



**Townsend Council Meeting Minutes**  
**April 18, 2018**

**7:00 pm – Council Meeting**

- I.** Call to Order: 7:00 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 June Andres, TC Cathy Beaver (TM Dawson Green could not attend)
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 13
  - d. Announcements:
    - Town Elections – Saturday, May 5, 2018, Town Hall – Polls open 8:00 am – 6:00 pm
    - Town Hall closed Monday, May 28<sup>th</sup> for Memorial Day
- III.** Additions/Deletions to Published Agenda:
  - a. CW Gorman asked to delete 6C since TM Green isn't here. She asked if he sent anyone a report and all said no.
  - b. CM Hatton motioned, CM High seconded with unanimous vote to accept agenda with above deletion.
- IV.** Elections
  - a. Board of Election members oath of office
    - Regina Albert
    - Albert Harrington
    - Terry MobleyThe Board of Election members all read and signed their oath of office for the 2018 elections.
  - b. Poll Workers oath of office
    - Sandy Sturgis
    - Loretta WallsThe poll workers both read and signed their oath of office for the 2018 elections.
- V.** Mayors Report
  - a. Discussion/possible vote to pay election poll workers \$100.00 each
    - Mayor Sutton explained the Town has always paid the poll workers for their time working the elections. It is a 12-14 hour day for them. Once the poll workers are here, they cannot leave the property.
    - CM Hatton motioned, CW Cook seconded with unanimous vote to pay the 2 poll workers \$100.00 for working the elections.
  - b. Discussion/possible vote to buy lunch for election workers on 5-5-18
    - CM Hatton motioned, CM High seconded with a unanimous vote to buy lunch for all the election workers on 5/5/18.
  - c. Discussion/possible vote to permit TVII Maintenance Board to hold meetings at Town Hall
    - Mayor Sutton stated all of Council should have had a chance to review the request/agreement form TM Green created to be signed for use of the Town Hall.
    - CM Hatton motioned, CW Gorman seconded with unanimous vote to permit the TVII Maintenance Board to hold their meetings at the Town Hall once the agreement has been signed.
  - d. Discussion/possible vote to pay FY 2018-2019 annual taxes on parcels 25-004.00-122 and 25-004.00-123 for the continued use of the old Town Hall at 657-659 South Street
    - Mayor Sutton explained this request came in from George and Betty (Carter) Pizer. These parcels are the old Town Hall on South Street, commonly known as the Carter Farm. The Town has used the property for years and never had to pay anything. We are still using it for

storage and staging our equipment. I believe it is fair the Town pay the FY 2018-2019 annual taxes for the continued use of the property over the next year.

- CM Hatton motioned, CW Gorman seconded to approve paying the taxes on the 2 parcels at the old Town Hall.
  - In the following discussion, CM Hatton stated the Town has been paying the taxes on these 2 parcels in the past years. He stated they (Pizer's) were paying them and we (Town) were paying them back, we have not been using the property for free. We have been paying the taxes.
  - CM High asked how much the taxes are.
  - Mayor Sutton stated it is less than \$1,200.00 per year for both parcels.
  - Mr. Emsley asked why the Town needs the property, what are we using it for.
  - Mayor Sutton stated we have equipment in our Konox boxes stored there and still use the building for maintenance and storage.
  - Mr. Emsley said the Town should move all the stuff, not sure you can find anything cheaper but should possibly get rid of a lot of stuff, don't need it.
  - CW Cook stated the Town has looked into many other options for storing the Konox boxes and equipment and CW Gorman has worked with the maintenance men to get rid of unnecessary "stuff".
  - Mr. Haines asked if this property would be sold and developed with the farm.
  - Mayor Sutton said no, these two parcels are separate from the farm.
  - CM High said to CM Hatton that he said earlier that there was an arrangement/agreement for us to pay the taxes.
  - CM Hatton stated we paid them in the past, but going forward there will be something different.
  - CM High asked if there is a stopping point or are we going to continue to pay them indefinitely because we occupied that property at one point in time. What do we know?
  - Mayor Sutton stated it is only to enable us to keep our stuff there right now.
  - CM High said, OK, it's only while we inhabit the property and was told yes.
  - Mayor Sutton said this is a minimal cost.
  - CM Hatton stated the amount would equal to about \$100.00 per month.
  - Vote – unanimous, the Town will pay the FY 2018-2019 taxes on the 2 parcels at the old Town Hall.
- e. Discussion on Proclamation in recognition of Brown Skin Too Foundation
- Mayor Sutton explained this is a non-profit organization based in Townsend, DE and created in the memory of Tanya A. Haman, an African-American woman that passed away at age 44 from melanoma. The purpose of the foundation is to educate people of color on the danger of skin cancer, which they can get too. Mayor Sutton then read the proclamation for the residents in attendance.
  - Mayor Sutton asked Council's permission to present this proclamation to the foundation.
  - CM Hatton motioned, CW Cook seconded with unanimous vote to present the proclamation to the Brown Skin Too Foundation.

