can permit them to start work without a schedule.

- TE Hyne explained they have a notice to proceed, they can start work, but we are demanding they provide a full work schedule for the entire project.

- CM Sutton asked if there was a previous schedule prior to the bad weather.

- TE Hyne said yes but it wasn't acceptable, they wanted it to be a nine month project.

- Mayor Hatton said once we finally get the construction schedule because of the budgetary restraints, he asked that RVB do an overlay for their construction management services so we can ensure the dollars allotted for construction management will tie to the project. We don't want to get 3 or 4 months into the project and be out of allotted construction management money. The Town will not spend a single dollar over what has been allotted for any part of this project. It is fully funded through State and Federal money.

- TE Hyne said he will make sure he gets that to the Mayor.

- TE Hyne said there is a fence at 301 Main Street that is scheduled to be relocated during the project. He said he knows the contractor has spoken with the property owner but doesn't know if anyone from the Town has. The fence is going to be moved back from the sidewalk to make room for a wider ADA approved sidewalk. He added he wants to sit with the homeowner and explain everything so he is clear on what is going on. The contractor, under contract, can re-install the same fence. However, rather than make the sidewalk 6'8, we can install a 5' sidewalk and still be ADA compliant which will make the property owner a little happier with not having his fence ripped out. I would like to sit with the property owner and someone from the Town to discuss this.

- TM Green said he has had the conversation with the homeowner. Before anyone does anything he wants the right-a-way surveyed.

- TE Hyne said the DelDot inspector said they have done that. There is a 60' right-a-way. I have the plans from DelDot that show this.

- Ms. Sturgis said they did the survey and told us they feel it is wrong. If it is right they are taking part of my porch too. It appears most of the right-a-way is on my side of the street, doesn't the other side of Main Street have a right-a-way? She then asked who approved a 7' sidewalk and stated when she was on Council they approved 5' sidewalks, which are ADA acceptable. This isn't Middletown, we do not have a commercial district down Main Street, we are residential, what is the need for 7' sidewalks. Who will maintain 7' sidewalks? I won't, didn't ask for this, 5' is wide enough. The sidewalks will be going in and out around the large trees and light poles and will look terrible. DelDot said the Town will maintain the sidewalks and street and we all know that won't happen. You are talking about putting a 5' sidewalk in front of Jacks, what about the rest of us.

- TE Hyne said he wasn't here at the beginning and the sidewalks need to be wider than 5' to make the streetscape look nice. There are a number of voluntary features in the streetscape that the Town decided to pursue. It will have the nice streetscape look, but to do that it has to have sidewalks wider than 5'. It was voted on by the Town.

- Ms. Sturgis stated you are taking away all the residents' front yards; you can do away with the grass ordinance. She asked if the 3 large trees will be cut down and the 8 large bushes within the 7' right-a-way.

- TE Hyne said this is a project approved by the Town, if they want to make any changes it will be at their discretion. We will try to make this project as easy as possible for the residents.

- Mayor Hatton stated this project has also been approved by DelDot and is the original plan sent to DelDot when Ms. Sturgis sat on Council. This Council and the previous Council changed nothing other than we cleaned up the modifications DelDot required to approve the project. These modifications were to pick the design of the light poles and how many light poles there would be. We chose to use Delmarva light poles rather than buy them somewhere else. The scope of work that was approved by DelDot is what the previous Council over the 7 year plus span approved and sent to DelDot. We did not change the scope of work or the width of the sidewalks.

○Ms. Sturgis stated someone must have changed them, when she was on Council they approved 5' sidewalks.

○Mayor Hatton said again, the 7' sidewalks were submitted by RVB from the original plan, approved by the original Council 7+ years ago and approved by DelDot. This Council made no changes. He said he can get a copy of the original submission from RVB for Ms. Sturgis to see what was submitted to DelDot.

○Ms. Sturgis asked who she needs to talk to about this; she is not having a 7' sidewalk in front of her house. What sense does it make to put a 7' sidewalk in front of my house and a 5' sidewalk on either side of me because of a fence and tree? DelDot said the tree is an issue, are we ripping it out?

○Mayor Hatton said the tree is part of the design which will be addressed through the actual contract and Ms. Sturgis can see the plan but to rehash this entire project now isn't going to happen.

○Ms. Sturgis stated he didn't answer the question. She wants to know who is requiring the 7' sidewalk.

○Mayor Hatton said that was part of the original design.

○Ms. Sturgis said OK, its part of the original design but you are changing that for 301 Main Street to 5'.

○Mayor Hatton said that is what TE Hyne said.

○Mr. Rocke asked who authorized TE Hyne to change 301 Main to 5'.

○Ms. Sturgis agreed, if you have approval from the state already, how can you change 301 Main to 5'.

○TE Hyne said 7' isn't a state requirement and he certainly doesn't want to do anything bad in front of Ms. Sturgis property. There is one tree that is an issue. We don't want to go in and out but we have to adjust to accommodate some of the existing conditions. Don't believe there are any other locations the width has to be adjusted. We have worked through the changes with the DelDot inspector that is out there. We haven't made any changes without notifying DelDot, they will be there on a daily basis also.

