



**Townsend Council Meeting Minutes  
October 24, 2018**

---

**6:30 pm – Executive Session**

- I. In accordance to 29 Del. C. §10004 (b)(4) the Town Council will be meeting in executive session to discuss potential litigation.
- II. Motion to close Executive Session
- III. Adjournment:

---

**7:00 pm – Council Meeting**

- I. Call to Order: 7:04 pm
- II. Opening Ceremonies
  - a. Roll Call: Mayor Rudy Sutton, CW Lorraine Gorman, CM Steve High, CM Ed Dugan, TE Ed Van-Otoo, TA Fred Townsend, TC Cathy Beaver
  - b. Pledge of Allegiance: Pledge was said
  - c. Recognition of Visitors: 12
  - d. Announcements:
    - Town Hall closed 11/12/18 for Veterans Day
    - Town Hall closed 11/22-11/23/18 for Thanksgiving
- III. Additions/Deletions to Published Agenda:
  - a. CM High deleted 8e
  - b. CW Gorman motioned, CM Dugan seconded with unanimous vote to accept the agenda with the above deletion.
- IV. Presentation:
  - a. Smyrna High School Marching Band - Director Joshua Palmer - Best Parade Performance
    - Mayor Sutton presented the plaque for best parade performance to marching band director Joshua Palmer of Smyrna High School. They won this award at the Town parade and fair in September.
    - CW Gorman stated that Smyrna HS Band has participated in our parade almost every year, more than any band around and everyone loves them. They do a great job every year and definitely deserve this award. She thanked Mr. Palmer for always supporting the annual Townsend parade.
  - b. Frederic Homan – 1965 Pontiac Lemans Hardtop – Best in Show – not here
- V. Council Minutes
  - a. Approval of 8/1/18, 8/22/18, 9/5/18, 9/19/18 and 10/3/18 Council minutes
    - CW Gorman motioned, CM High seconded with a unanimous vote to approve all the above listed minutes.
- VI. Mayors Report
  - a. Halloween – Wednesday, October 31, 2018
    - Trick or treat hours - Dusk – 8:00 pm
      - I. CW Gorman said dusk is around 6:30 pm right now and she said that isn't a lot of time for the little ones to be out before dark. She suggested the trick or treat hours be from 5:00 pm – 8:00 pm. Council all agreed.
    - Curfew – 10:00 pm
    - Mischief night – Tuesday, October 30, 2018 – curfew 10:00 pm
  - b. Discussion/possible vote on Suppi settlement
    - Mayor Sutton stated all of Council has a copy of the settlement in their folders and have had time to read/discuss it. The settlement amount is for \$35,000.00.
    - CW Gorman motioned, CM Dugan seconded with unanimous vote to pay Suppi \$35,000.00. There was no further discussion.