## VI. Reports

### a. Town Attorney Fred Townsend III:

- Have discussed the Clean Hands ordinance and personnel issues with CW Gorman since the last meeting.
- Ms. Albert asked if there is any information on the penalties/fines in reference to the Suppi property.
- TA Townsend said he recalls Ms. Albert asking about this but didn't look into it, don't believe we collected any fines but we were successful in convincing the owner of the property that their usage of the property wasn't acceptable and they sold the property to someone that is using it properly. That is a victory for the Town; the Town has various enforcement options available to it but you generally don't throw good money after bad. You don't use the the fine mechanism to increase the general fund. The goal was to clean up the inconsistent use of the property per the zoning codes and that was accomplished.
- Ms. Albert said she appreciates that information, but part of her concern for the Town is, if it is part of an ordinance or the codes on what we expect from business in Town; we send them

letters and are basically making a threat. The way the ordinances are written, there are fees/fines to be paid; if we aren't following through and holding the people accountable, why write the letters?

- TA Townsend said he will look into this again but he doesn't believe the Town has the right to access the penalty. The code says there are maximum penalties that can be imposed but fines must be assessed by the courts and the Town has to ask the judge to award fines to the Town. The property owner could protest it and in the process the Town has to engage in court proceedings and prepare; this is spending good money after bad; could spend more money to do this than what can be collected.
- Ms. Albert said that case, why does the Town send letters to violators?
- TA Townsend said we write letters because of a violation against the codes; it isn't about collecting money, it's about enforcing the codes. Even if a court awarded us money we may never see it. I still view this situation as a victory for the Town; the Town didn't take a blind eye to non-conforming uses and it was fixed.
- Mr. Emsley asked what property is being discussed.
- Mayor Sutton explained it is the property that used to be owned by Suppi on Cannery Lane. They were mis-using the property for the zoning and they no longer own the property so it is a non-issue. Ms. Albert asked if the Town was going to pursue collecting the fines assessed against them prior to selling the property.
- Ms. Albert added the property was zoned commercial and Suppi was doing work here and buying the property and wanted a place to store their equipment. They were given permission to store the equipment and they wanted to re-zone the property to industrial and evidently, they were told the property would be re-zoned. Suppi got upset when the re-zoning didn't take place. They were moving earth and other things that they didn't have permission to do.
- Mr. Emsley verified Suppi is gone and asked if the new owner is doing things right.
- Mayor Sutton said yes, the property is now owned by Croker Oars and they are doing everything per the codes.
- CW Cook said she agrees with Ms. Albert; why do we write codes with fines included that we will never have the ability to collect. If it is going to cost us more to go to litigation, what is the purpose of drafting ordinances that can't be enforced.
- Mr. Emsley said some people pay the fine because they know no better, problem is you can go to court and the judge awards you the money but the problem is you may never get the money and it can cost you a lot to go to court.
- Mayor Sutton said this is something Council can discuss to see if they wish to pursue.
- Mr. Emsley said if word gets around that you aren't going to collect fines, may have trouble with taxes and grass fines also.
- Mr. Dugan asked why the Town Manager can't go to JP Court to file claims for the Town rather than pay an attorney to do it and spend more money.
- TA Townsend said this is possible; different instances where fines can be imposed, some things may warrant an attorney taking it to court but the Town Manager could certainly do this. However, courts do not like being the arbitrator between residents and Towns over minor disputes. It ties up the courts. I don't recommend removing the fines from the codes but Council needs to be aware that fines aren't an efficient way to run the Town.
- Ms. Albert said TM Green could have and should have done a better job handling this entire situation.
- TA Townsend said no, that is not a fair statement. I view this as a successful outcome for the Town, understand the people who live by that property may be more upset about it, but it worked well for the Town.
- CW Cook agreed it was a good outcome for the Town but distinctly remember there are still a lot of unanswered questions and confusion about how Suppi felt they had the right to use the property like they did. They stood up publicly in a meeting and said they were told they could do this – a lot of confusion around all of it. Agree with Ms. Albert that we need to figure out how to stay on top of all situations before they get as bad as that one was; to the point of very bad communication between Council and Suppi leading them to believe one thing, and we were standing behind the ordinance. I physically went there and took pictures of the property and