○Mayor Hatton told Ms. Sturgis we can talk more after the meeting; he has a long agenda to get through.

○Ms. Sturgis stated she wants to talk now on the record.

○CM Sutton asked Ms. Sturgis what more she would like to know.

○Ms. Sturgis said she wants to know who to speak to about the sidewalk going in and out. Do you really think that will make our Town look good?

○Mayor Hatton said the original design is still the design, we have not modified it. You can look at the approved design.

○Ms. Sturgis stated someone has changed the width of the sidewalks. It was still at DelDot being reviewed when I left Council.

○Mayor Hatton again stated this Council changed nothing other than pick out the light design and remove the wagon wheel pattern in the middle with the Town logo. Nothing with the sidewalks was ever modified.

○TE Hyne said the typical sidewalk design is an accent band behind the curve, an 8" brick and a 6' sidewalk which makes it 6'8". That is the way it was designed and is still designed.

○Mayor Hatton said he and Ms. Sturgis can talk after the meeting or she can call the state. She stated she will deal with the state.

○TE Hyne said development will start back up in TVI and TVII in April or May when the ground dries up.

○Gray Street Properties hopes to finish the basic site improvements for Phase 2B in the next couple weeks and then will post the required escrow before getting building permits.

○We opened the bids for the park electrical earlier. We will tabulate the bids and I will provide a recommendation to award for the next Council meeting.

○Mayor Hatton said we sent a letter to MS Development about replenishing their escrow account and asked if TE Hyne had heard anything.

○TE Hyne said he spoke to Mr. Sapperstein today and he stated he would replenish the escrow within 30 days.

○TM Green asked if it will be the amount we requested.

○TE Hyne said they didn't discuss an amount, he said he had our letter in front of him and he believes it will be what we requested.

c. Dawson Green, Town Manager

○The snow removal contract with Austin and Bednash ends this month and Council needs to think about getting another RFP out for a snow contract.

○Have been speaking with Artesian Water. They are trying to get the 6" water meter at the park re-classified as a fire service meter. They could then charge the Town \$229.00 rather than \$413.00 the Town pays now.

○The owner of Diamond State Motors had the property for sale, it fell through. He is interested in having auctions every so often and would like to know how Council feels about it.

○Mayor Hatton said he knows we have a business license fee to hold auctions and asked to have Mr. Hayes submit his proposal in writing for Council before we permit him to do this.

○CM Ness said there are pot holes in the developments and the one in front of the fire hall could cause some damage to a car.

○TM Green stated DelDot is aware of it and plan on fixing it.

VII. Committee Reports

a. Finance: Chair – Mayor Jermaine Hatton

○We have been in contact with Edmonds about getting Visa added to our online bill payment, have permission from Visa, waiting to get some financial code numbers from Visa to add it to the system.

○The bank reconciliation mentioned in the audit is completed and up to date and a process has been put into place so we don't fall behind again. It was a difficult process with the software system but it has been worked out to make it an easier process going forward.

○TM Green has started his accounting classes to aide in the process of the day to day oversight within the office. He has passed the first class.

b. Public Works: Chair - CM Rudy Sutton

○ Streetscape – Change Order #1 and Change Order #2

1. CM Sutton said change order #1 reflects adjustments to the layout of curb bump outs, upgrading pedestrian benches to a synthetic wood material and eliminates new decorative crosswalks across Main Street. It also includes a flagging crew to facilitate lane closures in accordance with DelDot requirements.

2. Change order # 2 adds two new handicap curb ramps on the west side of Chestnut Street intersection with associated crosswalk and striping. Most of this Council has already discussed.

3. Both change orders have been approved by DelDot and do not reflect any additional cost.

4. CM Sutton motioned, CM Ness seconded with unanimous vote to accept change order #1 and #2.

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

○Mayor Hatton said he met with NCC planning and zoning in regards to the proposed changes to our comp plan re the 6 properties with the zoning changes and our increased sewer capacity for Townsend. Hope to hear good news in the next couple weeks to enable us to get on the PLUS meeting agenda at the end of April.

○Also met with Bill Powers about the County possibly giving the County Park across from the Town Hall to the Town. They no longer maintain it; they outsource the mowing and maintenance. Hope to hear soon and Council will then have to vote on it.

d. Community Relations: Chair – CM Joel Esler, Co-Chair – CW Lorraine Gorman

○ Newsletter – CW Gorman

1.Thanked Cathy for getting the newsletter out quickly. Have had positive feedback from it. Would like to mail it possibly 2 times a year.

2.CW Gorman motioned, CM Ness seconded with unanimous vote to establish a line item in the budget for the newsletter with the amount of \$250.00.

e. Public Safety: Chair – CM John Ness

○Presented information to Council previously regarding the cost and re-cooping the cost over time to hire our own police officer rather than contracting the state or county police. Would like Council to review this so we can put it to a vote.

○Mayor Hatton said the numbers look pretty solid. He asked if we had any discussion about potentially acquiring 1 or 2 police vehicles, donated rather than buying them new.

