



Townsend Town Council Meeting
February 1st, 2023 @ 7:00 pm
VIA CONFERENCE CALL &
Town Hall
141 Main St, Townsend, DE 19734

7:00 pm Town Council Meeting

I. Call to Order: 7:00 pm

II. Opening Ceremonies

- A. Roll Call: Mayor S. Lobdell,
Councilwoman E. Clarke,
Councilman E. Dugan,
Councilman J. Mertz,
Councilwoman S. Rojas,

Town Manager A. Tantillo, Town Engineer E. Van-Otoo, Town Solicitor N. C. Griffiths, Town Clerk M. Rivera, Financial Officer J. Helms, and Townsend Police Chief R. Longo.

B. Pledge of Allegiance: All present recited the pledge of allegiance.

C. Recognition of Visitors: Dwain Haines and Andrew Haldeman.

D. Announcements:

1. CW Clarke recognized February is Black History Month.

III. Citizens Comments & Participation

A. Mr. Haldeman advised he has questions regarding the Town Engineer's and Town Managers reports.

IV. Adoption of Agenda.

A. *CW Clarke made a motion to adopt the agenda. CM Mertz seconded the motion. Voice vote of all council: all yeas.*

1. Council adopted the Agenda.

V. Approval / Rejection of Minutes

A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the January 4th, 2023, Town Council Meeting.

1. *CM Mertz made a motion to approve the Town Council Minutes from the January 4th, 2023, Town Council Meeting. Voice vote of all council: all yeas.*

a. Council approved the January 4th, 2023, Town Council Meeting minutes.

VI. Reports:

A. Mayor

1. **ACTION ITEM:** A discussion and reading of the Mayor's Proclamation to proclaim Wednesday, February 1st, 2023 as "Mayor's Monarch Pledge Day" in the Town of Townsend.

a. CW Clarke provided a reading of the Mayor's Proclamation to proclaim Wednesday, February 1st, 2023 as "Mayor's Monarch Pledge Day" in the Town of Townsend.

Town Meetings will return to both an in person and a virtual format.

Those wishing to attend virtually may dial **1(301)715-8592**. When directed, provide following meeting ID **827- 6421-7575#** and then the following password **361631#** to enter the meeting. If you choose to access the meeting online click the following link: <https://us02web.zoom.us/j/82764217575?pwd=aHI4RDhTZ0xiME1HV0ZOcHRxSHZ3QT09>

Residents will be able to view documents posted to the meeting tab on the Town website at www.townsend.delaware.gov or by joining the meeting via computer.

- b. Mayor Lobdell acknowledged CW Clarke's hard work in supporting the Mayor's Proclamation.
- c. TM Tantillo confirmed CW Clarke will receive a signed copy of the revised Mayor's Proclamation for Certification to go towards National Wildlife Federation points.

B. Town of Townsend Police Chief's Report

1. CM Mertz thanked Chief Longo for his report. Additionally, the shooting incident that has been reported was handled well by the Townsend Police.

C. Town Solicitor N. Christopher Griffiths

1. TS Griffiths reported he worked on various personnel matters.
2. TS Griffiths reported he worked with Chief Longo.
3. TS Griffiths reported his work with the Town remains steady.

D. Town Engineer Edwin Van-Otoo

1. Mr. Haldeman referred to TE Van-Otoo's report regarding Townsend Station from a previous meeting. Mr. Haldeman noted there was a pipe study performed in July of 2022 whereas TE Van-Otoo submitted a report with recommendations to line the pipe within 5 to 10 years. Mr. Haldeman wanted further clarification on the study that was performed using grant money. TE Van-Otoo explained the grant money for this study did not include construction costs. Additionally, a stormwater analysis is currently taking place. TE Van-Otoo noted Cannery Lane and Chestnut Street were the initial areas of concern. Furthermore, the televising that was performed for the pipeline did not show any eminent failures and the main areas of concern are clear. TE Van-Otoo advised the Town has placed stone in an area of concern, however more research is needed to determine what is causing issues. CM Dugan confirmed the filled area was on the corner of Main Street and Brook Ramble Lane.
2. Mr. Haldeman explained he is the Vice President of Townsend Station HOA (Homeowner Association) and wanted to report there was a pothole in the middle of the road. Ms. Tantillo thanked Mr. Haldeman for the notification and advised that she would have Town staff re-address the issue and continue to monitor.
3. Mr. Haldeman requested further information on the Town's plan based off of the televising study. TE Van-Otoo explained there will not be any televising studies in new areas.
4. Mr. Haldeman asked if stormwater drainage led to the two ponds in Townsend Station that are privately owned and maintained or if it drained elsewhere. TE Van-Otoo explained the televising that was performed showed the stormwater in Townsend Station lead to the basin areas. Mr. Haldeman asked if stormwater from Main Street will lead to the ponds. TE Van-Otoo explained some water will lead to the Townsend Station area. Mr. Haldeman wanted confirmation that the Main Street pipes are not purposefully directed to Townsend Station's pipe system. TE Van-Otoo confirmed that they are not, but some water will be due to the road engineering. The pipes from Main Street are not connected into Townsend Station.

5. Mr. Haldeman noted the Homeowners Association maintains the ponds privately and wanted to ensure they are not taking care of additional stormwater. Mayor Lobdell noted developments are self-maintained, clarifying they may take in some additional stormwater as advised by TE Van-Otoo. TE Van-Otoo advised he would have to review where the water from Main Street goes, however it does not go to Townsend Station.
6. Mr. Haldeman asked how the Town will determine what is the issue. Mr. Haldeman noted the sinkhole has been filled with gravel which is permeable. TE Van-Otoo noted Mr. Haldeman mentioned two separate locations, one regarding a yard and another regarding a street. Mr. Haldeman clarified it is presumed the pipes go through the entire area between Main Street and Green Meadow where erosion is occurring possibly due to failing pipes. TE Van-Otoo advised this is possible. Mayor Lobdell clarified the study done was to determine if the pipes are failing, and it has been determined they are not. Mayor Lobdell advised, as stated by TE Van-Otoo, further investigation is needed, and the Town is investigating via the stormwater analysis.
7. TE Van-Otoo stated he is unable to confirm if the potholes were caused by the pipes. CM Mertz asked if complaints were submitted regarding the pothole. Mr. Haldeman advised a report was submitted in July 2022 and it was filled. TM Tantillo confirmed. Additionally, she advised the Town does monitor the streets and will fix potholes, weather permitting.
8. Mr. Haldeman explained he came to the meeting on behalf of the development Townsend Station. Mayor Lobdell thanked him for his efforts and advised if there are any future questions or concerns to reach out to the Town.
9. CM Mertz asked who the new president is of Townsend Station (Homeowners Association). Mr. Haldeman and TM Tantillo both confirmed the new president is Meredith England. TM Tantillo confirmed the Town does have, Meredith England's, contact information.

E. Town Manager Antonina Tantillo

1. CM Mertz asked how many new homes have been built and are occupied. TM Tantillo confirmed there are two that have been built and occupied. Additionally, there are six to eight new home constructions in progress at the Woods at Hidden Creek.
2. CM Mertz asked if the part-time administrative position has been posted. TM Tantillo advised that it has not been posted yet. TM Tantillo explained the Town has just posted an announcement. TM Tantillo confirmed the part-time administration posting will be done this week. TM Tantillo explained she did not want the announcement to be overshadowed by the part-time position opening.
3. TM Tantillo explained a member of the Town's Board of Elections will not be available the day of election. Therefore, the Town is currently soliciting for one Board of Election Member seat. Additionally, this member will stay on the Board of Elections until a new member is appointed.
4. TM Tantillo recommended Council to share the announcement with Townsend residents; noting the Town's Election will take place on May 6th. TM Tantillo

explained requirements are included in the announcement and anyone interested can reach out directly to TC Rivera.

5. TM Tantillo advised Council, interested individuals will be brought to Council's attention for approval and appointment; like procedures for last year's election whereas, two new Board of Election members were appointed.
6. TM Tantillo advised Council the Board of Election member who is stepping down is Terry Mobley, who has served on the Town's Board of Elections for 15 years. Additionally, Ms. Mobley is proud of her ability to serve in the position and is disappointed to be stepping down after all her years. TM Tantillo noted Ms. Mobley has advised if a position becomes available in the future she would like to be considered. Furthermore, Ms. Mobley will continue to serve until her replacement is appointed.
 - a. CM Mertz stated he would like to recognize Terry Mobley when she officially steps down from the Board of Elections. TM Tantillo advised this will be done once her successor is appointed. TM Tantillo confirmed the first Board of Elections meeting will be held on February 10th at Townhall or via Zoom. TM Tantillo advised the first notice of solicitation for candidates will be forthcoming following the Board of Elections meeting; more announcements will be posted as the election season progresses.
7. CW Rojas asked if a letter has been drafted for the curbs that have been painted in Town. TM Tantillo confirmed the letter has been sent to the residents that live on Wiggins Mill Frontage Road for the areas that have been painted. TM Tantillo advised the Public Safety Committee will need to confirm the plan of action once they review the report and recommendations from Deputy Fire Chief Gilchrist. TM Tantillo explained if the Town were to paint all the recommendations from the report it may severely restrict parking. TM Tantillo noted the Town needs to move forward with the best course of action. Furthermore, the Town has several options other than painting the curbs. Additionally, Deputy Fire Chief Gilchrist advised the report submitted states his recommendations, not demands from the Fire Department Company.
 - a. CW Rojas requested for the letter that was sent to the residents on Wiggins Mill frontage Road. TM Tantillo advised the letters sent referenced more detail regarding the location of the painted curbs, however the language from the letter is included in her report.
8. CM Mertz asked for an update on the Pole Barn project. TM Tantillo reminded Council this was last discussed in December 2022. TM Tantillo explained the Town has chosen to move forward with engineering support for design of the building, scoping out the location, and bidding process.
9. TM Tantillo reminded Council the original location that was scoped out for this project is now a combined parcel of two properties, located at 661 South Street. TM Tantillo explained this location is also where the Townsend Police Department is located. TM Tantillo advised Council after further discussion with the Town Engineer it was determined that placement of the Pole Barn in this location would cause a tight fit for the two departments on one parcel.

- a. TM Tantillo explained to Council that if the Town were to move forward with building the Public Works pole barn at 661 South Street, overtime, there is a possibility future expansion of the Police Department will be limited. TM Tantillo noted during the December meeting discussion she had requested additional time to investigate Town owned properties and possible acquisition of a new property within Town for the Pole Barn site. TM Tantillo advised she is still in the process of reaching out to property owners. TM Tantillo noted the Town is looking into a Town owned property on Finley Street as an option for the pole barn. Additionally, obtaining interest from property owners to sell to the Town can take time.
- b. CM Mertz asked if the federal government can revoke ARPA (American Rescue Plan Act) funds. TM Tantillo advised the Town has already received the funds in their entirety. Furthermore, she reminded Council that the Town has until June 2024 to obligate the funds and the year 2026 to spend the funds. TM Tantillo stressed the importance of not rushing into a location decision to build until the Town has a solid plan in place for the future.
- c. CM Mertz noted this project has been a discussion for years. Mayor Lobdell noted the discussion was previously through the CARES Act funding. TM Tantillo confirmed and clarified the funds were not initially granted nor voted on towards the project upon initial discussion during discussions for the CARES Act.
- d. CW Rojas advised the Town can create a new Police Department at a different location and the Public Works Department may use the old Police Department in addition to the Pole Barn.
- e. CM Mertz noted the Town has already spent funds towards Engineering plans and is concerned with the Town having to spend additional funds for more plans. TM Tantillo clarified the funding that has been allocated, in December for \$53,900.00, has not been spent aside from the site plan that was drafted for the building if it were to be built at 661 South Street. TM Tantillo explained the actual engineering plans and further engineering work will be completed once the Town moves forward with the Pole Barn site.
- f. TE Van-Otoo advised his hesitation on having the Pole Barn at the 661 South Street location next to the Police Department will restrict future expansion. TE Van-Otoo noted the Town's initial discussion regarding the Pole Barn site was determined to be this location. However, now that the Town has more time to make the best decision in choosing a location and since he was approved to work on the initial site plan which showed it would be a tight fit, it is best to research other sites first.
- g. Mayor Lobdell noted when Council looked at this site with the previous Town Manager there was a rush to spend and build the Pole Barn due to the CARES Act funding that was received at the time. Mayor Lobdell reminded Council that it was determined to hold the project and now that new funding is available through ARPA, discussions have reconvened.
- h. CM Mertz asked how much of the ARPA (American Rescue Plan Act) funds have been spent on this project. TM Tantillo advised she will get exact

numbers. CM Mertz noted the price of the engineering support will be different than what has been approved. TE Van-Otoo confirmed and advised he has decided to hold on generating plans since the site location has not been confirmed and discussions are underway. CM Mertz noted a motion was passed previously and asked if it needs to be repealed. TM Tantillo confirmed the motion will be repealed when the Pole Barn site is scoped, TE Van-Otoo will provide a new proposal regarding engineering support at that time.

- i. TM Tantillo clarified the Town is still in the process of scoping out the location of the Pole Barn building. Therefore, more time is necessary to research the Town owned properties and the purchase of other land. TM Tantillo explained she is reaching out to property owners to gain interest in selling their property to the Town. TM Tantillo noted this is a big request to owners and will require additional time; explaining there are other factors involved with owners deciding to sell their property.
- j. CM Mertz asked if the Town can eminent domain a property. TM Tantillo advised this was discussed during a Code Review Committee meeting. Mayor Lobdell advised the process to eminent domain will take longer than the current process.
- k. CW Rojas requested to have the Town's Finley Street property scoped out. CM Mertz noted the property is not cleared from trees. TM Tantillo advised the previous wetlands report for this property is old and TE Van-Otoo will need to perform a new study. Furthermore, pricing for this study may need to be brought to Council attention at another meeting. CW Rojas requested for this to be brought to Council's next meeting in March.
- l. CM Mertz asked if Council needs to authorize funds for this now. TM Tantillo advised TE Van-Otoo will need to submit a proposal and will bring to the February Special Meeting if it is received by then and above TM Tantillo's spending authority. If it is within her spending authority, she will proceed with the study.
- m. CM Mertz recommended the deadline for scoping out additional sites to be June. Mayor Lobdell agreed. TM Tantillo agreed stating if an owner reaches out and is engaged, she will need more time. Council agreed, additional time may be given if that is the case. Mayor Lobdell clarified the deadline for the Town to expect owners to get back to the Town should be set to June.
- n. TE Van-Otoo explained the previous wetlands report depicts where the land is considered to have wetlands. Additionally, wetlands reports should be done every five years because change is always occurring. TE Van-Otoo noted the Town's Finley Street property requires the need to be cleaned up. TM Tantillo noted, the Town would also need to factor spending to remove trees.
- o. CW Clarke requested to know the number of acres the Town owned property on Finley Street has. TE Van-Otoo confirmed it is roughly four acres, which allows for subdivision. Mayor Lobdell noted the Town can begin quickly.