- c. Discussion/possible vote on Preliminary Major Subdivision Plan – Woods at Hidden Creek
- Mayor Sutton asked if anyone from Handler would like to talk about this prior to a vote.
  - John Tracy said they are here to answer any questions; this is really to lock in the design. He added the amount of lots has been reduced to 232 lots and the second entrance/exit onto South Street has been added.
  - CW Gorman motioned, CM Dugan seconded to approve the preliminary major subdivision plan at the Woods at Hidden Creek.
  - In the following discussion, CM Dugan asked how many street lights will be in the development and will they be tariff streetlights like the lights in Town now.
  - Mr. Tracy said Delmarva has a legal obligation to supply the lights and they also design them and tell us how many and where they will be.
  - Mayor Sutton stated we want LED lights, this is a must and we need to move into that direction.
  - Rob Allen said this has been brought up in some other communities they are involved in but the electric had already been run. He said he doesn't believe this will be a problem here and it is now pretty common place. He said they will look into it.
  - Mr. Mueller said Delmarva needs to be notified now so they can have the LED lights produced prior to the wires being run. This community is still down the road and their issue in the past was LED lights weren't available.
  - Mr. Allen stated CM Dugan seems to have a lot of knowledge about lights and tariffs and asked if they could meet so he can help with this. He added it would be helpful for someone on Council to talk to Delmarva also.
  - CM Dugan said he would be happy to help.
  - TA Townsend reminded Council that this record plan has been approved for code compliance by TE Van-Otoo and the Planning Commission had a public hearing and submitted comments approving the plan.
  - CW Gorman said she is still uncomfortable with a pump station only having a 5' setback and it is right next to a home. Not a lot of wiggle room.
  - Mr. Handler and Mr. Allen both agreed, and Mr. Tracy said they will work on fixing this.
  - CW Gorman asked who will do the grading inspections; our code inspector doesn't do grading inspections in the winter.
  - Mr. Allen said Dave Naples does the grade inspections and there are winter grade letters.
  - CM Dugan verified Mr. Allen said Dave will do them and CW Gorman stated she thought Dave said he wouldn't do the grade reviews.
  - CM High asked who pays Dave's fees and Mayor Sutton stated it is included in the escrow.
  - Mr. Allen explained that the Town engineer comes up with an escrow amount for each phase to pay the bills.
  - TE Van-Otoo verified he heard CW Gorman say Dave wouldn't do the grading reviews.
  - Mayor Sutton said it is a lower grade level in this development and Handler said you wouldn't be able to see the slope grade, so they talked about having as-builts rather than Dave doing the inspections. Dave won't be able to see if the grade is correct by an eye inspection.
  - Mr. Allen added there will only be a few lots with the low grade.
  - CW Gorman asked if the final plan will show which lots will have lower grades and was told yes.
  - Vote to approve the preliminary plans – aye – unanimous.
- d. Discussion/possible vote to renew Verizon Franchise Agreement
- Mayor Sutton stated this agreement is in Council's folders. He believes we need more time to review this agreement before we renew it to ensure it is consistent with the past, therefore, he isn't asking for a vote. He asked Council to review and we will vote at the next meeting. We want to do what is best for the Town.
  - Mr. Mueller said we would be better off bringing Comcast in. They buy existing lines when they come into Towns from the previous provider.
  - TA Townsend added the current Verizon contract doesn't expire until 2021 so there is plenty of time to research.

- Mr. McDonald asked if the developer is bringing in open architecture, will they bring in new utility companies?
  - Mayor Sutton said the electric and cable companies all run their own wires in the area they service. All we can do is talk to the developer.
- e. Discussion/possible vote on changes to Ordinance No. 16-05, Fee Schedule
- CW Gorman said this ordinance was introduced in 2016 and the synopsis reads: Recodifies fees throughout the code and combines all fees into one ordinance. She added she is proposing 2 revisions. The contractor fee is listed 2 times, one time for \$125.00 yearly fee and one time for \$250.00, yearly fee. The incorrect amount of \$250.00 will be removed. We will also add the rental ordinance fees to this ordinance. The rental ordinance goes into effect January 1st.
  - CW Gorman motioned, CM High seconded to add the rental fees and remove the one contractor license fee.
  - CM High verified they are approving to just add these fees to the existing ordinance and was told yes, we are revising the ordinance.
  - TE Van-Otoo said the filing fee is listed as \$2,250.00; he believes this is a misprint, it should be \$250.00. He added he sent new escrow fees for an initial application and asked if they are included.
  - Mayor Sutton said these escrow fees haven't been modified yet; that will be another amendment done.
  - Mayor Sutton asked for an amendment on the motion to correct the filing fee.
  - CW Gorman amended the motion to include changing the filing fee from \$2,250.00 to \$250.00. CM Dugan seconded with unanimous vote.
- f. Discussion on the National Flood Insurance Program for Townsend
- Mayor Sutton said Linda Popels attended the last meeting and had great information for Council and I believe this is something Council should move on for our residents.
  - Ms. Popels reiterated that Townsend is one of 3 communities in the state that can't get flood insurance; if the Town joins the National Flood Insurance Program which involves submitting an application and some paperwork, it would enable incorporated residents to buy flood insurance if they wish. Unincorporated Townsend can buy flood insurance if they wish as New Castle County is part of the plan.
  - CM High asked what cost would be borne by the Town to aid in mitigation and run piping.
  - Ms. Popels said she isn't sure; would have to go through the process to find out. The state would help with the plan, we aren't within the floodplain. We could also work with the national flood plain coordinator. Magnolia was the most recent Town to join. Could possibly get some answers from them.
  - Mr. McDonald asked if our water has anywhere to run off.
  - TE Van-Otoo said Mayor Sutton asked him to look into a grant for water drainage. Part of the problem is Townsend has pockets throughout Town that need help; if you fix one spot it causes problems in another area. Need to do an assessment of the entire Town and the grant will pay 50% of this, it is a matching grant.
  - Ms. Popels said this is a prudent thing for the Town to do for the residents, residents can't buy flood insurance without the Town being a member. She added that FEMA has put out many publications trying to get people to register for flood insurance. 1" of water can cause massive damage in your home. If we weren't in the 100-year flood plain, we wouldn't be required to purchase insurance.
  - Mayor Sutton thanked Ms. Popels for all the research she has done into this and assured her Council will look into this to see what would be best for the Town residents. Want to also ensure there will be no adverse effects for the residents.
- g. Discussion/possible vote to change 11/21/18 workshop date (day before Thanksgiving)
- Mayor Sutton said the 21<sup>st</sup> is the day before Thanksgiving.
  - After discussion, Council decided not to have a November workshop unless they find they need one if something needs addressed right away.
- h. Discussion re: CW Cook
- Mayor Sutton announced Council received CW Cook's official resignation letter. There have been changes and she is taking care of her mother-in-law and is no longer living in Townsend.

He asked Council to consider who we could appoint to Council to fill her seat. Council has 2 short bio's to review and hope to appoint one of them to Council at the first meeting in November. We hope CW Cook can also attend that meeting, so we can honor her service.

## VII. Reports

- a. Town Attorney Fred Townsend III: nothing to report.
- b. Town Engineer Edwin Van-Otoo:
  - Surface water planning grant: requires a match from the Town and want to confirm the Town can do this before going through the process. Spoke to Mr. Sullivan from DNREC.
  - Mayor Sutton asked if there are different tiers for the grant.
  - TE Van-Otoo said it is 1-1, maximum amount is \$50,000 per year grant and the Town would match the amount.
  - Mayor Sutton verified this grant will cover TE Van-Otoo's research and the design.
  - TE Van-Otoo said yes but he doesn't think we should do the design before we map all the infrastructure. The grant pays for everything up to the construction.
  - CW Gorman asked about the flooding at the culvert on Railroad Avenue, Commerce Street and Taylor Street. She asked if there is a design to fix these areas.
  - TE Van-Otoo said no, the areas are mentioned in a report and we can fix these areas, but it will cause problems somewhere else. Better to have a handle on all the infrastructure before doing anything.
  - CW Gorman said she is confused; was a cost involved in the study and resolution of what needs to be done in these 3 areas and nothing has been done to fix the issue.
  - TE Van-Otoo said the roads flood a little; for this project we need all the infrastructure. Don't know if any drainage pipes go through Town to the inlets, etc. We have new Town and Old Town. He said this survey will map all the water outlets and flow of all water to where it goes.
  - Mayor Sutton said we need to address Old Town, there are already plans for the developments.
  - CM Dugan asked about the cost to have cameras put down the pipes to see what we have. He also asked if we are going to try for the entire \$50,000 or wait and see what we have and go from there.
  - TE Van O-too said this grant is available every 3 months; don't have to apply for this one, will be available again in February.
  - To sum up the discussion, TE Van-Otoo will have a price at the next meeting to map out the infrastructure and will have a cost for video cameras in the pipes to see what is there. He will also check to see if the amount can be changed after we commit to the grant and find out if the Town gets back any of our matching money if it isn't used.
  - CM High asked when the feasibility study will be done and was told now.
  - Mayor Sutton clarified the Town has to pay RVE to have TE Van-Otoo do the feasibility study and once we receive the grant, the money may be re-imbursed.
  - Maurice Mobley stated there is no guarantee the Town will get the grant money; why would you spend money for the study before you know.
  - Mr. Mueller said the Town needs to spend the money to find out where the problems are, so they can be fixed.
  - TE Van-Otoo said he met with Tony Yarmolyk about the punch list for Wiggins Mill Frontage Road. The big issue is the retention basin. Andy Bowman from DNREC couldn't attend but hope to meet with him next week. The basin is vastly overgrown.
  - Edgar Road: Handler wants to top coat the road and repair the curbs. I feel it might be better to do it later, the weather is getting colder, don't want the top coat done and snow laying on it all winter.
  - Mayor Sutton asked that CM Dugan be included on all the meeting notes since he is chair of public works.
  - TE Van-Otoo said he sent an escrow recharge letter to Saperstein today. Tried to contact him several weeks ago and he is being non-responsive again.

