



## Townsend Council Meeting Minutes May 2, 2018

### 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 June Andres, TM Dawson Green, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said.
  - c. Recognition of Visitors: 17
  - d. Announcements:
    - Mayor Sutton thanked everyone for coming out this evening to talk to the candidates running for Council and staying for the meeting. It's an exciting time. He added that he wishes we saw everyone more often.
    - Town Council elections Saturday, May 5, 2018, 8:00 am – 6:00 pm at Town Hall
    - Town Hall closed Monday, May 28<sup>th</sup> for Memorial Day
- III. Additions/Deletions to Published Agenda:
  - a. CM High asked to change the name on 6a to Corporal Walker
  - b. CW Gorman motioned, CM High seconded with unanimous vote to accept the agenda with the above change.
- IV. Council Minutes
  - a. Approval of 4/4/18 Council minutes
  - b. Approval of 4/18/18 Council minutes
  - c. CW Gorman motioned, CM High seconded with unanimous vote to accept the 4/4 and 4/18 minutes as written.
- V. Mayors Report – nothing to report
- VI. Reports
  - a. State Police: Corporal Walker
    - The patrol in Town has changed, used to be in Town every night but not anymore. We cut back on dedicated patrols at specific times; still here 2 days a week on special duty. Because of the change in patrols, every troop has to come up with a plan for Townsend specifically that is proactive; which means 8 activities from Troop 9 for Townsend.
    - There has been a lot of success with the drugs problem on Commerce Street.
    - There have been some arrests in Town from the regular patrols. Two weeks ago, we arrested 2 people on Wiggins Mill Road for heroin and pot.
    - CW Cook stated that in the summer there is more traffic in the park, many residents around the park have installed cameras because of people in the park at night. Will the patrols in the park increase?
    - Corporal Walker said the patrols will increase in the summer which includes watching the park. He added that if anyone sees anything suspicious to call the police. You can call 911 – non-emergency or call Troop 9. This is never a bad thing.
    - CW Cook added that Lt. Hudak said the more calls there are enables the police to make a grid and follow any crime pattern. It's good to know we can also call 911 and say non-emergency.
  - b. Representative Jeff Spiegelman:
    - Apologized for not coming to meetings, changed my class schedule to Wednesday night.
    - Last year at this time we were facing a \$400,000 shortfall in the budget. Thanks to budget cuts and tax increases we are facing a surplus this year. Part of this will be used to increase teacher pay but want to move a substantial amount into a fund to specifically hedge off lean years.
    - Bill coming out to allow the unincorporated parts of Town to opt into a lodging tax. Bill will possibly be amended to allow the Towns to opt in also if they have a hotel in Town.
    - Senior tax subsidy bill passed today and letting the counties do this if they choose. Must live in Delaware at least 10 years, has nothing to do with age now.

- Many gun bills being discussed, many debates. There is a bill to increase the age to buy firearms from 18 to 21. Another bill to ban certain types of ammunition. A mental health bill which codifies how someone in uniform can go in and take firearms away from someone, a bump stock bill. Personally, won't vote on the bill, don't believe in it.
  - CM Hatton asked about MSA.
  - Rep Jeff said no problem so far, don't know if it will be 5 or 6 million this year. As soon as we have a budget problem the first thing they try to cut is MSA.
  - Rep Jeff discussed some other bills currently being looked at and stated he would be back for the June 6<sup>th</sup> Council meeting.
- c. Town Attorney Fred Townsend III: nothing to report and no questions.
- d. Town Engineer Aquilino Andres Jr: no report and no questions.
- e. Town Manager Dawson Green:
- Been dealing with grass violations as best as I can and have George checking properties too. We are comparing lists.
  - There will be a public hearing with DelDot on 5/23/18 prior to the Council meeting from 4:30 – 6:30 pm to discuss: Streetscape, Phase II.
  - Our maintenance man sprayed round-up in Townsend Station on the sidewalk cracks and killed the grass on both sides of the cracks in the entire development. Some residents complained and I told him not to do it again.
  - CM High asked if this is normal and TM Green said no.
  - TA Townsend asked if Townsend Station has been turned over to the Town and was told yes.
  - Mrs. Augustson asked if the Town owns the sidewalks on Commerce and Lattomus Streets and if so, asked the Town to fix the sidewalk on that corner. It is in very bad shape and discolored.
  - Mr. Green said he will look at it. He noticed there are many curbs and sidewalks damaged along Commerce Street but he has to reach out to DelDot first.
  - CW Gorman said she thought the residents were responsible for maintaining the sidewalks.
  - Mr. Green said residents are responsible for keeping them clear but the Town is responsible to fix them. I want to take a look at this sidewalk as I believe Ms. Augustson is saying it hasn't had anything done to it in years.
  - Mrs. Andersen said she has a neighbor whose house is surrounded by trash and now there are rodents and snakes. She asked if there is an ordinance against this.
  - Mr. Green said he has been sending letters to residents about cleaning up their properties and they usually react to the letters.
  - CW Cook asked about the overgrown common areas in TVI.
  - TM Green said he spoke with Ron, they mowed and now have the dandelions. Haven't touched anything between the sidewalk and curb but coming back to do it.
  - Mr. Glanding said he isn't mowing the grass along the railroad in front of his house anymore, the Town needs to maintain it. He also thanked the Town for the handicap parking sign in front of his house.
  - CW Gorman asked TM Green if he has contacted the railroad about mowing and maintaining their right-a-ways. There is always standing water and trash, it all needs cleaned up.
  - TM Green stated he will contact them again, they have never responded in the past.
  - CW Cook asked when the lights on the Town sign in front of Town Hall will be fixed.
  - TM Green said he is still waiting on the electrician and said he will reach out to him again.