told them they had to stop, their usage wasn't permitted per the zoning but it didn't stop them. It was a long and drawn out mess, we need to stay on top of this stuff.

- TA Townsend said the decision not to go to court had nothing to do with the outcome, clearly no one, elected official or employee of the Town has the authority to advise a property owner that a property can be re-zoned, if the statement was made.

b. Town Engineers Aquilino Andres Jr.:

- Continue to review new home permits.
- Finally have a meeting set up for tomorrow with the contractor for TVII West to go over the punch list.
- Updated the census for the Town, 4 parcels annexed into Town since the last census.
- CM Hatton asked if Sapperstein replenished their escrow account.
- TE Andres said he doesn't believe so.
- CM Hatton stated there is no money in the escrow and you have a meeting tomorrow and have already sent several bills that can't be paid until the escrow is re-plenished.
- CM Hatton asked if TA Andres found the old RVB stormwater4 review.
- TA Andres said he thought he sent it to Mayor Sutton.
- Mayor Sutton said you sent it to TM Green.
- CM Hatton we had stormwater issues after the last storm and think we need to get on this quickly.

c. Town Manager Dawson Green: not here

**VII. Committee Reports**

a. Finance: Chair – CM Jermaine Hatton

- End of March year to date revenue - \$932,467.44, year to date expenditures \$615,626.48. Well above the budgeted revenue and well below the expenditures.
- Time to start the budget prep, asked all Council to look at their committees and send new GL numbers to Dawn and myself as soon as possible so we can crunch numbers. Also need to look at total number of properties left to be built, may affect next year's budget. Believe there are only 63 lots between TVI and TVII to be built.
- CW Gorman asked if want a 1-year budget or 3 year or both.
- CM Hatton said the park should be a 3-year budget, everything else should be 1 year.
- CW Cook asked if the budget will be approved by end of May.
- CM Hatton said maybe – depends on the work that is done.
- Audit prep is also going on, by end of month we should get an engagement letter from Roland & Johnson.
- CM High asked if we are retaining the same organization to do the audit, is this an automatic roll over.
- CM Hatton said it isn't an automatic rollover. Because of where we are and what they know about us, it makes since to still use them, to bring someone else in right now would cost us more money.
- CM High said we put everything else out to bid; don't understand why we don't put this out to bid.
- CM Hatton said would have to do it quickly, no contract, this is open because don't know what they will get into; it is an hourly rate.
- Mayor Sutton agreed it wouldn't hurt to get some numbers from another CPA firm to see what they are charging, even if we don't use one this year, we would have an idea for the future.
- CM High asked if the price has gone down every year.
- CM Hatton said we used to do our finances in Quickbooks, now we have a true financial system and we had several issues from the start. We also have a true financial clerk that knows what she is doing. We haven't had that since before I came on Council until now.
- CM High said the Town has always had a financial clerk.
- CM Hatton said the person that did the finances before wasn't capable of doing the finances.
- CW Cook stated there have been 2 of those since she came on Council.
- CM Hatton said there were prior issues with finances before any of us were on Council, but that is all in the past. We have a good financial system and a clerk that knows what to do.