- p. CW Clarke noted the town will spend more than \$50,000 for this project. Mayor Lobdell clarified the engineering support includes: design of the building, scoping out the location, and bidding process.
 - q. CM Mertz recommended to place the Pole Barn at the park where the Conex boxes are currently located. TM Tantillo advised this would limit park expansion, however this area can be turned into a park amenity. CM Mertz explained most of the work performed by the Public Works department takes place at the Town Park. CM Mertz requested an engineer's perspective regarding public safety concerns with having a Pole Barn in this location. TM Tantillo advised this Public Work department operations may cause noise disturbances.
 - r. CM Mertz noted less travel would be need for Public Works to gather their items if the Pole Barn was already at the Town Park. TE Van-Otoo advised the open space on Chestnut Street close by the Town Park may work. However, the Town does not own the open space yet. TE Van-Otoo noted the Town is currently waiting for acquisition approval.
10. CM Mertz requested an ETA on the radar signs. TM Tantillo confirmed the vendor stated they will arrive 11 weeks from the date of purchase order, January 16th. TM Tantillo clarified that approval time to purchase the signs was a long process due to the timeframe. CM Mertz asked if the Town received all approvals. TM Tantillo confirmed. CM Mertz advised to post notice to the Town's newsletter once work is completed.
11. CW Rojas asked what were the types of violations that were issued. TM Tantillo confirmed one was for a rental and the other was for noise.
12. CW Rojas requested for Chief Longo to enforce the Town's parking code regarding commercial vehicles, whereas they should not be parked overnight, in residential areas. CW Rojas reported there is a commercial vehicle that has been parking overnight.
13. TM Tantillo advised there has been additional updates since her report was sent.
- a. TM Tantillo reminded Council of the Board of Elections announcement and advised TC Rivera will be providing the next update at the following meeting.
 - b. TM Tantillo notes she has been granted a larger spending authority which allows for items to be completed efficiently. Therefore, she has delegated spending authority to Chief Longo; more discussions are needed. A monthly spending limit has been set for the Chief to allow items to be purchased efficiently and to allow for the Police Department to continue establishing over time. Furthermore, purchase of items needed go directly through the Police Chief. Any items over the monthly spending authority provided to the Police Chief, will need to be approved by the Town Manager. Any items over the spending authority and budget, will have to go before Council as does any unbudgeted item. TM Tantillo noted Chief Longo will work with her and the Town Financial Officer to ensure bookkeeping is provided sufficiently.
14. **ACTION ITEM:** Discussion and possible vote regarding the Town's Municipal Waste Contract.

- i. TM Tantillo reminded Council the Town's Municipal Waste Contract was originally from July 2018 to June 2021 and was extended for another two years. TM Tantillo noted yard waste service was added at no cost during extension. TM Tantillo explained as the Town approaches the new expiration date of June 2023, Council must notify GFL 90 days in advance if the Town wants to put out a bid for new vendors. TM Tantillo advised she has been provided a proposal by GFL upon request. TM Tantillo explained the proposal states the following:
 - a) The per month per unit rate will remain \$21.36 until June 2023.
 - b) The per month per unit rate will increase annually on each July 1st until 2026.
 - c) The annual increase is not to exceed 3.5 % based on the CPI (Consumer Price Index) for Garbage and Trash.
- ii. CM Mertz asked for the definition of CPI (Consumer Price Index) to be clarified. TM Tantillo clarified GFL will cap the increase at 3.5% increase. TM Tantillo explained if the Town increased by 6%, GFL will implement a 3.5% increase, whereas if the Town increase by 1%, GFL will charge as such.
- iii. Mayor Lobdell noted there were discussions of increasing the number of yard waste pickups during specific seasons. TM Tantillo advised an additional fee will be charged for this additional service and she is unaware of public interest for this. TM Tantillo noted if the Town were to RFP (Request for Proposal) from another vendor this service may not be free, as proposed and currently provided by GFL.
- iv. Mayor Lobdell asked if GFL keeps track of the number of residents that use yard waste service. TM Tantillo confirmed most residents use the service.
- v. CM Mertz asked for the current CPI (Consumer Price Index) of trash and recycling. Mr. Haines noted the Town's CPI (Consumer Price Index) has always been low compared to surrounding Town's. TM Tantillo advised the CPI (Consumer Price Index) went up by 24% in December, 49% in November, and 51% in October. Mayor Lobdell noted the proposed contract states the max increase will be 3.5%.
- vi. CM Mertz noted the high CPI increases per month as noted by TM Tantillo and asked if GFL has a way out of the contract if the CPI (Consumer Price Index) continues to increase. Additionally, does the Town have a policy that states this must go to RFP (Request For Proposal). TM Tantillo confirmed the Town has the option to extend a contract.
- vii. TM Tantillo noted GFL can increase prices If Town goes for RFP (Request for Proposal). TM Tantillo advised GFL may choose to begin charging for yard waste services. Mayor Lobdell noted GFL may still

technically be the lowest proposal if they were to move forward with such. TM Tantillo noted they are within the Town.

- viii. CW Rojas asked if the current price of \$21.36 per unit will remain. TM Tantillo noted the proposed unit price will increase due to developments such as The Woods at Hidden Creek that are completed. Additionally, the price on the proposal will increase with more units. TM Tantillo noted the Town will accumulate revenue through taxes to offset costs.
- ix. CW Clarke asked where the unit number comes from. TM Tantillo confirmed it is the number of housing units that use receptacles. TM Tantillo noted commercial properties have the option to use GFL.
- x. CM Mertz asked if the contract stipulates the CPI (Consumer Price Index) may decrease. Mayor Lobdell noted the CPI (Consumer Price Index) trend that was provided by TM Tantillo.
- xi. TM Tantillo noted GFL has been helpful in Town community events by providing donations and support. Additionally, GFL's new management is responsive and has advised of additional measures to respond.
- xii. Mayor Lobdell asked if bulk pickup is available. TM Tantillo confirmed and advised this service is included. Additionally, requests must be sent to the Town. TM Tantillo noted three extra bags and one bulk pickup per week is included per residence.
- xiii. *CM Mertz made a motion to approve the amended as presented by the Town Manager. CM Dugan seconded the motion. Voice vote of Council: all yeas.*
 - a) Council voted to approve the amended Town Municipal Waste Contract with GFL.
- xiv. CM Mertz requested for a new announcement with the service dates to be posted on the Town's sites once finalized. TM Tantillo confirmed.

15. **ACTION ITEM:** Discussion and possible vote regarding how to match and appropriate the match for the Outdoor Recreation Park and Trails (ORPT) grant.

- a. TM Tantillo reminded Council the Town has received the award for the ORPT (Outdoor Recreation Park and Trails) grant which requires a 50% match. Therefore, she requested to obligate ARPA (American Rescue Plan Act) funds in the amount of \$37,600.00 to match the grant. TM Tantillo requested additional ARPA (American Rescue Plan Act) funds if there are additional funds needed to cover the Outdoor Recreation and Trails project. TM Tantillo noted, for grant application purposes, the Town received quotes from vendors stating it will cost \$75,000.00 to complete a project such as this.
- b. Mayor Lobdell confirmed the grant match is technically 100%, however \$37,600.00 is 50% of the total that will be used for the entire project. Mayor Lobdell noted ARPA (American Rescue Plan Act) funds are a grant that the

Town should be using towards public service. TM Tantillo agreed and noted this project is for services the public uses as often as every day.

- c. CM Mertz asked if organizations that use the Town's fields are aware of this project. TM Tantillo confirmed that they will be notified once there is a timeline for work to commence.
- d. CM Mertz asked if engineering studies will be required. Mayor Lobdell confirmed the irrigation companies will perform this as part of their bid. TM Tantillo confirmed this was included in the grant application request.
- e. CW Clarke asked if the Town would have the ability to install a water fountain in the natural wildlife habitat which will be installed at the Town Park. TM Tantillo advised this was not included in the original plan on the grant application, however the Town can look into feasibility and options. Mayor Lobdell noted the Town may use additional ARPA (American Rescue Plan Act) funds to include this into the overall irrigation system.
- f. CM Mertz noted the Town has not brainstormed with the public regarding ARPA (American Rescue Plan Act) grant funding and is hesitant to move forward with approval if the public interest has not been received. Additionally, the Town is slowly allocating funds for projects with the public interest in mind. CM Mertz advised it would be best to get the public's interest of what they want for the Town's future. TM Tantillo confirmed the Town has been working on projects and publicly discussing for some time. Mayor Lobdell noted the Pole Barn Project is a discussion the Town has been publicly discussing as well. CM Mertz clarified he would like to work together with the public to create a priority list of projects for the Town.
- g. CW Rojas suggested the Town can create a survey monkey requesting residents to advise what they would like to see in Town. CM Mertz noted Town residents voted on the pickleball court using survey monkey. CW Clarke asked if the Town residents were responsive with the survey monkey. CW Rojas confirmed residents were responsive with the Planning Commission survey monkey. CM Mertz confirmed there was a Town survey done in 2019 that received plenty of responses. Mayor Lobdell noted the Town may get more responses via a survey than a meeting.
 - i. CM Mertz noted there are some residents who are unaware the Town has a large some of ARPA (American Rescue Plan Act) grant funding because they do not attend the Town Council meetings.
 - ii. TS Griffiths advised Council they are the people who are voted by the public to make these decisions on their behalf. Additionally, Council has the ability to attend HOA meetings on behalf of the Town to notify and obtain opinions from residents.
 - iii. CM Dugan advised most residents will not turn down a project that is benefiting the Town and not using tax revenue.
 - iv. CM Mertz clarified the survey monkey would allow the public to prioritize the Town's projects and assist with research.

