



Townsend Council Meeting Minutes May 23, 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, CM Steve High, TA Fred Townsend, TE Ed Von-Otoo, TM Dawson Green, TC Cathy Beaver
 - b. Pledge of Allegiance: The pledge was said.
 - c. Recognition of Visitors: 9
 - d. Announcements:
 - Thank you to all the Residents that came and voted on May 5, 2018. The newly elected Council members are Cindy Cook and Ed Dugan. This is a 2-year term and they will be sworn into office on June 6, 2018 at 7:30 pm. Council will then nominate and elect a member from the panel to serve as Mayor for a one-year term.
 - Town Hall closed Monday, May 28th for Memorial Day – Stay Safe
- III. Additions/Deletions to Published Agenda:
 - a. CM Hatton deleted community relations.
 - b. CW Gorman motioned, CM High seconded with unanimous vote to accept the agenda with the above deletion.
- IV. Council Minutes
 - a. Approval of May 2, 2018 Council minutes
 - CW Gorman motioned, CM High seconded with unanimous vote to accept the minutes.
- V. Mayors Report
 - a. Discussion/possible vote to retain Fred Townsend as the Town attorney under a new firm
 - Mayor Sutton said TA Townsend has moved to a new firm; he said this doesn't need a legal vote but wanted Council and our residents to be aware of the change. The question on the table is whether Council wishes to retain TA Townsend with his new firm to represent the Town.
 - TA Townsend clarified that he has no contract. Townsend can stay with Schmittinger and Rodriquez or continue to keep me as an attorney and there is no time limit. It can be changed at any time.
 - CM High asked if the hourly fee would change and was told no.
 - Mr. Emsley asked what the hourly fee is and was told \$200.00 per hour.
 - CM Hatton asked about the pending litigation.
 - TA Townsend said it stays with Schmittinger and Rodriquez except the McDonald case which is coming with me. Any questions or issues with the cases will still be funneled through me. Grassbusters is scheduled for late January or early February. The change of judges is the reason so little has been done but only a few months left in the discovery phase and then there will be a lot of activity with the case. He added he will still have complete access to all Town files at Schmittinger and Rodriquez, there will be no disadvantage to the Town with my move.
 - CW Gorman motioned, CM High seconded with unanimous vote to retain TA Townsend as attorney to represent the Town.
 - b. Discussion on Council Committee Re-organization
 - Mayor Sutton said there has been no discussion on this and normally we do it after the new Council is sworn in; however, CM Hatton has worn many hats and Council needs to discuss these committees. We have the finance committee and Land Use Committee which CW Gorman co-chairs. CW Cook couldn't attend the meeting tonight. Does any of Council here wish to take over the finance chair? Mayor Sutton added he emailed CM Hatton and never got any response so he asked him if he will help with finance transition?
 - CM Hatton said he would.

VI. Reports

a. Town Attorney Fred Townsend III:

- No trial date has been set in JP court yet for the property damage caused by the storm. As soon as know I will let the Town know and someone from the Town will need to accompany me to court.
- Haven't incorporated the comments into the Waste Industries contract yet.
- Mayor Sutton verified it will be ready to vote on at the next Council meeting and TA Townsend said yes, he will get it done and email it to Council for review prior to the next meeting.
- Mr. Emsley asked why a resident is suing the Town?
- TA Townsend stated a tree fell during the storm and allegedly caused damage to the home and the tree is allegedly on Town property. The resident is suing the Town for the damage. When asked, TA Townsend stated he doesn't believe the Town is responsible.
- Mr. Emsley said this is ridiculous, trees fall all the time, if it is on your property, you are responsible. He asked if TA Townsend could ask that the case be dismissed.
- TA Townsend said normally yes, but this is JP Court and will go to trial.

b. Town Engineer Edwin Van-Otoo:

- Mayor Sutton welcomed TE Van-Otoo to the Town.
- TE Van-Otoo said this is his first meeting so he has nothing to report but looks forward to working with the Town.

c. Town Manager Dawson Green:

- With all the rain the grass is out of control; got 60 addresses today of yards that need posted to mow.
- Met with 2 reps from DelDot today about putting some type of island in the middle at Rt. 71 and Main Street. They said the soonest it can be done is 2020. There were many near accidents while we were down there because of people going around others trying to turn.
- CM High asked if it is wide enough to put in a turn lane and was told no.
- CM Hatton asked why such a long delay before doing something and TM Green said he isn't sure. CM Hatton said to call Rep Spiegelman to push something through before someone gets killed at that intersection.
- CW Gorman asked if TM Green had contacted the railroad yet and was told no.
- CW Gorman asked about the extra Delmarva poles on Commerce Street and said nothing is being done with them.
- TM Green said Delmarva stated they are having problems with their contractors.
- Mr. Haines said the problem is with Verizon, they haven't moved their wires.
- Mr. Hyne asked if the pole in front of the Dollar General was ever taken care of and was told no.