## VIII. Committee Reports

- a. Finance: Chair – Mayor Rudy Sutton
  - Audit will start within the next few weeks – this is the first in-depth audit for Townsend.
- b. Public Works: Chair – CM Ed Dugan

- Discussion/possible vote to solicit bids for sidewalk repairs
  - I.** Mayor Sutton said Decision Cutting Concrete worked up a proposal for concrete/curb repair in Town. He originally met with Dawson Green. He has drafted a very detailed proposal for the Town. Because of the amount of money needed for the repairs, per our procurement policy, we can't accept the proposal, would have to go out to bid; however, we definitely need to do this, there are many safety hazards. It's a shame the company wasn't told that it would have to go out to bid due to the cost. Would like to add a vote to put out an RFP on the next meeting agenda.
  - II.** CM High asked if the streetscape will cover any of the issues.
  - III.** Mayor Sutton said only a few but CM Dugan and I will go over it in detail.
- Discussion/possible vote to solicit bids for Snow Plowing
  - I.** CW Gorman motioned, CM High seconded with a unanimous vote to solicit bids for snow plowing.
- c. Land Use & Development: Chair – CW Lorraine Gorman
  - My intent is to have packets made up for all known landlords and distribute them by the beginning of November.
- d. Community Relations: Chair – CW Cindy Cook - deleted
  - Newsletter – CW Gorman said it is the time to do the yearly newsletter with the happenings of the year. She will put the newsletter together and Council needs to submit what they would like in it asap.
- e. Veterans Committee: Co-Chairs – CW Cindy Cook & CM Steve High - deleted
- f. Public Safety: Chair – CM Steve High
  - Winter approaching, winterize your homes and cars, family and pets. Ensure your smoke detectors are working.
  - Mr. Mueller said the TVI Facebook page stated people were knocking on doors at 9:30 pm last night asking for scrap metal along Edgar road. It was a man and woman, think there is something going on.
  - Mr. McDonald asked if a motion light could be put on the back of Town Hall. People walking around here in the wee hours.
  - CM High said he will look into it.
- g. Parks & Recreation: Chair – CW Lorraine Gorman
  - NCC is looking at helping us with park amenities. Did a survey sheet, it was out at the fair and on facebook and the lobby for residents to answer if they would like tennis courts in the park or if they had any suggestions for additions to the park. The feedback was very interesting. We had 12 yes answers to the tennis courts and 20 no's and many suggestions for very expensive upgrades like pools or hockey rinks.
  - Christmas Caroling in the Park – 12/9/18
    - I.** We will also have the tree lighting ceremony.
  - Lifehouse Christmas Eve Service – December 24<sup>th</sup> – 5:00 – 7:00 pm
    - I.** Have used often in the past, only bringing it up since it will be after dark; this is an exception Council has always granted.
    - II.** Last year we had a drive for “Stockings for Soldiers” led by CW Cook. CW Gorman asked CM High if he is doing this again this year.
    - III.** CM High said the demand is down, but he will look into it.

## **IX. Citizens Comments & Participation**

- a. Mr. Mueller said he regularly comes to meetings, missed most of the summer due to other obligations. Politicians recently campaigned for the primary and they have no idea who is on Town Council. Why doesn't the Transcript run articles on Townsend Council like they do for Middletown. The bios are interesting. Council always talks about we are one Town, not Old Town and New Town. During our last election I didn't like that two of the candidates campaigned together using old and new Town as the slogan. Have never seen this anywhere I've lived before and didn't like it. Candidates need to run on their own merit, not ride on someone else's coattails.
- b. CM Dugan said he appreciates the input. The Town should get bio's on all candidates and send them to the Transcript.

- c. It was explained that the candidate bios are sent to the Transcript every year and for the last two years they didn't run them in the paper. We did register a complaint with Ben Mace, the editor. We can't control the paper.
  - X.** Motion to Recess for Executive Session: 9:18 pm, CM Dugan motioned, CW Gorman seconded with unanimous vote.
  - XI.** Motion to Convene Executive Session:
    - a. In accordance to 29 Del. C. §10004 (b) (4) the Town Council will be meeting in executive session to discuss personnel matters.
  - XII.** Motion to close Executive Session & Re-Convene Council Meeting
  - XII.** Adjournment:
-