- h. CM Mertz advised the Town should hold a workshop meeting to discuss this project and other Town projects. Mayor Lobdell noted there have been many discussions on these projects.
- i. *CM Mertz made a motion to match and appropriate the Outdoor Recreation Park and Trails (ORPT) grant using \$37,600.00 from the ARPA (American Rescue Plan Act) funds. CM Dugan seconded the motion. Voice vote of Council: all yea's.*
 - i. Council voted to appropriate and match \$37,600.00 of ARPA (American Rescue Plan Act) funds for the Outdoor Recreation Park and Trails (ORPT) grant.

16. **ACTION ITEM:** Discussion and possible vote regarding how to appropriate the match for the Transportation Alternatives Program (TAP) grant.

- a. TM Tantillo reminded Council they voted in December to match up to \$60,000.00 towards the TAP (Transportation Alternatives Program) grant. TM Tantillo advised DeIDOT still needs to confirm what they will provide in grant funding. However, there have been preliminary discussions with DeIDOT regarding the possible funding they will provide. Noting, there are items the Town listed on the grant application that DeIDOT completes at no cost.
- b. Mayor Lobdell noted this is overlapping with other DeIDOT studies that pertain to walkability in Townsend. Additionally, DeIDOT is looking into placing a traffic light in TV II (Townsend Village II). TM Tantillo confirmed and advised DeIDOT's traffic study is looking to assist the Town with extending the sidewalk connecting Main Street to TV I (Townsend Village I) by the Town Park.
- c. Mayor Lobdell noted when the Town is looking to spend ARPA (American Rescue Plan Act) funds they also need to look at the public benefit. TM Tantillo confirmed sidewalks have been a Town discussion for some time. Therefore, she is requesting Council to determine what funds will be used towards the \$60,000.00 match, whether it is matching the full amount with ARPA (American Rescue Plan Act) or a combination of ARPA funds and MSA (Municipal Street Aid) funds.
- d. CM Mertz read the verbiage on TM Tantillo's report which states the TAP (Transportation Alternatives Program) grant application was submitted to address sidewalks throughout the Town, a land acquisition for the Town Park to allow for an extension of the park trail, and upgrades to the Towns drainage system. TM Tantillo confirmed the Town is looking into using two lots for the park trail and all this information is on the Town sites.
 - i. CW Rojas asked if these two lots can also be used to tie in the subdivision by South Street. TM Tantillo confirmed these two lots are by the Park on Chestnut Street.
- e. TM Tantillo confirmed part of the WILMAPCO (Wilmington Area Planning Council) Walkability Study looked into extending a trail. TM Tantillo advised this is another project the Town has been looking into since 2021.

Additionally, projects such as these can take up to 10 years to complete as advised by DeIDOT.

- f. CM Mertz advised the Town does not know what the \$60,000.00 match will go towards. TM Tantillo confirmed the Town does not have to allocate the match yet since DeIDOT has not confirmed what funding will be provided through the TAP (Transportation Alternatives Program) grant; however, the Town has already agreed to match \$60,000.00.
- g. CW Clarke asked if the Town has reached out to the State Legislatures to assist with matching utilizing their transportation funds. TE Van-Otoo advised when the Town initially reached out, they were informed there was no funding available at that time. TM Tantillo confirmed she can reach back out to State Legislature to see if there is funding available.
- h. TE Van-Otoo advised to put something on record stating the funding that the Town will obligate because of the type of project this is. Noting, Railroad Avenue is a part of the WILMAPCO (Wilmington Area Planning Council) project that has been recorded. TE Van-Otoo reminded Council they were denied the traffic light on Karins Boulevard. multiple times; however recording the request brings them to fruition. TE Van-Otoo advised recording the request is another import point of grant applications and projects.
- i. CM Mertz noted the Town will have roughly \$534,000.00 left in remaining ARPA (American Rescue Plan Act) funds, if the Town obligates the \$60,000.00 match and \$37,600.00 match. TM Tantillo noted the Town has the option to use MSA (Municipal Street Aid) funds in addition to use ARPA (American Rescue Plan Act) funds.
- j. TM Tantillo advised Council to move forward with obligating the funds so the Town is aware of how funding will be spent. CM Mertz noted the Town does not know what work will be performed for this project. Mayor Lobdell noted it would be best to wait until DeIDOT confirms what they will be funding so the Town can allocate the correct funds towards the project.
- k. *CM Mertz made a motion to table the vote on appropriating the match for the Transportation Alternatives Program (TAP) grant. CM Dugan seconded the motion. Voice vote of Council: all yeas.*
 - i. Council voted to table appropriation of funds for the Transportation Alternatives Program.
- l. Mayor Lobdell clarified this has been tabled so the Town can make a more informed decision.