VII. Committee Reports

a. Finance: Chair – CM Jermaine Hatton

- We have spent 81% of our budget, 2 months remaining, not spending as much and bringing in more.
- CW Gorman asked what is being done about the properties with liens since the lien report has been finalized.
- CM Hatton stated he drafted a letter to be mailed to all the residents to try and collect the funds.

b. Public Works: Chair – Mayor Rudy Sutton

- Discussion/possible vote on Waste Industries contract
 - I. Mayor Sutton recommended to Council they not vote on this contract tonight; need to see the final draft first and vote on it at the next meeting. Council agreed.
 - II. DelDot held a public hearing prior to the Council meeting tonight on Phase II of the streetscape. During that meeting we found out that the lighting will stop at the Town Hall and the rest of Main Street to Rt. 71 will have no lights and it won't look like the rest of the streetscape. We were told DelDot is doing this because these properties are enclaves, not part of incorporated Townsend. He said Council needs to discuss this and asked if they would consider putting in 10 additional lights in this section or at least put poles up to add solar lights in the future.

- Mayor Sutton asked TM Green about the Town ordinance.
- TM Green said the ordinance says if a vehicle sits for 7 consecutive days it can be towed. He added the problem is there is no enforcement piece.
- CW Gorman asked CM High about garaging the Town vehicles for emergency use.
- CM High said he wasn't sure what CW Gorman was talking about but after thinking about it for a while he said he often has been asked by residents where the Town vehicles were. The residents say they never see them. He added he brought this up at a meeting last month and was told due to safety issues at the old Town Hall that Council had agreed to let the employees take the Town vehicles home. Since then, residents have told me that once we moved here to the new Town Hall, they were told the vehicles would be left at Town Hall in the evening and on weekends. During the March 2nd storm, one vehicle was not available for Town use. If Council wants the vehicles left here, we need to discuss it.
- CW Gorman stated it makes sense to keep them here. If George or TM Green are on vacation, the vehicle is here for others to use and they would have immediate access to it.
- Mayor Sutton agreed, it makes sense to him to leave them at Town Hall. He added that this has been voted on before, however, Council can't vote on it tonight as it isn't on the agenda, we can add it to the next meeting agenda for a vote.
- TM Green said Council doesn't need to vote on it; he will leave his truck here and tell George to leave his truck also starting tomorrow.
- Mayor Sutton stated that is fine, but to be clear on the issue, Council will vote on this at the next Council meeting.

g. Parks & Recreation: Chair – CW Lorraine Gorman

- The new BBQ grill has been installed at the pavilion.
- CW Gorman said CM High wants fire extinguishers installed at the park, or to have anyone that rents the pavilion for an event to get an extinguisher from the Town Hall to have on hand for safety. Many renters don't come to the Town Hall, all the reservations are done through email or phone calls and mail. What about the safety issues with people we issue a fire extinguisher to that don't know how to use it, they could be hurt. There are also other pavilions and grills in the park.
- CM High stated the issue is – if we are renting something out, we have to be liable for safety. They may have a fire. Are we willing to permit this and make the Town liable?
- CW Gorman said people use all the grills and have for years, why the concern now?
- CM High stated you quoted safety is the reason you want the rental ordinance, why don't you want it in the park?
- Mr. Haines said he has visited many state and town parks through the years and never seen a fire extinguisher at any of them.
- After more discussion, TA Townsend stated he doesn't believe there is much liability here and no legal requirement to do this.
- Mr. Emsley said he believes the Town would be opening a Pandora's box if we do this. If you insist on anything, have the people sign a waiver if they are using the grill.
- Mayor Sutton stated this will be a Council decision. Don't believe we need to vote on this – just need to agree on what to do. If we agree to do it, the fire extinguishers could be inspected when we have the Town Hall extinguishers inspected. He asked TM Green how often that is done.
- TM Green just shook his head.
- CW Gorman said NCC is looking at our park to see if they could add something rather than spending tons of money on a new park somewhere.
- Upcoming Events
 - I. 3 Movies Under the Stars
 - a. 6/8/18 – Paddington II, Sponsor is Mountaire Farm
 - i. CW Gorman asked CM High if he was able to schedule the DSP for the movie.
 - ii. CM High said no but he will get them to come.
 - b. 7/13/18, TBA – Premier Physical Therapy co-sponsoring the movie
 - c. 8/10/18 - TBA

II. Annual Town Fair and Parade – 9/22/18

III. Christmas Caroling in the Park – 12/9/18

VIII. Citizens Comments & Participation:

- a. Ms. Albert asked if any Council attended the NCC budget meeting at the fire hall and asked how it went and if there is any interest in doing something with the Town.
- b. CW Gorman stated she and Mayor Sutton were there. There was a lot of discussion about a paramedic station and training facility.
- c. Keith Thompson from Radio Middletown said it was a tough crowd.
- d. Mayor Sutton added they discussed raising our taxes; it struck a nerve with the people there as we don't receive any county services, only north of the bridge benefits from county services. The training paramedic facility is going to cost 6 million dollars. It was proposed by the previous Council, don't think it will be done. The NCC budget was voted on yesterday and failed. NCC Council is going to propose raising taxes 7% and increase sewage.

IX. Motion to Recess for Executive Session: 8:30 pm, CW Gorman motioned, CM High seconded with unanimous vote.

X. 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

XI. Motion to close Executive Session & Re-Convene Council Meeting

XII. Adjournment:
