



Town Council Town Council Meeting
March 23, 2022 @ 6:30 pm
VIA CONFERENCE CALL & TOWN HALL

7:30 pm

- I. Call to Order:** The meeting was called to order at 6:30 p.m. by Mayor Patrick Miller.
- II. Opening Ceremonies:**
 - a. Roll Call:**
 1. The following Council and staff were present with in person and electronic access available for guests: Mayor Patrick Miller, Councilman E. Dugan, Councilwoman E. Clarke, Councilman S. Lobdell, Town Manager A. Tantillo, Financial Officer J. Helms, Police Chief R. Longo, and Town Engineer E. Van-Otoo.
 - b. Pledge of Allegiance:**
 - c. Recognition of Visitors:** Present guests included Ms. Terry Mobley, Ms. Patricia Cobourn, Mr. Gerald Dove, Ms. Sheryl Rojas, and Ms. Taliza Bins- Johnson.
 - d. Announcements:**
 1. CM Mertz announced that the Appoquinimink School District Odyssey of the Mind competed in the tournament in Milford and two of the teams from Townsend Elementary School placed and have been invited to the competition in May. CM Mertz congratulated the teams and wished them luck on their future competitions.
- III. Adoption of Agenda**
 - a.** TM Tantillo advised that the agenda item listed as the February 16th Executive Session Meeting should have been listed as the February 16th Public Hearing.
 - b.** *CM Dugan a motion to approve the agenda as amended. CM Lobdell seconded the motion. Vote: all yea's, no nays.*
- IV. Approval / Rejection of Minutes**
 - a.** Approval/ Rejection of Council Minutes from the March 2nd, 2022, Town Council Meeting.
 - b.** Approval/ Rejection of Council Minutes from the February 16th, 2022, Town Council Executive Session Meeting.
 - c.** Approval/ Rejection of Minutes from the February 26th 2022, Town Council Special Meeting for the swearing in of Police Chief Longo
 1. *CM Mertz made a motion to approve all agendas as written on the agenda to include the Town Council Meeting Minutes from March 2nd, 2022, Town Council Meeting, the Town Council Public Hearing Meeting Minutes from the February 16th, 2022, Town Council Public Hearing and the Town Council Special Meeting Minutes from February 26th, 2022, Police Chief Swearing In. CW Clarke seconded the motion.*
 2. *CM Mertz asked for the March 2nd, 2022, minutes to be amended to remove his name. CM Mertz revised the motion to approve the minutes as amended.*
 3. *Vote: Voice vote of Council- all yea's, no nays.*