F. New Castle County Councilman David Carter

- 1. Not present – no report.
- 2. CM Mertz asked for an update regarding the New Castle County Park transfer. TM Tantillo confirmed the Town is reviewing the information received by New Castle County. Additionally, she is looking into applying for possible grant funding to replace the mulch and additional developing. Mayor Lobdell asked if the Town and New Castle County can form an agreement, whereas the Town may accept the transfer and New Castle County will perform the work in the Spring. TM Tantillo

advised that she has been advised that New Castle County will likely not be able to this due to New Castle County Public Works staffing. Mayor Lobdell asked if New Castle County is willing to provide the material and Town personnel can perform the work. TM Tantillo confirmed she has asked. Mayor Lobdell advised he will reach out to New Castle County.

VII. Committee Reports

A. **Finance Committee:** Chair: Councilman Dugan, Co-Chair: Mayor Lobdell

1. Review and possible discussion on the December 2022 Budget vs. Actual Reports.
 - a. CM Mertz asked if the Town is on budget. FO Helms confirmed the Town is doing well and noted the following:
 - i. The Town should be at 50% of the budget for December.
 - ii. The Town's revenues are at 57%.
 - iii. The Town's expenses are at 43%.
 - iv. The Police revenues are at 48%.
 - v. The Police expenses are at 38%.
 - b. CM Mertz noted Police Department postage and delivery is at 196 % of target. FO Helms explained any item the Town orders that pertains to the Police Department has a shipping cost and goes to this line item; such as any uniforms. CM Mertz noted the Police Department is under budget.
 - c. Mayor Lobdell noted TM Tantillo and FO Helms are working on a preliminary budget for 2024. Additionally, the next step is to discuss with the Finance Committee. Mayor Lobdell advised the official budget will be ready for approval in the coming months. TM Tantillo clarified it is typically approved around April or May.

B. **Human Resources Committee:** Chair: Mayor Lobdell, Co-Chair: Councilman Dugan

1. No report.

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

1. CM Mertz advised the open field in (TV II) Townsend Village II West has been cleaned up. CM Mertz noted there is an ongoing issue of trash and debris blowing into this field the Town now owns. CM Mertz advised they attempted to clean up the woods in this area, but it was difficult. CM Mertz asked if the Public Works department has the ability to clean the woods. TM Tantillo requested for pictures of the specific area. CM Mertz noted there is no pond in this area. CW Rojas clarified the area is by the cul-de-sac on East Founds Street. CM Mertz noted there is a silt fence that is still in this area and asked if it should be removed. Mayor Lobdell noted the fence should have been removed by the developer upon turnover. CM Mertz noted this was turned over with the developer who walked away from the Town. CM Mertz stated after a few hours of cleanup there were three full bags and two boxes.
2. CW Clarke recommended for the Town to hold a Community Day. TM Tantillo confirmed Wildlife Foundation Committee had an Earth Day Park Cleanup Day in 2022. CW Clarke clarified for the community day to be for a Town cleanup. TM

Tantillo requested for CW Clarke to advise when she would like to hold this event. Mayor Lobdell recommended to post a notice on the Town's sites recommending residents to be mindful of their trash.

3. Mr. Haldeman advised to reach out to the Boy Scouts Troop for assistance. TM Tantillo noted they are helpful and will reach out to them.
4. TE Van-Otoo noted the open spaces are maintained by the HOA. TM Tantillo advised she will look into this issue and see how the Town may proceed.

D. Land Use and Development Committee: Chair: Councilwoman Rojas, Co-Chair: Mayor Lobdell

1. CW Rojas advised the Land Use and Development Committee are working on reviewing ordinances. TM Tantillo confirmed the ordinances they are working on are regarding light pollution and home businesses in residential districts. CW Rojas noted the COVID Pandemic has changed how business operate. Additionally, there is a yearly business license that may be obtained through the Town. CW Rojas advised the Planning Commission is focusing on traffic and parking concerns when running a home business.
2. Mayor Lobdell advised Planning Commission may want to add a requirement that states an HOA (Homeowners Association) letter of approval is needed. CM Mertz advised most HOA's (Homeowners Association's) have declarations that prohibit home businesses; therefore, an approval letter may not be obtained. CM Mertz advised at the time off sale the homeowner will also sign an agreement stating they are aware of the Homeowner Association's declarations. Mr. Haldeman advised declarations may change. TS Griffiths advised the HOA (Homeowner Association) will wait for a super majority before changing declarations.
3. CW Clarke wanted clarification on where HOAs (Homeowners Associations) receive their authority. TS Griffiths advised it is stated in the Delaware State Code; however, they cannot govern themselves. CM Mertz noted the Town cannot outlaw HOAs (Homeowners Associations). CM Mertz briefly explained the differences between a Maintenance Corporation and HOA (Homeowners Association).
4. CW Clarke asked if Delaware Code requires all developers to have an HOA (Homeowners Association) for residential developments. TS Griffiths stated the developer makes this decision; it is not required by Delaware Code.
5. TM Tantillo noted the Town cannot force property owners to go to their HOA (Homeowners Association) for initial approval. Noting, owners are at their own risk should they decide to do work without HOA approval. TM Tantillo clarified the Town laws comes first, however the HOA (Homeowners Association) can be more restrictive to the residents they represent.
6. CW Clarke asked if the Town has a copy of each HOA's (Homeowners Association's) declarations. TM Tantillo confirmed the Town has most of them. TS Griffiths advised they are recorded through New Castle County. TM Tantillo advised she will research.