- CM High said his concern for the audit is to get the best bang for the buck. If Debbie has been here for years, only fair to explore other possibilities.
- Mr. Haines stated the auditors have always made recommendations of things that need to be done and nothing was ever done. Doesn't make sense to pay all the money for an audit and not follow the recommendations.
- CW Cook stated we still don't follow all their recommendations.
- TA Townsend stated if the Town retains a new firm, the Town will probably pay more in year one to them because of what they will walk into.
- CM High said he has known Debbie for years; the quality of work isn't in question, just want to ensure Council is doing due diligence.
- CM Hatton added that the more pre-work we do decreases the work for audit which decreases the cost.
- CM High verified there is no contract.
- CM Hatton said no, she will send an engagement letter for us to sign.
- Mayor Sutton said many CPA firms come to the DLLG dinners, we could certainly ask them what their hourly rate is for an audit.
- CW Gorman thanked our Finance Clerk, Dawn and Mayor Sutton for contacting PNC and getting the late fees and finance charges removed from our account.
- Ms. Albert asked CM Hatton if he had a figure for the outstanding liens and what will be collectible.
- CM Hatton said the liens are there; liens have been on properties and TA Townsend has confirmed it, don't know how much will be collectible. We can only collect if they sell the property, we continue to send them letters. I will get the figure for you tomorrow.
- Ms. Albert said – again, where is the accountability. We have close to \$41,000 that was discovered in 2006 and it decreased the net position for 2016.
- CM Hatton asked accountability for whom?
- Ms. Albert said the office, the finance committee, to ensure accounts are being handled correctly.
- CM Hatton stated there are mechanisms now in place.
- TA Townsend said the liens work; we collected \$6,500.00 on one transaction several weeks ago. We have always had liens.
- CM High said he was confused and asked Ms. Albert if her figure of \$41,000 has to do with liens or what.
- Ms. Albert stated it came from the 2016 audit report and states the Town found and adjusted \$41,000 in errors. She added it is tax money. The report stated the correction of these errors was to decrease the net position as of June 30, 2015.
- CM Hatton said it isn't tax money. This is the same year we brought the new financial software in and I already stated that the individual who was then with the Town and no longer here set the system up and set it up incorrectly.
- Ms. Albert asked who was overseeing her work.
- CM Hatton said it doesn't matter. It's over, money isn't missing, and accounts were set up wrong.
- TA Townsend said this is inappropriate, she is gone, it is over.
- Mr. Emsley said the Town can take properties to sheriff sale.
- TA Townsend said unless a lot of money is owed the Town, it isn't financially feasible to take the property to sale. Codes say taxes and trash are lien able; zoning violations have nothing to do with liens.

**VIII. Public Works:** Chair – Mayor Rudy Sutton

- Discussion/possible vote on Waste Industries contract
  - I. Mayor Sutton said all of Council has seen the new contract. TM Green had some recommendations for the contract and since he isn't here, believe this should be added to the next agenda to possibly vote on it.
  - II. Mr. Emsley asked if the price went up.
  - III. Mayor Sutton said the total went down, now they want to charge for the municipal waste.