- V.** Swearing in of Town of Townsend Board of Elections Members.
- a.** TM Tantillo provided a swearing in of the Board of Elections Members. Ms. Mobley, Ms. Cobourn, and Mr. Dove recited the Board of Elections Oath of Office. TM Tantillo congratulated BOE members on their swearing in.
- VI.** Townsend Wastewater Feasibility Study Presentation, presented by Remington & Vernick Engineers.
- a.** Mayor Miller invited TE Van- Otoo and Ms. Johnson of Remington & Vernick Engineers to present the Townsend Wastewater Feasibility Study Presentation.
 - b.** TE Van-Otoo thanked the Town for the opportunity to complete the Townsend Wastewater Feasibility Study Presentation. The Town was offered a grant through DNREC, and the Town provided a match for the grant. TE Van-Otoo and Ms. Johnson shared that they would be going over the key findings of the study.
 - c.** TE Van-Otoo shared that the study began as a project in the Town due to the existing sewer agreement with New Castle County established in 2001. This agreement is for 25 years, due to expire in 2026. The intent of the Wastewater Feasibility Study was to evaluate the feasibility of Townsend designing, constructing, and operating its Wastewater Treatment Plant and Disposal System. TE Van-Otoo shared that a few sites were evaluated for treatment of the wastewater. TM Van-Otoo shared history of the Wastewater Feasibility Study. The sewer agreement of 2001 allowed for the capacity to serve existing and 270,200 gpd and allow for the buildout of new development. The Town has had new development and annexation over the years since the agreement, there is currently development occurring. As a precautionary measure, to see what could be allowed, the Town is doing their due diligence to see what kind of growth is expected in the next 10-30 years and beyond. RVE looked at residential, commercial, and industrial areas in the feasibility study.
 - d.** The analysis was made with assumptions based on the existing characteristics of the Town. The population of the Town has grown substantially since the beginning of the sewer agreement. The population is estimated to be about 2,700. The existing flow is 0.1482 MGD of water, the obligated flow is .2181 MGD. There is also currently existing discharges throughout the Town being provided to NCC via Wiggins Mill and Edgar Rd Pump station, the county treats the influents at designated points, there are certain processes they take into account, which are Sequencing Batch Reactors (SBR) and Spray Irrigation and Surface Discharge to the Appoquinimink River. These are the current outlet structure, and the similar point sources are used for the evaluation of increased sewer capacity in Townsend.
 - e.** TE Van-Otoo shared that Townsend has grown substantially since the beginning of the sewer agreement and it has also been established that through the recently approved Comprehensive Plan, that there are projections for the Town to grow, this allowed RVE to make projections of growth for the Town in order to do their study. They estimate 65% residential, 20% commercial, 10% community, and 5% parks and recreation. Parks and recreation do not have a lot of sewer system usage, so this is not included in calculations. The estimated expected population by 2030 was about 3,021. TE Van-Otoo advised that these are just calculations used for the purposes of the project and there is no way to know exactly how the Town will grow over the years. With these assumptions, the average daily flow is estimated at 2.6 MGD and the peak daily flow is estimated at 3.91 MGD.
 - f.** Ms. Johnson shared information on alternatives and possible site locations. Ms. Johnson shared that when looking at the Town on projected growth of land- primarily using the land

size growth annexation to determine the size and flows in the future. Given the flows, this gave options for future projected flows that would also be able to be grown as you grow past the 10-, 20-, and 30-year marks, to allow for continued expansion. Some treatment alternatives include traditional alternatives, which are Extended Aeration, Sequencing Batch Reactors, and Oxidation Ditches, which are commonly used in Delaware. A lot of these options require a lot of training, permitting requirements through the EPA and a lot of other considerations such as continuous monitoring and sampling. Additionally, this would require specialized operators to operate the plant and ensure proper discharge of wastewater flow to your source, and that you are not exceeding EPA's or DNREC limits for the discharge of wastewater. When RVE looked at treatment alternatives, they also looked at spray irrigation, which the Town had identified as the preferred method of treatment. With this they evaluated four sites that were identified by the Town for potential locations. These prospective sites include Finley Street, the area behind Cannery Lane, land adjacent to Dexter Corner Road, and Robinson Farm. Surface discharge was evaluated as an option, if options for spray irrigation are not sufficient, with locations on Noxontown Lake and at Wiggins Mill Pond.

- g.** Ms. Johnson shared that Sequencing Batch Reactors (SBR) as evaluated by taking the size of projected flow based on 10-year growth estimated with characteristics of the wastewater entering, by using the characteristics of what is now being entered into the NCC wastewater treatment. Using these factors, they determined what size would be needed to meet EPA requirements for discharging to land or water. They evaluated costs of a smaller plant that was recently built and also evaluated a treatment plant with the exact same characteristics and flows as the Town to estimate how many treatment processes would be needed which led them to determine estimated capital costs of \$34 million for this traditional treatment method. These costs in the current market are fluctuating drastically due to many economic factors. This should be taken with a grain of salt until the market could better stabilize.
- h.** For Slow Rate Land Application Disposal, the EPA calculation for calculating cost with preliminary flow data was used to calculate how much capital costs could be. This is estimated to be \$7.1 million in capital costs, which will include preparing land and all factors to put in the spray irrigation fields based upon flows. Additional costs to be expected would be costs associated with plant staff, maintenance and operations. Slow rate is seemingly, in DE the preferred method of disposal due to all of the less stringent regulations. When looking at the land application, considerations need to be made to determine if this would be on land intended to keep the public away from or if it would be something public, such as a golf course, because the two types of discharges require different types of treatment levels, which are really not that different, but it leads to considerations for how clean your water needs to be.
- i.** Ms. Johnson shared the recommendations of the project. The first recommendation is determining the limits of the Town and County asset ownership. Elaborating more on who owns which facilities and understanding the language of the agreement. The second recommendation is identifying and securing necessary funding. This step would allow the Town to determine the feasibility of the project and the cost of the project, expected population and future land use. The third recommendation is to assess the Town goals regarding future growth, independence, and cost.
- j.** TE Van-Otoo advised that the current agreement with NCC does need to be discussed as there is some ambiguity that needs to be deciphered and where the infrastructure would go in the future, to either the Town or NCC in the sense that if Townsend is moving forward, receiving clarification. RVE has been in contact with NCC throughout the entirety of the agreement, as