E. Veterans Committee: Chair: Councilwoman Clarke, Co-Chair: Councilwoman Rojas

1. No report.

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

1. CM Mertz stated he would like the Public Safety Committee to meet on February 16th at 3 pm. Additionally, he would like to discuss the Fire Departments report. TM Tantillo requested an email be sent to TC Rivera copying herself with the date and agenda. CM Mertz noted moving forward the Public Safety Committee will meet on the third Monday of each month.

G. Community Engagement Committee: Chair: Councilwoman Rojas

1. Discussion regarding an update on future Town Events.
 - a. CW Rojas stated the practice SAT will be held on February 17th. TC Rivera confirmed the amount of registered student to date is 9. CW Rojas advised the max number of students to register is 15. Additionally, dependent on the number of students registered by the end of the week the Town will open the event up to students in the surrounding area.
2. Discussion regarding Community Engagement Projects.
 - a. CW Rojas announced the Winter Newsletter is ready to be posted. TM Tantillo confirmed it will be posted on February 2nd. CW Rojas advised the Winter Newsletter is for the months of December, January, and February; the next newsletter will be for March, April, and May.
 - b. CW Rojas advised she has met with Odessa art club regarding the Police Department Mural, and she is waiting on the supply list. CW Rojas noted the mural will be done on separate panels.
 - c. CW Rojas advised she continues to work on the Town Fair and Parade. CW Rojas encouraged Council to reach out to businesses who may be interested in soliciting during the event.
 - i. CM Mertz noted he has been working with CW Rojas on the Parade and they have reached out to different organizations and businesses to see if they would like to be in the parade. CM Mertz encouraged Council to do so as well. TM Tantillo advised she sent a list of different marching bands and ROTC's to CW Rojas via email. TM Tantillo advised the list of State agencies that were included are contacts she personally had; however, there is a link on the list that will direct them to the current contact list for State agencies.
 - ii. TM Tantillo advised she can send them verbiage with hyperlinks included from what she used last year to contact organizations and business.
 - iii. TM Tantillo advised for them to reach out to the VFW (Veterans of Foreign Wars) as they have a car show. CW Rojas confirmed the VFW (Veterans of Foreign Wars) will be in the parade however she is unsure of what they plan to do as they have another event to attend on the same day.
 - iv. CM Mertz advised they have also reached out to multiple car clubs. Noting, he has also reached out to the Batmobile owner and the Delaware Ghostbusters. TM Tantillo suggested to reach out to the owner the Scooby Doo Mystery Machine.

- v. CM Mertz advised the State Police Department Pipe Band is unable to attend. CM Mertz stated he is seeking to get the State Police helicopter to touch down.

H. Code Review Committee: Chair: Mayor Lobdell, Co-Chair: Councilman Mertz

1. Mayor Lobdell explained February 15th is the proposed meeting date for a Town Council Special Workshop meeting to discuss the changes that have been proposed. Additionally, the first reading will be done in March. Mayor Lobdell advised a second reading will be needed. TM Tantillo noted a public hearing is also needed prior to sending to the State.
2. TM Tantillo advised when reaching out to Delaware State Representative, Jeff Spiegelman and Senator, Kyra Hoffner; both expressed their support. TM Tantillo advised she will reach out to them again once the Town is ready to submit to the state.
3. Mayor Lobdell clarified the changes are strictly relating to the Town Charter and the next changes will be for the Town's Code. Mayor Lobdell explained the goal is to have the Charter changes approved first since they pertain to Council and the election is coming up.
4. Mayor Lobdell advised no quorum is need for the special meeting. TM Tantillo confirmed.

I. National Wildlife and Historic Preservation Committee: Chair: Councilwoman Clarke, Co-Chair: Councilman Dugan

1. Mayor Lobdell reminded Council the Proclamation was read earlier in the meeting.
2. No Report.
3. TM Tantillo requested for National Wildlife and Historic Preservation Committee to set a meeting to discuss plans for the Butterfly Garden. CW Clarke advised she would like to meet this month. TM Tantillo request an email be sent stating the date, time, and agenda.

VIII. Adjournment.

A. *CM Mertz made a motion to adjourn the meeting. CM Dugan seconded the motion. Voice vote of all Council: all yeas.*

1. Meeting adjourned at 8:52 pm.
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