



**Townsend  
Council Re-Organization Meeting  
Council Meeting  
June 7, 2017**

**7:00 pm – Re-Organizational Meeting**

- I. Call to Order: 7:00 pm
- II. Roll Call: Mayor Rudy Sutton, CM John Ness, CM Jermaine Hatton, CW Lorraine Gorman, CW Cindy Cook, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
- III. Pledge of Allegiance: Pledge was said.
- IV. Introduction of New Council Members:
  - Rudolph Sutton
  - Lorraine Gorman
  - Steve High
- V. Oath of Office for Newly Elected Council Members:
  - The three new Council members read and signed the oath of office.
  - The new members went behind the Council table and resigning Councilman John Ness came out to the audience. Councilman Sutton introduced the five new Council members and asked CM Ness to please come to the front of the room.
  - CM Sutton (acting Mayor), read Resolution No. 2017-1 as follows:

**RESOLUTION 2017-01**

- - **WHEREAS**, John Ness, moved to Townsend in December 2007; and
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  - **WHEREAS**, John Ness was elected by a majority of the residents to serve on Council for the Town of Townsend in 2009 and served for eight (8) years, from May 13, 2009 to June 6, 2017; and
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  - **WHEREAS**, John Ness served as chair of the Police and Public Safety Committee the entire time he served on Council; and
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  - **WHEREAS**, John Ness has a passion to protect the Town and worked closely with the State Police to schedule patrols and did extensive research to see if the Town of Townsend could start their own part time police force ; and
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  - **WHEREAS**, John Ness was active in all Town events the entire time he served on Council; and
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  - **WHEREAS**, John Ness did not run for re-election as Councilman for the Town of Townsend on May 6, 2017, but will continue to be active as a resident of Town;
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  - **NOW, THEREFORE, BE IT RESOLVED** that Mayor Rudy Sutton, Councilman Jermaine Hatton, Councilwoman Lorraine Gorman and Councilwoman Cindy Cook, along with the Town Staff and Town Residents would like to thank John Ness for his eight years of service and dedication, and wish him the best in the future.
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- Dated: June 7, 2017

- CM Sutton (acting Mayor) then presented CM Ness with a statue thanking him for his 8 years of service to the Town.
  - All of Council personally thanked CM Ness for his service.
  - CM Ness thanked his wife Margie for supporting him the last 8 years and past and present Councils. He added that residents should be proud of the present Council. He hopes more residents will get involved and continue to come to meetings. He thanked Lt. Hudak and Troop 9 for all their help over the years. Lastly, CM Ness thanked the residents and stated he thinks they all know he has always taken his position on Council very seriously.
  - Lt. Hudak introduced himself for those he hadn't met. He added he has worked closely with CM Ness over the last year and half to better the community. The entire Town is very actively involved in the Town and CM Ness is at the top of the list. Everyone should be commended for how seriously Council takes their commitment to the Town; the dedication and passion in this Town is tops. He has been on the force for 16 years and has never seen this in any other Towns. He personally thanked CM Ness for working with the police.
- VI.** Introduction of Entire Council: Acting Mayor Sutton introduced the new Council to the residents.
- VII.** Nomination and Election of Town Mayor for one (1) year term:
- CW Gorman nominated CM Sutton to serve as Mayor for a one year term, CW Cook seconded the motion.
  - Acting Mayor Sutton asked if there were any other nominations. There were no more nominations. Vote to nominate CM Sutton to serve as Mayor: Aye - CW Gorman, CW Cook, CM Sutton, CM High, CM Hatton abstained from voting. Motion carried, Mayor Sutton will remain Mayor for another one year term.
- VIII.** Oath of Office for Town Mayor:
- i. CM Sutton read and signed the oath of office to serve as Mayor for one year. He then thanked Council for their support and the residents for a tremendous amount of support; it has been a trying year. He said he wants to continue to serve to make Townsend a better place for all. Need everyone to help, residents and Council. Many people view only the Mayor but Council all helps move the Town forward. The Mayor is only a small part of the Town.
- IX.** Adjournment: 7:18 pm, CW Gorman motioned, CM High seconded with unanimous vote.
- CW Gorman announced there is cake in the lobby to honor CM John Ness for his years of service.

## **7:30 pm – Council Meeting**

- I.** Call to Order: 7:30 pm
- II.** Opening Ceremonies
  - a. Roll Call: Mayor Rudy Sutton, CM Jermaine Hatton, CW Lorraine Gorman, CW Cindy Cook, CM Steve High, TA Fred Townsend, TE Owen Hyne, TM Dawson Green, TC Cathy Beaver
  - b. Pledge of Allegiance: The pledge was said and there was a moment of silence for Mason Farrow of Middletown who was killed in a motor cross accident over the weekend.
  - c. Recognition of Visitors: 13 visitors
  - d. Announcements: none
- III.** Additions/Deletions to Published Agenda:
  - a. CM Hatton removed 8b, not here.
  - b. CM Hatton motioned, CW Gorman seconded with unanimous vote to accept the agenda with the above deletion.
- IV.** Allyson Willis – “Historical Townsend” project update
  - a. In May I collected over 200 pictures of Old Townsend and am scrapbooking them now.
  - b. CW Cook asked Allyson to share the information once she is done so it can be photographed and added to the Town facebook page and website.
- V.** Re-organization of Committees: Mayor and Council agreed to the committee chairs as follows:
  - a. Human Resources: CW Lorraine Gorman
  - b. Finance: CM Jermaine Hatton
  - c. Public Works: Mayor Rudy Sutton
  - d. Land Use & Development: CM Jermaine Hatton and CW Lorraine Gorman
  - e. Community Relations: CW Cindy Cook

- f. Public Safety: CM Steve High
- g. Parks & Recreation: CW Lorraine Gorman
- h. Additional assignments/committees
  - Council agreed to add a Veteran's Committee with CM Steve High and CW Cindy Cook as Co-chairs
  - CM Hatton motioned, CM High seconded with unanimous vote to form a veterans committee.
  - CM Hatton motioned, CM High seconded with unanimous vote to leave the chairs of all the committees the same with the addition of the veterans committee and CM High will chair the public safety committee.

**VI. Council Minutes - none**

**VII. Mayors Report**

- a. Council vote on streetlight issue
- b. Mayor Sutton stated this has been a huge presence and issue discussed for months. Council needs to make a decision on what is going to be done.
- c. CM Hatton motioned to do lighting districts and have a line item for the bill included on the trash bill. CW Gorman seconded for discussion.
- d. A resident asked how the districts would work.
- e. CM Hatton explained a line would be added to the trash bill for the streetlights and the amount to be paid would be split evenly amongst the residents in the district.
- f. CW Gorman said Townsend Station is listed with 90 homes, believe there are approximately 150 homes in Old Town, and was never a number before. Example; Old Town would cost \$9.00 per month; TVI - \$12.00 per month, TS - \$ \$10.00 per month, etc. CW Gorman said she believes this should be a line item on the trash bill as it is not a tax. We are one Town and there isn't a lot of difference in the districts, I believe it should be split evenly amongst everyone. It will also make the bookkeeping much easier.
- g. CM Ness suggested that no matter how Council votes, please put the decision on the website and facebook page to notify residents.
- h. Mr. Hemmert said he lives in TVI and is confused. We get nothing from the Town, why do we have to pay for streetlights. Why can't you force Delmarva to put LED bulbs in to save money?
- i. Mayor Sutton said the residents do get benefits from the Town; this building is one, this is where Town business is conducted and place everyone can be proud of. The lighting costs with all the developments is too much for the Town to absorb; as Town expenses increase, most Towns increase taxes. Council has tried to find a way that is the least burden to the residents.
- j. CW Cook explained the LED bulbs have been discussed extensively at previous meetings and it isn't an option. Delmarva will do it at their own pace. She added she also believes the most logical way to pay for the streetlights is to add it as a line item on the trash bill and split it evenly amongst everyone in Town. We are one community – as a whole - and need to stand together as one. There is a lot Council does behind the scenes to better the community; don't believe there is waste from our tax dollars. We at this table serve to make this a better community; we have had several open forums and need to make a decision tonight. We need to move forward.
- k. Ms. Sturgis asked how MSA will now be divided.
- l. CM Hatton said it won't have anything to do with the lights, it is on the chopping block again this year and there is a good chance it will be chopped this year. We can't count on it to help pay for the streetlights.
- m. CM High suggested the bottom line is the cheapest way for the residents overall, including admin costs. Residents need to leave tonight and know what they will be paying so they can budget the additional cost.
- n. CM Hatton said Council has to first vote on a decision, and then we can get a number.
- o. Lt Hudak said the police always tell people to keep their lights on, outside and inside. It is the greatest deterrent for break-ins and thefts. Thief's want the dark so they can't be seen, lights help deter crime.
- p. CW Cook agreed; when we added lighting to the park, crime went down.
- q. Mr. Emsley said he is in favor of districts, but what happens when someone doesn't pay their trash bill. Can a lien be put on the property and the trash not picked up?
- r. Mayor Sutton stated most of the liens on Town properties are because of the old way of billing trash. Service is now stopped if you don't pay for 2 months.

