



**Townsend Town Council Meeting Minutes**  
**September 6<sup>th</sup>, 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:
    1. Mayor S. Lobdell, Councilman M. Chapman, Councilman J. Bangura, Councilman J. Mertz, Councilman M. Suhr, Town Engineer E. Van-Otoo, Chief of Police R. Longo, Town Clerk M. Rivera, Town Manager A. Tantillo, Town Solicitor L. Hatfield, and Financial Office J. Helms.
  - B. Pledge of Allegiance: All present recited the Pledge of Allegiance.
  - C. Recognition of Visitors:
    1. Mayor Lobdell recognized all visitors present as reflected on the sign in sheet and via zoom: Dwain Haines, Keith Henry, Ann Marie Germano, Thomas Germano, D. MCCarron, and Michelle Gordon-Akinola.
  - D. Announcements:
    1. CM Mertz welcomed everyone to a new school year.
    2. CM Mertz thanked Chief Longo and TM Tantillo for their work on the Back to School Night.
    3. CM Mertz welcomed the new principle at the Townsend Early Childhood Center.
    4. CM Mertz announced the new Town Charter has been signed and now the Mayor has vote.
- III. General Citizen Comments
  - A. Keith Henry from LifeHouse Church wanted further clarification on the appeal process for decision made by the Board of Adjustment (BOA) during the 08/31/2023 hearing. TS Hatfield advised the process is mandated by the Delaware State Code (DelCode), which requires the applicants to appeal before the Superior Court. Additionally, the use requested is not part of any permitted uses in the Town's Municipal Code (TMC).
- IV. Review/Adoption of Agenda
  - A. CM Chapman requested to move item VII.C.2. before item VI. Departmental Reports.
  - B. CM Mertz requested to add discussion regarding Halloween and Trick-or-Treating hours under Community Engagement Committee.

C. *CM Suhr made a motion to adopt the agenda with the requested changes. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

1. Council adopted the amended the agenda as follows:

- a. Moved **\*ACTION ITEM:** Discussion and possible vote regarding Minor Subdivision Plan Application for 613 Taylor Street.
- b. Added discussion regarding Halloween and Trick-or-Treating hours under Community Engagement Committee.

V. Approval / Rejection of Minutes:

A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the July 12<sup>th</sup>, 2023, Town Council Meeting Executive Session.

B. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the August 9<sup>th</sup>, 2023, Town Council Special Meeting.

C. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the August 9<sup>th</sup>, 2023, Town Council Meeting Executive Session.

D. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the August 23<sup>rd</sup>, 2023, Town Council Special Meeting.

E. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the August 23<sup>rd</sup>, 2023, Town Council Special Meeting Executive Session.

F. *CM Mertz made a motion to approve the Town Council minutes the July 12<sup>th</sup>, 2023, Town Council Meeting Executive Session, the August 9<sup>th</sup>, 2023, Town Council Special Meeting, the August 9<sup>th</sup>, 2023, Town Council Meeting Executive Session, the August 23<sup>rd</sup>, 2023, Town Council Special Meeting, and the August 23<sup>rd</sup>, 2023, Town Council Special Meeting Executive Session. CM Chapman seconded the motion. Voice vote of Council: all yea's – CM Mertz abstained.*

1. Council approved the Town Council Minutes from the:

- a. July 12<sup>th</sup>, 2023, Town Council Meeting Executive Session.
- b. August 9<sup>th</sup>, 2023, Town Council Special Meeting.
- c. August 9<sup>th</sup>, 2023, Town Council Meeting Executive Session.
- d. August 23<sup>rd</sup>, 2023, Town Council Special Meeting.
- e. August 23<sup>rd</sup>, 2023, Town Council Special Meeting Executive Session.

VI. **\*ACTION ITEM:** Discussion and possible vote regarding Minor Subdivision Plan Application for 613 Taylor Street.

A. TM Tantillo noted the Planning Commission is working on reviewing the entirety of Chapter 24 of the TMC and the Subdivision & Land Development Flowchart. TM Tantillo explained the process and noted the Planning Commission has reviewed the 613 Taylor Street Minor Subdivision Plan application and submitted a letter. TM Tantillo provided a reading of the Planning Commission letter.

B. Council discussed options the applicant may move forward with, TE Van-Otoo provided insight. Council determined the applicant must amend their submission according to the Planning Commission's recommendations.

C. No public comments made.

## **VII. Departmental Reports:**

### **A. Mayor Scott Lobdell**

- a. Discussion of major priorities for enforcement actions.
  - i. Mayor Lobdell noted Chief Longo and TM Tantillo have met together to discuss. TM Tantillo advised further discussion is needed for the following items:
    1. Dumpsters in Residential areas.
    2. Commercial Vehicles.
    3. Illegal burning.
  - ii. TM Tantillo advised she is working on an ordinance to amend the TMC regarding dumpsters. CM Mertz requested TM Tantillo to send the suggestions to the Code Review Committee.
  - iii. TM Tantillo advised further discussion with the Fire Marshal regarding enforcement of the TMC that addresses illegal burning is needed.
  - iv. TM Tantillo advised commercial vehicles need to be better defined in the TMC.
  - v. CM Mertz noted the following priorities should be enforced:
    1. Commercial vehicles, as previously reported to the Town. – TS Hatfield noted anyone can obtain a commercial license plate for their vehicle. Additionally, a constituent may use their personal vehicle for commercial purposes. Chief Longo noted “C Tags” are not always considered a commercial vehicle and instead a van. NCC Carter noted NCC Code does not determine a commercial vehicle by size and dimension.
    2. Parking on sidewalks. – Chief Longo advised this may not be under Police purview since it is not a criminal offense. TM Tantillo advised administratively this would be enforced.
    3. Speeding in Town.

### **B. New Castle County Councilman David Carter**

- a. NCC Carter reported the Southern New Castle County Park will be opening on September 28<sup>th</sup>. Noting, they are looking to open the trails in the fall.
- b. NCC Carter advised the Town may apply for a Grant program to clean up the NCC Park once the transfer is complete. TS Hatfield advised she has sent follow-up on the approval process and is awaiting an update. NCC Carter advised the transfer may take place as is and grant money may be provided to address the NCC Park issues.

- c. NCC Carter reported he is working with Interfaith Housing and has addressed the safety concerns for the properties acquired. NCC Carter advised inspections were conducted to assist with restoration process and it has been determined the houses will need to be demolished. Additionally, they are working to prepare permit applications to have the houses demolished in the winter. NCC Carter noted preliminary review is underway for what may be done under the current zoning and possible rezoning. NCC Carter explained they are seeking to build moderate priced housing.

C. Town of Townsend Police Chief's Report

- a. Chief Longo advised the Police Department updates should be started by end of the month.

D. Town Solicitor Lisa Hatfield

- a. TS Hatfield noted the park plan discussed under NCC Carter's report.
- b. TS Hatfield reported violations are status quo, no updates.
- c. TS Hatfield reported an updated report on the outstanding encroachments from the developer is underway.
- d. TS Hatfield advised the TMC can be revised to be more explicit regarding permitting. TS Hatfield explained when the Town adopted the 2018 ICC (International Construction Code) in 2020 it states all construction must require a permit; anything in conflict with the current TMC must be repealed from the 2018 ICC.
- e. TS Hatfield confirmed TMC BOA appeal process should be revised, noting the TMC may be more restrictive but cannot supersede DelCode. Additionally, the BOA receives their power from the DelCode.
- f. TS Hatfield reported the BOA held their first hearing. Additionally, they were given legal instruction and their decision was based on the legal criteria.

E. Town Engineer Edwin Van-Otoo

- a. CM Chapmen requested an update on the wells. TE Van-Otoo advised the Town has reached out to two contractors and the Town will work with the original contractor who performed the initial installation. TE Van-Otoo noted the contractor will perform an assessment on the wells to determine how they are working as they were never used. Therefore, electricity will need to be provided for one of the wells; once electricity is installed bids may be sought for the irrigation project.
  - i. Council requested for quotes to be obtained for electrical and irrigation by October 15<sup>th</sup>.
- b. TE Van-Otoo provided clarification for plot plan vs. lines and grades plans for developments such as the Woods of Hidden Creek. Noting, the review serves as a secondary step to ensure each lot matches the original development planning.

F. Town Manager Antonina Tantillo

- a. TM Tantillo confirmed tax payment discounts are applied if paid early and if mortgage company pays the full total due without calculating the 5% discount, the credit will be applied to the tax account. FO Helms noted the mortgage company typically requests the amounts and are always made aware of the due dates.
- b. TM Tantillo advised she is awaiting the official documents of the signed Charter. Once received, it will be distributed and the changes will be reflected on MuniCode, within the Town's Website.
- c. TM Tantillo thanked all the donors who helped sponsor the Back-to-School Night Event, noting over 200 backpacks were provided for students present and the additional supplies were donated directly to the Townsend Elementary School.
- d. TM Tantillo encouraged Council to assist the Town in seeking donations for the Townsend Community Food Pantry, noting it has been helping the community. Additionally, they may share the recent postings that have been made to the Town's website and Facebook.
- e. TM Tantillo advised the Town is addressing vehicles parked on Town property.
- f. TM Tantillo advised she has a concept plan for the 201 Main Street property that may be presented at the next meeting. TM Tantillo will put out a survey to solicit residents' opinions and thoughts on what the Town should do with the property.
- g. TM Tantillo advised there are additional grants she will be applying for that may need letters of support from Council.