part of the study called for notification to all parties. TE Van-Otoo would like clarification on infrastructure if the Town were to move forward as the agreement expires in 2026 and the language says if nothing is done, the agreement would be renewed. There are time limits on renewal and changes to the agreement. Additionally, considerations should be made to funding sources, required permitting, and impacts on the agreements. This could possibly require agreement extensions with NCC to be made for a few more years. TE Van-Otoo emphasized that Ms. Johnson also pointed out that the preliminary costs are only preliminary and are only a snapshot of what is anticipated to be required as of the date of the report, but with changes in the economy, and if the Town does decide to move forward, a more detailed calculation of expected costs would be necessary to narrow down costs and availability of grant funding. Having this feasibility study in their hands allows Council and the Town to make an educated and informed decision of how best to move forward.

- k.** TE Van-Otoo thanked Council for the opportunity and their patience as RVE worked to gather all information from all stakeholders. TE Van-Otoo also thanked New Caste County for their cooperation in sharing information.
- l.** Mayor Miller thanked RVE and asked if there were any questions. CM Mertz thanked RVE and asked: from a standpoint in the different costs \$34 million for Sequencing Batch Reactors (SBR) and \$7.1 million for Slow Rate Land Application Disposal, how would the Slow Rate Land Application work and what happens to the solids in the sewage. Ms. Johnson advised that the attractiveness of the Slow Rate Land Application Disposal which has been used for centuries is that you do not have a lot of sludge or by-product, because when you are applying the treatment to the land, there is a degradation of the products in the soil and the water is treated through different media of the soil and it percolates through the soil. Additionally, sludge and by-product is often sold to a lot of farmers as it is helpful to the farmers and makes the soils more nutrient filled. Ms. Johnson advised that before it goes into the land, there is a settlement beforehand. Some parts of the process do require disposal locations. CW Clarke asked if for the predicted wastewater to be released if the Town has enough land coverage for the Slow Rate Land Application Disposal. Ms. Johnson advised that there is a substantial amount of land at the Robinson Farm site which would be fitting for this disposal, the map is identified in the report. Ms. Johnson advised that when looking at land applications, you need to evaluate setbacks, neighbors, proximity to wetlands, etc. The preliminary discussions show this would be the most efficient site, but there may be additional sites that the Town could evaluate. CW Clarke also asked if there would be odors associated with the Slow Rate Land Application Disposal. Ms. Johnson advised that there could be odors to be expected, which is another reason why proximity to neighbors is considered, more in depth studies to determine water strength and odor expectations could be conducted. Ms. Johnson explained that RVE used the influent to NCC treatment plant, but they did not separate Townsend influent from other Towns, so the quality of the wastewater may not be as identified by the county. This should be evaluated in the future as the county is treated Townsend influent as equal to the other areas serviced by the county.
- m.** Ms. Rojas added a question in the Zoom chat, which was read by TM Tantillo. She said that Ms. Johnson stated that farmers by by-product and asked if this would be something that the Town would consider. Ms. Johnson advised that there by-product to be sold must go through a very a very intricate treatment of bio-solid process.
- n.** Mayor Miller thanked TVE for the report and presentation. TM Tantillo advised that if anyone had additional questions, to share them and they could be sent to RVE for additional information.

VII. State Police:

- a. Delaware State Police will have a report on the March 2022 activity at the next Town Council Meeting.