## VII. Committee Reports

### a. Finance: CM Jermaine Hatton

- At the last meeting I was asked how many liens the Town has in place. There are 44 liens on properties in Town that total about \$115,000. We don't generally get these funds until the home is sold. All 44 residents have been cut off from any services.
- Mr. Emsley asked if anyone from Town has talked to these people.
- CM Hatton stated they have all been sent letters and we will continue to send letters. Also looking into a collection agency to try and collect the funds.
- CW Cook asked why we can't go and talk to the property owners.

- Mayor Sutton asked TA Townsend if there was a process for tax liens showing when we could go to sale/foreclosure on a property.
- TA Townsend stated per the Town charter the right of redemption was changed and now it references the New Castle County law which only has a 30 day right of redemption law. The amounts have been so small in the past it isn't worth taking to sale and we don't do the sale, the county does it for us and they must have the Town's guarantee that we will buy the property if no one bids on it. Ideally a system should be created where the Town Manager can take the properties to JP Court. Would cut attorney costs so less fees that have to be paid. Even if you are awarded the case, you may never collect the money. Clean Hands ordinance was adopted a while ago which gives you another tool to use. Council needs to look into this.
- Mr. Emsley said if you try to make the Town friendlier to investors, they would buy the properties and fix them up. If people don't think the Town will come after them, why pay their bills.
- Mrs. Augustson asked the status of the Laws house on Commerce Street across the street from her. It has been abandoned for years. Can the Town take the house over and do something with it?
- Mayor Sutton stated several meetings ago he asked Mr. Green to look into NCC process for vacant/abandoned properties as we have quite a few of them in Town. With the Clean Hands ordinance and following NCC policy, we hope to clean these properties up.
- Mr. Emsley commented that the Town already has ordinances in place.
- Mayor Sutton agreed, we do have rules, however, enforcing the ordinances in Town has been lacking. It is a little more difficult to enforce the ordinances in Townsend as we don't offer any utilities, which gain leverage, so we have to go the extra step with a court process.
- Mr. Emsley said the Town has the ability and the laws, just enforce them.
- Mayor Sutton agreed, just have to take it to the next step.
- Mr. Green said he sent letters to the owners of the two abandoned properties on South Street about the abandoned vehicles and the condition of the homes. They contacted me, they aren't worried about the vehicles but are trying to find someone to check for asbestos in the homes as they want to demolish them.
- CW Cook asked if we set a timeline? We need to draw a line in the sand!
- TM Green said as long as she stays in communication with him he is comfortable and he told her he will try and find someone that does asbestos work and will contact her. Also sent Mr. Mannering a violation letter and he has started cleaning up his stuff but I'll have to stay on him.
- Mayor Sutton agreed need to set a timeline before next step is taken.
- Mrs. Augustson said she doesn't feel her question was answered and asked if the Town is taking any action on the vacant property across the street from her. It has been vacant for years.
- Mayor Sutton asked TM Green if any action has been taken on this property on Commerce Street.
- TM Green said no and Mayor Sutton instructed TM Green to add this property in the process.
- TM Green said he will send the owner a letter.
- CW Cook said for clarity – we have a complaint log, Mrs. Augustson has a legitimate complaint. Will this be added to the complaint log so Council can see the process. Several meetings ago Ms. Albert asked how we follow up on issues and are the issues completed; believe everything should be added to log so Council and residents can follow process.
- Mayor Sutton stated he doesn't believe Council has ever had TM Green add anything to the complaint log, residents can certainly fill out a form to be added to the log, but appreciate Mrs. Augustson bringing this property to our attention so it can be addressed.
- CW Gorman agreed it should be added to the complaint log. Takes little time to add a complaint to the log.
- TA Townsend stated there must be a concern with the property and Council needs to identify the problems/violations there.
- Mrs. Augustson said in the summer, young men party on the porch and are noisy and leave liquor bottles everywhere.
- There was a long discussion about this property – is it vacant or abandoned?