○CM Ness said a few smaller Towns were able to get vehicles at state auctions relatively cheap. NCC Police, State Police and others have all agreed to help us find something.

○Mayor Hatton stated NCC Police are in the process of replacing all their vehicles with Tahoe's. Would much rather have a vehicle donated to us than purchase one and need to get on their radar now while they are doing this.

○CM Ness stated he will make more calls; he didn't want to move too far ahead without knowing what Council was going to do. He added he has already had calls from 2 police officers that are retiring this year and interested in the position.

○Mr. Rocke suggested contacting the Chief of New Castle. There was a big article in the paper about him being able to acquire things. When he was at Delaware City he supplied them with almost everything at no cost.

f. Charter & Ordinance: Chair - CM Joel Esler

○CM Esler said there is nothing to add from the briefing with Mr. Tuttle.

g. Parks & Recreation: Chair – CW Lorraine Gorman

○ Electric Installation at the Park

1.CW Gorman said TE Hyne covered everything, should have a report by the next meeting and hope we can vote on it and move forward so as not to waste any more time.

2.TE Hyne stated he will have a report to Council next week.

3.Mayor Hatton asked the amount of the grant.

4.TM Green said it is \$94,500.00.

5.CW Gorman said the engineering fees have to come out of this money also.

6.Nothing new on the ball fields. We asked for an insurance certificate stating our fields are protected under the MOT Little League for our protection and the protection of anyone using the fields. We still do not have this and unfortunately the fields can't be used until we get it.

7.Had an interesting inquiry about the pavilion, we have nothing in the contract concerning inclement weather that prevents someone from using the pavilion that states we will give them a refund. Feel we should do that, have checked other municipalities and they do this. It doesn't need to be written into it, but we should do it.

8.Talked to Al Schrum at the Vo-Tech. He stated St. Georges Vo-Tech will probably be the one to restore the small gazebo by the playground at the park.

○ 3/20/14 Nature Walk

1.Still room for more walkers tomorrow. Have 8 people registered.

○ 4/13/14 Easter Egg Hunt

1.Any suggestions on a judge for the Easter Bonnet contest?

2.Mayor Hatton agreed to judge this contest.

3.The post card invitations will be mailed next week.

4.We will need some prizes for the hat contest and still have a gift certificate left over from the fair.

○ 5/10/14 Community Yard Sale @ the Park

1.CW Gorman asked Council to communicate with people to see if they would be interested in doing this. There is no need to advertise if no one will be there.

o 9/27/14 Town Fair & Parade

1.CW Gorman said she was asked if we would consider re-naming the fair to make it a catchy name.

2.All agreed to leave it as is.

3.Mayor Hatton asked if MHS Band has agreed to attend the parade.

4.CW Gorman said yes.

5.CM Ness stated he will contact the State Police now to see if they can attend in force again this year.

6.CW Gorman asked if all agreed to sub-dividing the responsibilities the day of the fair. Need someone to oversee entertainment and make sure it all flows that day. Need someone to oversee vendors, etc. One person can't do it all. Have lots of suggestions, good and bad from last year. We need to get more reliable adult volunteers that will be there all day.

7.Mayor Hatton suggested starting a fair/parade committee now rather than waiting until June or later. The sooner we start the better.

8.CW Gorman handed out the list of vendors and parade participants from last year. She asked all to look at it and help recruit new vendors. It is first come, first serve. Vendor fee is \$25.00.

9.Ms. Sturgis asked if Concord Pet will be there again, she talked to the manager and she really enjoyed it.

10.CW Gorman said definitely.

11.Mayor Hatton said he will contact Ms. Delaware again this year.

12.CW Gorman asked Council to look for additional sponsors so we can improve the fair each year. She added that CM Sutton suggested buying a plaque and putting the name of the free throw contest winner on it each year. It can hang in the Town Hall.

13.Ms. Sturgis asked if there are any plans to re-mulch the playground area.

14.CW Gorman said we plan on doing the trees and will look into it. It isn't part of the maintenance contract.

VIII. Unfinished Business - none

IX. New Business

a. **Introduction – Ordinance No. 14-03, Disposition of Garbage, Trash & Rubbish – CM**

John Ness

oCM Ness introduced Ordinance No. 14-03 and said it is necessary due to trash fees being collected monthly rather than quarterly. If approved this ordinance will include recycling services and remove the annual cap of \$120.00 a year or \$10.00 per month and replace it with a monthly trash/recycling late fee per the Town's fee schedule to put it more in line with the monthly collection. Would like to have a public hearing for the final reading on April 2nd.

oCM Esler asked if this removes the cap totally.

oCM Ness said it removes the cap and replaces it with a monthly late fee. After 2 months of non-payment, trash service will be stopped so we won't need a cap fee.

oCM Esler asked if the late fees would continue after discontinuing the trash service and was told no.

X. Citizens Comments & Participation: none

XI. Adjournment: 8:35 pm, CM Ness motioned, CW Gorman seconded with unanimous vote.