VIII. Townsend Police Department:

- a. Chief Longo shared that he would have a report on his March 2022 activity at the next Town Council Meeting.
- b. Chief Longo shared that he has received approval for the waiver to obtain state grants and he will be working on applying for the grants.
- c. Chief Longo also shared that in collaboration with the Townsend Fire Company and the DEA, the Townsend Police Department will be hosting a drug take-back event on April 30th, 2022, at the Townsend Fire Company from 10 am – 2 pm.

IX. Mayor's Report:

- a. **ACTION ITEM:** A discussion and reading of the Mayor's Proclamation to proclaim Wednesday, March 23rd, 2022, as "Mayor's Monarch Pledge Day" in the Town of Townsend.
 1. TM Tantillo provided a reading of the 2022 Mayors Monarch Pledge.
 2. Mayor Miller shared that he is proud to sign the Mayors Monarch Pledge and encouraged residents to plant their own butterfly gardens. Mayor Miller advised that he has planted his own butterfly garden. CW Clarke thanked Mayor Miller for signing the proclamation and for building his own butterfly garden. Mayor Miller thanked CW Clarke for spearheading these efforts.

X. Reports:

a. Town Attorney Fred Townsend III

1. No report.

b. Town Engineer Edwin Van-Otoo

1. An update on Town projects
2. Discussion regarding the need for a pole barn for Town Public Works Department.
 - a. TE Van-Otoo advised that he would have an update on Town Projects at the next Town Council meeting along with a discussion regarding the need for a pole barn for Town Public Works Department.

c. Town Manager

1. TM Tantillo reminded all that the 2022 Election Candidate Solicitation period is still open and will close on Thursday, April 7th at 4:30 pm. Packets can be requested by calling or emailing Town Hall.
2. TM Tantillo shared that at the next Town Council meeting, she will provide a status update on the COVID-19 pandemic and a report on Town Administrative activities.
3. TM Tantillo advised that she like to add the following items to the next Town Council meeting agenda:
 - a. **ACTION ITEM:** Discussion and possible vote regarding the purchase of a body worn camera for the Town of Townsend Police Department.

- b. **ACTION ITEM:** Discussion and possible vote regarding the purchase of a radar gun for the Town of Townsend Police Department.
 - c. **ACTION ITEM:** Discussion and possible vote to authorize mulching for the Town Park along with a discussion of additional needs for the Town Park.
4. **ACTION ITEM:** Discussion and possible vote to authorize the maintenance work on the Ford Explorer to be purchased.
- a. TM Tantillo advised that at the previous Town Council Meeting, Council authorized the purchase of a Ford Explorer at the purchase value of \$10,000 pending a positive vehicle inspection. TM Tantillo advised that the vehicle did receive an inspection at Jamies Autorepair, and the results came back positive. The only necessary repairs were new tires and a new battery. These are typical maintenance items for the upkeep of vehicles. TM Tantillo advised that the tires were on the list to be replaced by the agency selling the vehicle, prior to the Town purchase, so the only current additional expense will be a new battery for the vehicle which was quoted below \$200 which does not need Council approval. Given the positive inspection report and the authorization to purchase pending the inspection, TM Tantillo will proceed with the purchase of the Explorer for the Police Department in the amount of \$10,000. Mayor Miller agreed and shared that he saw no issue with the inspection, so he agreed with the purchase of the vehicle.
5. **ACTION ITEM:** Discussion and possible vote to authorize repairs to the Charger police vehicle.
- a. TM Tantillo advised that the charger was purchased in December from the Town of Cheswold. The Town was awaiting repairs to the power steering, which were completed. The charger was also brought to Jamies Autorepair for an inspection and the inspection found some items were needed to repair and maintain the vehicle. This includes new tires, an oil change, a new battery, and two leaks on the gas line, requiring sway bar links and bushings to be repaired along with valves. The total cost for the work is \$3,238.86. The cost of labor is high, as the repairs require the engine to be removed and put back into place once the repairs are made.
 - b. Mayor Miller asked if the repairs were made, TM Tantillo shared that they have not been made as they are awaiting approval for the expense.
 - c. *CM Mertz made a motion to authorize repairs of the Charger police vehicle. CM Lobdell seconded the motion. Vote: Voice vote of Council- all yea's, no nays.*
 - d. TM Tantillo advised that the cost to purchase the Charger was \$5,500 and the cost for the power steering was below \$600, so the total costs of the Charger with the additional repairs as approved by Council are below \$10,000. TM Tantillo also advised that going forward, any additional used vehicles to be purchased will be inspected.