- IV. Mr. Emsley said the Town made \$22,000 on the trash in 2016, now the contract is cheaper and you will make more now. Should give some back to the residents, they would be thrilled.
  - V. CM Hatton said there are expenses involved in sending the bills.
  - VI. CW Gorman added the staff spends hours on the phone over trash issues/questions.
  - VII. Mayor Sutton said the great thing is the trash price won't go up and they want to continue to have the contract.
  - VIII. CW Cook asked if there is still room for negotiation in contract with Waste Industries. She added there has been an issue for years with the trucks starting too early. The Town has a noise ordinance, can't start the trucks prior to 7:00 am and they speed through Town.
  - IX. Mayor Sutton said yes there is and asked Council for feedback prior to the next meeting when we vote on the contract.
- b. Land Use & Development: Co-Chairs – CM Jermaine Hatton & CW Lorraine Gorman – nothing to report.
- c. Community Relations: Chairs – CW Cindy Cook
- I. Month of April – Autism Awareness Month – Paint the Town Blue
  - II. Townsend sponsored Autism Awareness Softball Tournament –
    - a. Saturday - 4/21/18 – 8:00 am – 8:00 pm
    - b. Raindate – Saturday – 4/28/18 – 8:00 am – 8:00 pm
    - c. 4 Council members are on the Town team. Middletown Radio will be covering the event. This has shed a lot of light on autism, would love to have all attend the event this Saturday.
    - d. Fire Company will be selling food and will have fire trucks there on display.
    - e. Very grateful to MHS students that are spearheading this event; I'm truly in the background, it is nice to see young adults care about autism.
  - III. Town Scholarship
    - a. Deadline is the end of April. Applications are on facebook and MHS is sharing the information with their students. If you know any high school graduates up to a junior in college that lives in Town, please share the scholarship information with them.
- d. Veterans Committee: Co-Chairs – CW Cindy Cook & CM Steve High
- CW Cook said the VFW is having a spaghetti dinner this Saturday, come play ball and then go eat spaghetti, supports our veterans. She added that once the autism event is done, she and CM High will discuss a veteran event to be held this year.
- e. Public Safety: Chair – CM Steve High
- At the last meeting we had a brief discussion about creating an EOP plan. Have talked to TM Green and will put something together so we at least have an interim plan in case something happens before the plan is in place. Will probably work with DEMA on this.
  - CW Cook asked if it would be wise to bring in the fire department to be part of the plan.
  - CM High said yes, once we put a plan together we will get contacts. He added he wrote most of the action plans for the US Embassy, this should be quick to put together but now easy. Need to make sure phone numbers and names are accurate.
  - CM Hatton asked if CM High has talked to the police about increasing the patrols.
  - CM High said no and CM Hatton stated school will be out soon, it is time to ramp up the patrols.
- f. Parks & Recreation: Chair – CW Lorraine Gorman
- Upcoming Events
    - I. 3 Movies Under the Stars – 6/8/18, 7/13/18, 8/10/18
      - a. The 6/8/18 movie will be Paddington II.
      - b. Mountaire Farms is sponsoring this movie and Iron Source will be supplying the lights again this year.
      - c. Working with Middletown so we aren't showing the same movies on the same nights.
      - d. CW Cook reminded CM High we need police at the movie nights.
    - II. Annual Town Fair and Parade – 9/22/18

- III. Christmas Caroling in the Park – 12/9/18
  - IV. Wilmapco
    - a. Heather Dunigan contacted me, will be here from 6:30 – 7:30 pm, prior to the June 6<sup>th</sup> Council meeting to discuss bike paths in Townsend. They will be set up in the lobby and are working with NCC and the State also.
  - V. Meet and Greet the Candidates for Council will be held May 2, 2018 from 6:30 – 7:30 pm, prior to the Council meeting.
  - VI. Discussion:
    - a. CW Cook said she noticed many signs in the park need replaced.
    - b. CW Gorman said we are pricing them now.
    - c. CW Cook asked if we have a vision for all the damaged trees; some of them never had the straps removed and the trunks couldn't expand.
    - d. CW Gorman said there is no plan right now; we are hoping they will start growing more now that the straps are gone.
    - e. CW Cook stated TM Green isn't here or she would have asked him. Does she need to talk to him about what needs done prior to the event on Saturday.
    - f. CW Gorman said she sent a list to TM Green last week.
    - g. CW Cook said she wants the flags up also and CW Gorman said to email TM Green with that request.
  - IX. Citizens Comments & Participation
    - a. CM High said he was approached several times about a lot of noise from coming from Cannery Lane around 10:30 pm last night. He asked if anyone else heard anything.
    - b. Mr. Dugan said it was very loud truck; he thinks he knows who it is and will get the information for CM High.
    - c. Mayor Sutton asked CM High if he advised the residents that came to him to call the police.
    - d. CM High said no, he didn't think it was necessary.
  - X. Motion to Recess for Executive Session: 8:36 pm, CM Hatton motioned, CW Gorman seconded with unanimous vote.
  - XI. 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.
    - b. In accordance to 29 Del. C. §10004 the Town Council will be meeting in executive session to have preliminary discussions on site acquisitions for any publicly funded capital improvements, or sales or leases of real property.
  - XII. Motion to close Executive Session & Re-Convene Council Meeting:
  - XII. Adjournment:
-