- s. Mr. Emsley asked how a resident will pay their streetlight bill when they don't get a trash bill because it has been stopped.
- t. CM Hatton stated the percentage of trash bills paid now is very high; only about 10% don't pay or homes are vacant; will add wiggle room in the amount paid for this contingency.
- u. CW Cook stated the residents she has talked to prefer to be billed monthly for this service.
- v. TM Green asked is this would also include commercial properties in Town.
- w. CM Hatton said yes; the only question still on the table is the empty lots that aren't billed for trash.
- x. Mr. Albert said even though he is opposed to any more development in Town; he knows it is coming. Can Council force the new developers to buy the poles and lights going forward.
- y. CM Hatton said we could however the Town doesn't have the money or crew to maintain the lights and poles once a development is handed over.
- z. TM Green said he believes the unimproved lots should have the light bill also; the same as the people with no kids that pay school taxes.
- aa. TA Townsend stated if Council votes to move forward, he will have to write an ordinance and there will be many issues that come to the table. This won't be the last discussion on the streetlights.
- bb. Mayor Sutton called for a vote on the motion for lighting districts. Vote: Aye – CM Hatton, Nay – CW Gorman, Abstain – CW Cook and CM High. Motion did not pass.
- cc. Mayor Sutton asked for recommendations to vote on tonight; no one had a different recommendation. This will be added to the agenda at the next Council meeting.

## VIII. Reports

- a. State Police: Lt. Anthony Hudak
  - Worked with CM Ness for a year and half; have accomplished a lot in the criminal realm and increased patrols throughout Town. Colonel McQueen is very fond of Townsend.
  - We will be at movie night this weekend.
  - Last month we had an increase in burglaries and thefts from vehicles; 7 of them throughout all of Townsend. Have increased the patrols. We are at a 40% clearing rate for thefts which is a very good, high rate. We are doing our best.
  - If you see anything suspicious, call the police. Keep your outside lights on, it does help defer theft of your property.
  - I take my job very seriously although I don't get down here as much as I'd like to, but I stay in communication with Council and Mayor.
  - Mayor Sutton is our Honorary Commander for Troop 9. We like to have our hand in all Towns.
- b. Representative Jeff Spiegelman – not here
- c. Town Attorney Fred Townsend III
  - Am researching how other Towns pay for their streetlights and should know more by next meeting.
  - It has been a pleasure working with CM Ness all these years and look forward to working with CM High again.
- d. Town Engineer Owen Hyne
  - TE Hyne said it was nice to be back and see everyone. Filling in for TE Andres who is on vacation.
  - TVII West – working on the punch list with the developer who is anxious to turn it over to the Town.
  - Ongoing construction at Smith's Liquors.
  - Mayor Sutton asked if there is a finish date for Smith's Liquors.
  - TE Hyne said it is still months away.
  - CM High asked if it is just a liquor store, it is very large.
  - TE Hyne said it will also have an office space that can be rented out.
- e. Town Manager Dawson Green
  - The utility pole replacement on Commerce Street has started and should be done next week.
  - Had no luck getting landscape bids. CM Hatton asked Bailey's to revise their bid, reduced it from \$600.00 to \$300.00. Would like to know if Council wants to give them the contract.
  - Mayor Sutton asked TA Townsend if Council can vote on this as it isn't on the agenda.