XI. Committee Reports

- a. **Finance Committee:** Chair: Mayor Miller, Co-Chair: Councilman Dugan

1. No report.

b. Human Resources Committee: Chair: Mayor Miller

1. No report.

c. Public Works Committee: Chair: Councilman Dugan, Co-Chair: Councilman Mertz

1. No report.

d. Land Use and Development Committee: Chair: Councilman Lobdell, Co-Chair: Councilman Dugan

1. Review and discussion regarding letter from the Planning Commission recommending amendments to Chapter 24 of the Townsend Code.

- a. Mayor Miller advised that the Planning Commission sent a letter to Town Council regarding letter from the Planning Commission recommending amendments to Chapter 24 of the Townsend Code regarding setbacks of accessory structures. This letter recommends further defining accessory buildings and defining that setback are specified in the appendix of the code. The recommendations recommend changing the side and rear accessory building setbacks from 10 feet to five feet and also recommends changing the maximum building height from 35 feet to 10 feet, six inches. CM Dugan suggested increasing the maximum building height as 10 feet, six inches may be too restrictive. TE Van-Otoo asked what this is based upon as the HOA height is also 10 feet, six inches and he would like to ensure that there are not obstructions to people's views if you go too tall. Ten feet, six inches seems to be reasonable as sheds typically are not too tall. Additionally, TE Van-Otoo also advised that considerations of drainage swales in yards need to be considered when changing the rear yard setback to five feet. CM Dugan advised that regarding swales, during the permitting process, properties should be reviewed for swales. For example, NCC has swales and a three-foot setback, so this is considered in other jurisdictions. CM Mertz asked if a permit is requesting a structure to be built in a swale if it would be denied. TE Van-Otoo advised that it would be, but it could be a good idea to specify that setbacks and permitting are subject to review for impeding into swales and easements. CM Lobdell suggested adding an asterisk specifying this. TM Tantillo advised that this is why plot plans are required for permitting requirements as to view possible swales, easements, and setbacks. Ms. Rojas advised that section 24 states that if an accessory building is placed in a drainage or easement area, that removal of the building will be at the owner's expense, similar to fences placed in easements. TE Van-Otoo agreed and shared that it may be beneficial to add this type of language to the appendix. CM Mertz asked why the height is recommended to change to Ten feet, six inches for maximum building height. Ms. Rojas advised that many sheds are built to Ten feet, six inches and the Planning Commission also reviewed the Town of Smyrna requirements, and the Commission also did not believe leaving the height at 35 feet would be beneficial. CM Dugan recommended changing the height to 12 feet. CM Mertz asked if the site of the Police

Station was zoned as residential for concerns when the pole building would be built if it would conform with the height requirements.

- b. TM Tantillo noted that those who already have had sheds installed and permitted by the Town would be grandfathered in under the current zoning code and that the proposed changes would not affect previous approved work. Mayor Miller agreed of adding additional language to the chart relating to swales and also agreed with changing the maximum height to 12 feet. TE Van-Otoo agreed that changing the maximum height to 12 feet would be a good idea. CM Lobdell pointed out that anyone requesting a height above 12 feet would need to request a variance. Mayor Miller requested TM Tantillo draft an ordinance implementing the recommendations and the changes suggested by Town Council.
- c. CM Lobdell advised that one of lots by the old Town Hall is zoned as residential. TM Tantillo shared that this will be discussed when discussed with the pole building, but, since there are two Town owned lots next to each other, TM Tantillo would like to consolidate the lots into one parcel to allow for a building to be built on both parcels. TM Tantillo advised that she would need to get Council's authorization to consolidate the lots. Council advised TM Tantillo to move forward with consolidating the lots. Rezoning of the lots would also need to be considered when consolidating the lots. These items will be addressed on future agendas.
- d. Ms. Rojas advised that the Planning Commission would be reviewing additional sections of the code, but this is the only zoning code recommendation at the time being.