VIII. Committee Reports

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

1. Review and possible discussion on the July 2023 Budget vs. Actual Reports.
  - a. FO Helms advised the Town is one month into the Fiscal Year (FY). FO Helms noted the Town should be at 8% of the budget. For revenues the general fund is at 3% and the police are at 1%. For expenses the general fund is at 5 % and the police are at 3%.
  - b. FO Helms noted expenses are exceeding the revenue by \$41,000.00 but this should not cause concern because the tax payments; much of the Town's revenue- is not yet due to the Town.
  - c. FO Helms and TM Tantillo provided additional clarification on specific line items in question by Council.
    - i. TM Tantillo confirmed with the Charter change newspaper advertising is no longer a requirement.
    - ii. FO Helms advised the budget amendment will be reflected next month for the remaining Town Fair funds.

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

1. None.
2. Mayor Lobdell advised there will be a special meeting to discuss general Town goals.

C. **Public Works and Land Use Development Committee:** Chair: Councilman Bangura, Co-Chair: Councilman Chapman

1. **\*ACTION ITEM:** Discussion, second reading, and possible vote of Ordinance 2023-001 an Ordinance to Provide for the Quality of Outdoor Night Lighting to Conserve Energy, Reduce Light Pollution, and Improve Safety by Light Direction.

*a. CM Chapman made a motion to table the Light Ordinance, Ordinance 2023-001. CM Bangura seconded the motion. Voice vote of Council: all yeas.*

D. **Public Safety Committee:** Chair: Councilman Suhr, Co-Chair: Councilman Mertz

1. None.

E. **Community Engagement Committee:** Chair: Councilman Mertz

1. CM Mertz announced Trick-or-Treating will be held on Halloween night from 6 – 8 pm, off the street by 9 pm. CM Mertz noted typically a flyer will be posted to advise of guidelines and the time.
2. CM Mertz encouraged Council to begin putting events on the shared calendar.
  - a. In recognition of Patriot Day the Town will fly the freedom flag. Additionally, CM Bangura requested a bell to be rung at Town Hall to acknowledge the times of events that took place on the day; this will be broadcasted on Facebook Live.
3. CM Mertz announced several dates the Townsend Elementary Booster will hold.
4. CM Mertz briefly discussed possible Town events:
  - a. Halloween: TM Tantillo advised that the Town typically has a pumpkin giveaway that is sponsored annually by GFL, now named Casella. TM Tantillo advised that GFL has been purchased by Casella and that there is no impact on municipal waste services. Additionally, a notice will be provided if carts will be updated with the new name. TM Tantillo will coordinate for Halloween further with Townsend Elementary.
  - b. Town Fair: CM Mertz noted the Middletown Chamber of Commerce will be releasing an event notice and would like to provide them the date of the Town Fair to be advertised through them upon confirmation of the date.
  - c. Drug Take Back Event: Chief Longo confirmed the event will be held on 10/28.
  - d. Meet the Chief night.
  - e. Possible ribbon cutting for new food truck opening.
5. TM Tantillo advised the HELP Initiative, Inc. will be mobilizing next week going door to door in Town to assist with free outdoor lighting. A posting will be made for residents. TM Tantillo advised residents should be directed to reach out to the Town for any questions.

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

1. None.
2. TS Hatfield noted she will be working on reviewing the TMC relating to: fences, BOA, commercial vehicles, and dumpsters.

**G. Social Services Committee:** Chair: Councilman Chapman, Co-Chair: Councilman Suhr

1. TM Tantillo advised she has suggestions for flag replacement for Main Street for next year.
2. CM Chapman reported the mirror on Railroad Ave is damaged. TM Tantillo advised that she will have it replaced.
3. Council agreed to meet for a special meeting on September 20<sup>th</sup>. TM Tantillo will send the agenda and provide the survey results.

**IX. Recess Council Meeting to Convene Executive Session.**

A. *CM Mertz made a motion to recess the Council Meeting and convene Executive Session as described in section 10 of the agenda. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

1. Council recessed to executive session at 8:46 pm.

**X. Convene Executive Session:** Pursuant to 29 Del. C. §10004 (B)(1), the Town Council will consider a motion to meet in executive session to discuss qualifications for personnel job training as a police officer; Pursuant to 29 Del. C. §10004 (B)(9), the Town Council will consider a motion to meet in executive session for a strategy session, to address personnel matters; and pursuant to 29 Del. C. §§10004(b)(2) and (4), the Town Council will consider a motion to meet in executive session for a strategy session, which will include legal advice or opinions from an attorney-at-law, with respect to potential litigation, as well as discussions that may have an adverse effect on the bargaining or litigation position of the Town.

**XI. Close Executive Session & Re-convene Council Meeting.**

A. Council re-convened the Council Meeting at approximately 9:27 pm.

**XII. \*ACTION ITEM:** Possible vote of Council.

A. *CM Suhr made a motion to approve the Town Manager job description as discussed and amended with changes in executive session. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

1. Council approved the Town Manager job description.

**XIII. Adjournment.**

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A. *CM Mertz made a motion to adjourn. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

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1. Council adjourned the meeting at 9:28 pm.
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