- TA Townsend said technically there should be an item on the agenda but it is a very small amount and residents can't accuse you of squandering money. If move forward and vote, put on next agenda to ratify the contract.
- Mr. Keenan suggested we send our maintenance man to school to learn how to maintain the sprinkler system and Council agreed to look into it.
- Mayor Sutton asked TM Green to move forward with Bailey's and we will add it to the next agenda.
- TM Green said he is still working on getting fence bids.
- Under Delaware courts, cable companies don't have to pay taxes in Town, no assessment on cables and county places no value on it.
- CW Gorman said Atlantic Broadband is on the lien report and should be removed since there is nothing to attach a lien to.

## **IX. Committee Reports**

### **a. Finance: CM Jermaine Hatton**

- Currently working with the staff on next year's budget. Would like to schedule a budget meeting on 6/14/17 at 6:30 pm; it will be a working meeting.
- Will send the numbers to Council by Sunday to review.

### **b. Public Works: Mayor Rudy Sutton**

- Discussion/possible vote: Austin & Bednash proposal for Taylor Street
  - CM Hatton said the proposal has 2 line items.
  - TM Green said we are only doing one, 613 Taylor Street.
  - CW Gorman asked for any other estimates.
  - Mayor Sutton said no one has got back with TM Green; he even provided names of contractors and phone numbers for TM Green based on the scope of work to be done.
  - TM Green said he has met with 3 contractors and talked to 5 total.
  - CM Hatton said per the procurement policy the bid is under \$5,000 so we don't have to have any other bids.
  - CM Hatton motioned, CW Cook seconded with unanimous vote to approve the bid from Austin & Bednash to repair the sidewalk on Taylor Street.
- Discussion/possible vote: B & W proposal for Finley Street
  - Mayor Sutton explained that all the work has been done on the property and Mr. Burris is asking for the remaining \$2,744.28 balance due to cover the additional stone needed to complete the grading.
  - CM Hatton motioned, CM High seconded with unanimous vote to pay the bill.
  - Ms. Albert stated the Finley Street property is zoned preserved. Our codes don't permit us to put boxes on the property with this zoning. I ran into this while working on the comp plan; not allowed the way it is currently written. Unless I have interpreted wrong, it will need re-written.
  - Mr. Keenan verified the Town wants to move the Konox boxes to the Finley Street property and asked why we wouldn't move them here.
  - Mayor Sutton said we won't bring the boxes here; we plan on putting a shed in the cut-out.
  - Mr. Hemmert asked why the Town doesn't pick up yard waste.
  - Mayor Sutton stated he has met with Mayor Branner and Town Manager Morris in Middletown about this process. There are many issues with picking up yard waste and we have a very small staff and no equipment to do this. Based on our size, we would be getting in over our heads and Council has decided not to take this on right now. We have the transfer station right on Pine Tree Corner Road and yard Waste can be taken there which is a benefit for our residents. Residents can also make arrangements with Waste Industries, our trash contractor to pick their yard waste up for a small fee.

### **c. Land Use & Development: CM Jermaine Hatton & CW Lorraine Gorman**

- CW Gorman said New Castle County has reached out to Towns to schedule a meeting with the Town Managers on June 30, 2017 about land use and enclaves. CM Hatton and I will be attending.

- d. Community Relations: CW Cindy Cook
- Volunteer of the Year Nominations
    - I. Will be taking nominations for this award. The winner will be acknowledged at the Town Fair.
  - Yard Sale
    - I. Thanked all that participated, haven't had any feedback.
    - II. CW Gorman said only 15 people stopped at her house.
    - III. CW Cook said a lot of conflicting events were going on at the same time; will research the date more next year.
  - Spring Softball Tournament
    - I. Asked Council and residents if in the spring next year, they would like to host a spring softball tournament to raise funds for autism awareness. We have a beautiful baseball field now; want the community to enjoy it. Will challenge Council and churches, etc. More information to come.
    - II. TM Green said several basketball coaches in the area have approached him about having a blacktop league in the park.
    - III. CW Cook said she thought this was a great idea.
    - IV. CW Gorman said will have to reserve the court like the ball fields; courts are used all the time.
    - V. CM High asked for more info from the coaches.
    - VI. CM Hatton asked what happens to the kids that use the courts all the time if we bring outside folks in reserving the court: They will be pushed aside.
    - VII. CW Cook said it isn't only Town kids on the court; if this organization is keeping kids off the streets, it is a good thing.
    - VIII. TM Green will give the contact info to CW Gorman and CW Cook.
- e. Public Safety: CM Steve High
- Nothing to report.
    - I. A resident asked if speed limit signs could be installed on South Street in TVII.
    - II. TM Green said he has asked the builder to do this and hasn't had a response yet. Adding the small signs in TVI seems to be helping.
    - III. Mayor Sutton added that TM Green has been trying to get speed limit signs installed for some time.
    - IV. TM Green asked TE Hyne to add speed limit signs to Sapperstein's punch list.
- f. Parks & Recreation: CW Lorraine Gorman
- Park Maintenance
    - I. Several trees on the right side of the pavilion were almost dead; would like to replace one of them. The landscaper gave an estimated of \$225.00 for a Cleveland Pear.
    - II. CW Cook agreed this was a good idea.
    - III. TM Green said he is getting bids from electricians to repair electric in the pavilion and pavilion. Have one bid and need 3 bids. Hope to have them by next week.
    - IV. CM Hatton asked what is wrong with the lights.
    - V. CW Gorman said the lights are under warranty but need an electrician to tell us what is wrong.
    - VI. Mr. Palumbo said in a previous Town he lived in, the Mayor went to several landscapers and asked them to donate trees and the Town put a small sign by it saying "Donated By..".
    - VII. CW Gorman said George is clearing the area for the butterfly garden now. Mr. Mulch is donating the mulch; the Brownies will be here tomorrow night to spread the mulch. Willey's is donating \$25.00 in plants.
  - Movie Night Under the Stars – Friday, June 9, 2017 – “Sing” (rain date – June 10, 2017)
    - I. CM Ness doing a Code Red announcement for the movie on Thursday night.
    - II. TruVoX is going to sing prior to the movie at 7:45 pm.
    - III. Movie starts at 8:30 pm.
    - IV. Candy Connections will be selling refreshments.
  - 2<sup>nd</sup> Movie Night Under the Stars – Friday, July 7, 2017 (rain date – July 8, 2017)
  - Town Fair – Saturday, September 23, 2017 – parade @ 10:00 am, fair 11:00 – 3:00 pm

- TM Green asked if Council has made a decision about the water meter at the park.
- Mayor Sutton said Council agreed at the last meeting to remove it; already confirmed with the fire company it is not needed for the hydrants. He asked TM Green to have it removed.

**X. Citizens Comments & Participation**

- a. Mr. Hemmert said the state is going to legalize marijuana by June 30 and the Town will be getting applications to grow.
- b. CM Hatton said the state will control who can grow and sell; won't be free rolling.
- c. Mr. Palumbo, 483 South Street. Move in on 4/29/17. At 3:12 am the train horn blasted, every night it blasts in the wee hours; all the new neighbors have asked me to speak for them. Would like to know if the Town could get a quiet zone. This permits a Town to prohibit a train horn from being used in Town limits. There are 7 quiet zones in New Jersey and hundreds throughout the country. Have done extensive research and there is a copy in all of Councils folders. He added he would be happy to help with this in any way.
- d. Mr. Keenan commented that he has been here 21 years and doesn't even hear the train; he does appreciate them blowing the whistle to get the kids off the tracks.

**XI. Motion to Recess for Executive Session: 9:13 pm, CM Hatton motioned, CM High seconded with unanimous vote.**

**XII. Motion to Convene Executive Session**

- a. In accordance to 29 Del. C. §10004 (b) (9) the Town Council will be meeting in executive session to discuss personnel matters

**XIII. Motion to Close Executive Session & Re-Convene Mid-Month Meeting**

**XII. Adjournment:**

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