e. Veterans Committee: Chair: Councilwoman Clarke, Co-Chair: Mayor Miller

- 1. Mayor Miller advised that the VFW would be holding a Medal of Honor Ceremony on 3/25/22 at 111 am to recognize the soldier who the VFW is named after. Mayor Miller advised that there would be a ceremony followed by a reception.

f. Public Safety Committee: Chair: Councilman Mertz, Co-Chair: Councilwoman Clarke

- 1. CM Mertz and CW Clarke advised that they would like to schedule a Public Safety meeting with Town staff.

g. Community Engagement Committee: Chair: Councilwoman Clarke, Co-Chair: Councilman Lobdell

- 1. Discussion on possible Town Events.
 - a. CW Clarke shared that the committee met and CW Clarke created a proposed the calendar for potential events for 2022. CW Clarke reviewed possible events for each month. A few events could be the Townsend Day at the beginning of April which could include a website post and/or a resolution. April 22nd is Earth Day, and a Park Cleanup and seed distribution event is being planned. May 30th is Memorial Day, and the committee will determine if something could be done to recognize the day. In June, CW Clarke shared that she would like to discuss some activities to engage residents later in the meeting. July 4th is Independence Day and discussions could be held to discuss how to

recognize the day. CW Clarke shared that the Committee is interested in exploring a back-to-school drive in August. September 24th will be the Townsend Parade and Fair and the Junior Town Council will begin that month. CW Clarke shared that October is Halloween and potential opportunities could be explored. November 11th is Veterans Day, and another event could be held to recognize this day, as was done in 2021. December will continue with the annual Caroling and Tree lighting event, date to be determined. The Committee will continue to work on planning events.

- b. CW Clarke presented potential June 2022 activities. CW Clarke shared that her intent for June is to provide many community events during the month. CW Clarke shared that this may be a large lift, but she would like to coordinate with Council to see if they can assist with events. Event ideas include vendor fairs, NWF certification, movement and sports activities, an ice cream event, and science and craft activities. CW Clarke shared that some events could encourage residents to participate on their own and some events would require Town staff and Council to be present to facilitate the events.
- c. CW Clarke also shared events to consider around the Town when planning events.
- d. Council discussed the proposed June/ summer activities. CM Metz thanked CW Clarke for creating this proposal. CM Mertz suggested connecting Town events with national events, such as the Great American Camp Out and the National Night Out. CM Mertz also shared that he would be happy to contribute to the events. CM Mertz asked if movie nights would continue to be explored. CM Lobdell and Mayor Miller shared that this was previously discussed and from a budgetary perspective, the cost of the event seemed to outweigh the turnout of the event. Council discussed that funds may be better spent on other community activities. TM Tantillo shared that she is excited and happy to see that CW Clarke is eager to plan events but does have concerns that so many events are planned for June, in terms of Council and staff availability in terms of leading the event. Town representation would be needed at the event. TM Tantillo shared that she agrees with spacing out the events throughout the summer and having re-occurring events to best serve residents. Mayor Miller shared that he agreed with spreading out the events and applauded CW Clarke for proposing the events.
- e. CM Lobdell pointed out that many of the events can be done by encouraging residents to participate on their own. TM Tantillo agreed and shared that resident could participate on their own and send in pictures of themselves participating and share with the Town to show their involvement.
- f. CM Mertz suggested reaching out to Councilman Carter for possible funds for events. CM Mertz also suggested a trick- or- treat trail at the Town Park for Halloween.

- II.** *CM Mertz made a motion to Convene Executive Session:* In accordance with 29 Del. C. §10004 (B)(9) the Town Council will be meeting in executive session strategy session relating to personnel matters. *CM Lobdell seconded the motion. Voice vote of Council: All I's, no nays.*
 - a.** *Executive session convened at 8:38 pm.*
- III.** Executive Session was closed, and the Council Meeting was re-convened at 9:42 pm.
- IV.** Mayor Miller made an announcement that Senator Ennis announced his retirement at the beginning of March, for the end of the session.
- V.** Adjournment.
 - a.** *CM Mertz made a motion to adjourn the meeting. CM Lobdell seconded the motion. Vote: Voice vote of Council- all yea's, no nays.*
 - b.** Adjournment at 9:43 pm.