- Mayor Sutton asked TM Green to put a list of all vacant properties in Town together for Council; it is a small Town and this shouldn't be hard to do. Vacant properties can lead to problems and violations.
- b. Public Works: Mayor Rudy Sutton
- Discussion/possible vote to award Trash Contract to Waste Industries
    - I.** This was on our previous agenda and tabled but there hasn't been any dialogue amongst Council since that meeting. TM Green wasn't at the last meeting and he had some ideas on what to do with the existing contract. Mayor Sutton asked Council if they want TM Green to negotiate the contract?
    - II.** CW Cook verified there will be no right of first refusal in the new contract and Mayor Sutton said it is not in there.
    - III.** Mayor Sutton said that we currently don't pay for municipal trash and it is in the new contract. TM Green needs to negotiate this; the Town shouldn't have to pay.
    - IV.** CW Cook, CM High and CM elect Dugan all said the trash trucks are on the road by 5:00 am every morning.
    - V.** TA Townsend said this isn't a violation, they are transporting to other job sites.
    - VI.** Ms. Albert said the state made recommendations a few years ago about getting some of the heavy truck traffic off Main Street and re-route the trucks; it is also mentioned in the Comp Plan. These recommendations all came through the Town Hall.
    - VII.** CW Cook stated Council doesn't see the reports but it has been a big issue/complaint for years from residents that trucks are damaging the old homes on Main Street.
    - VIII.** The discussion continued about where to re-route the trucks; this is the main thoroughfare through Town. It was suggested if the trucks slowed down and went the speed limit it would help and also space them out rather than convoys going through Town.
    - IX.** Mayor Sutton stated the speed of the trash trucks has improved as TM Green talks to Waste Industries every time we get a complaint.
    - X.** TM Green agreed and said we can't get every truck but he will also speak to Heritage Concrete to keep the trucks slow.
    - XI.** Pat Luce from Waste Industries introduced himself. He said he has been writing everything down to discuss. He added he sent the contract to Mayor Sutton after they addressed the previous concerns. If something has been free, won't be a problem to continue. We are very excited about possibly continuing our relationship with the Town; the staff is always very courteous and professional.
    - XII.** Mayor Sutton asked Council again if they wish TM Green to negotiate the contract.
    - XIII.** TA Townsend said TM Green can negotiate the contract but Council will still have to vote on it.
    - XIV.** CW Gorman, CW Cook and CM High all said they are fine with TM Green negotiating the contract.
    - XV.** CM Hatton asked what point are we negotiating, we had 5 bids come in.
    - XVI.** Mr. Luce said 2 meetings ago the right of first refusal was the big issue so a new contract was drawn up eliminating this language from the new contract yet the language still enables the Town to extend the contract if they wish. Now I'm hearing the big issue is free municipal waste pickup – this is not an issue and will add it to the contract. He said he will email TA Townsend and TM Green the revised contract.
    - XVII.** CM Hatton stated he still doesn't know how we got to this point.
    - XVIII.** TA Townsend said the bids were opened and the numbers read. We realized Waste Industries had a right of first refusal and they agreed to match the lowest bid.
    - XIX.** CM High stated there was a lot of criteria for the bid, are we now only looking at the lowest bidder.
    - XX.** Mayor Sutton explained we found yard waste could cost the residents thousands of dollars and that was a separate bid.
    - XXI.** CW Gorman added that Waste Industries had the right of first refusal in their current contract. We had no choice but to go to them to see if would match the lowest bid, which they did.

- XXII.** TM Green said he is fine negotiating the contract but not sure CM Hatton's and CM High's questions were answered.
  - XXIII.** Mayor Sutton stated their issue isn't with the contract, it is with the process and there has been plenty of time to resolve this.
  - XXIV.** CW Cook said she is very confused; first we were pushed to sign the contract with Waste Industries and now they don't want us to sign the contract. Have had months to look into this.
  - XXV.** CM High stated he has no issue with the price; he is trying to recollect how we had 5 bids and identify how we got to this point of putting a stamp of approval on this contract.
  - XXVI.** Mr. Dugan asked who reviewed the bids and was told all of Council reviewed the bids several months ago.
  - XXVII.** Mayor Sutton stated this conversation isn't about the numbers – it is about him! He added that he is now addressing Council and the residents. To serve on Council and serve the Town can be a drain on you, not only on your character and doing the right thing for everyone. I'm at a time in my life that I only want to do the right thing for all; it hurts when others want to be prideful and question everything I do. I thought I had a team behind me; keep in mind we are all here to do what is best for the Town; we all have our own lives, we all have futures. Politics is not part of my future; I only want what is best for the Town. It gets very tiresome trying to hide things so feelings on Council aren't hurt.
- c. Land Use & Development: CM Jermaine Hatton & CW Lorraine Gorman
- Wilmapco
    - I.** CW Gorman said there will be a public workshop on 6/6/18, prior to the Council meeting to discuss friendly bike paths. Council all has a flyer in their folders, ask that all review it and submit any suggestions ASAP.
    - II.** CW Gorman said she will be meeting Friday with NCC Planning department; they are starting work on their new comp plan. They asked TM Green and I to attend. They will go over all their plans and show how it intermingles with the Town.
  - Planning Commission survey
    - I.** CW Gorman said this is a trial preliminary survey that will be emailed to Council from the planning commission. She asked Council to all respond to the survey and add input, once this is all done it can be sent to all the residents.
    - II.** Ms. Albert stated it was sent to Council once and they got no replies, Sheryl will send it to everyone again. Ms. Albert thanked Council for the PC name plates, they were all surprised and excited. They are really nice.
- d. Veterans Committee: CM Steve High & CW Cindy Cook
- CM High stated he has developed a concept plan for a veteran's recognition ceremony. Took the mainframe of what was done in 2009 to work from. Looked at the funds used in 2009, spent just shy of \$8,000; was a huge event. Don't want to mirror it and hope to get help this time from the Fire Hall and Immanuel Church has already committed to help with the event.
  - CW Cook asked CM Hatton if the committee could have that kind of budget.
  - CM Hatton said it is the first he has heard of this and will have to look into it.
- e. Public Safety: CM Steve High – nothing to report.
- f. Community Relations: CW Cindy Cook
- Town Scholarship
    - I.** Had no applicants, would like to extend the deadline to 5-31-18 if Council approves.
    - II.** CM Hatton motioned, CM High seconded with unanimous vote to extend the scholarship deadline to 5-31-18.
  - Discussion/possible vote on \$100.00 donation to Autism – CM Steve High
    - I.** CW Cook stated if you weren't at the Autism Big-Ball event, you missed a great time.
    - II.** CM High said he realized the Town may have missed an opportunity to support a good cause; know we supported the autism event and supplied bracelets, lights and trophies and the use of the baseball field but think the Town should also donate \$100.00 toward autism.

**III.** CW Cook said that would be really great, we did supply a lot, we raised \$757.00 for the big ball tournament, it's a great cause.

**IV.** CM High motioned, CM Hatton seconded with unanimous vote to donate \$100.00 to autism.

g. Parks & Recreation: CW Lorraine Gorman

- CW Cook thanked CW Gorman for working with the fire department who set up the BBQ at the autism event. They also had trucks there for the children to see.
- The landscaper advised leaving the broken trees in the park alone to see if they come back.
- 3 Movies under the Stars
  - I.** 6/8/18 – Paddington II – Sponsored by Mountaire Farms
  - II.** 7/13/18 – TBA – Premier Physical Therapy is co-sponsoring the movie.
  - III.** 8/10/18 - TBA
- Annual Town Parade & Fair – 9/22/18
  - I.** Registrations coming in and sponsor letters have been mailed.
- Christmas Caroling in the Park – 12/9/18

**VIII.** Citizens Comments & Participation:

- a. Mr. Emsley said during the meet and greet he heard the Town income from taxes is \$189,000 per year and the budget is \$900,000. He asked how bills were paid in the past.
- b. CM Hatton said the biggest expense is health care for the employees. He added when he came on board the Town was trying to decide whether to pay the employees or the bills.
- c. CM High wished all 3 candidates the best of luck in the election on Saturday.
- d. Ms. Tarkenton asked what the increase on the trash bill is for.
- e. Mayor Sutton explained it the streetlight fee. It was a long, drawn out process to decide the amount to charge all parcels and how to bill the fee. Council decided this was the best way to do it for now. All parcels, not just residents in Town, are billed for the \$13.00 streetlight fee. If you also have trash service, the monthly bill is now \$38.00.

**XII.** Adjournment: 9:53 pm, CM Hatton motioned, CM High seconded with unanimous vote.

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