



Townsend Town Council Meeting Minutes
January 10, 2024 @ 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, Councilman M. Chapman, Councilman J. Bangura, Councilman J. Mertz, Councilman M. Suhr, Town Manager A. Tantillo, Town Solicitor L. Deluca, Police Chief R. Longo, Sergeant E. McCloskey, Town Engineer E. Van-Otoo, Financial Office J. Helms, and Town Clerk M. Rivera.
 - 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: Ellen Wolfe, Dwain A. Haines, James Hollis, Richard Boyer, Kaitlyn McCloskey, Anita McCloskey, and Scott Ventura.
 - D. Announcements:
 1. TM Tantillo announced the Town has extended the food drive for the Community Food Pantry located at Town Hall.
- III. General Citizen Comments
 - A. Mr. Boyer stated he is one of the crossing guards at the Townsend Elementary School (TES) and thanked the Police Department for partnering with TES to ensure the safety of the students.
 - B. TM Tantillo provided a reading of the written comment submitted by Mr. Ventura, "Regarding item "VA", are you voting on an item that has not been available to review by the public?"
 1. Mayor Lobdell confirmed Council has to vote to approve the minutes before they are made public. TM Tantillo advised constituents may request for the drafted minutes prior to approval by Council.
- IV. Review/Adoption of Agenda
 - A. Mayor Lobdell recommended moving the action items for the Public Safety and Code Review Committees Reports prior to Departmental Reports.
 1. *CM Mertz made a motion to amend the agenda as recommended by Mayor Lobdell. CM Chapman seconded the motion. Voice vote of Council: all yea's.*
 - a. Council approved the amended agenda.
- V. Approval / Rejection of Minutes:
 - A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the December 6th, 2023, Town Council Meeting.
 - B. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the December 6th, 2023, Town Council Meeting Executive Session.
 - C. Mayor Lobdell read the list of the Town Council Minutes for approval or rejection.

1. *CM Bangura made a motion to approve the minutes listed. CM Chapman seconded the motion. Voice vote of Council: all yea's*
 - a. Council approved the minutes from the:
 - i. December 6th, 2023, Town Council Meeting.
 - ii. December 6th, 2023, Town Council Meeting Executive Session.

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

- A. **ACTION ITEM:** Discussion and possible vote of Resolution 2024-001 A Resolution to Recognize Sergeant Earl McCloskey for the 2023 Delaware Crime Stoppers Robert J. Seinsoth Memorial Law Enforcement Officer of the Year Award.
- B. TM Tantillo and CM Suhr provided a reading of Resolution 2024-001 A Resolution to Recognize Sergeant Earl McCloskey for the 2023 Delaware Crime Stoppers Robert J. Seinsoth Memorial Law Enforcement Officer of the Year Award.
 1. *CM Mertz made a motion to approve Resolution 2024-001 A Resolution to Recognize Sergeant Earl McCloskey for the 2023 Delaware Crime Stoppers Robert J. Seinsoth Memorial Law Enforcement Officer of the Year Award. CM Bangura seconded the motion.*
 - a. *Roll Call Voice vote of Council: CM Lobdell – yea, CM Mertz – yea, CM Bangura – yea, CM Chapman – yea, and CM Suhr – yea.*
 - i. Council approved Resolution 2024-001 A Resolution to Recognize Sergeant Earl McCloskey for the 2023 Delaware Crime Stoppers Robert J. Seinsoth Memorial Law Enforcement Officer of the Year Award.
 2. Council presented Resolution 2024-001 to Sergeant McCloskey and thanked him for his hard work.

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

- A. Mayor Lobdell noted the following ordinances are the first readings and advised Council may hold a brief discussion.
- B. TM Tantillo advised there were requests received from the Code Review Committee to draft the following ordinances and provided a title reading of each. TM Tantillo noted TS Hatfield assisted by drafting some of the ordinances.
- C. **ACTION ITEM:** Discussion and first reading of Ordinance 2024-001 An Ordinance to Amend Section 18.04.010 of the Town Code to Further Clarify Permitting Requirements.
 1. TM Tantillo provided a reading of section one of Ordinance 2024-001.
 2. TM Tantillo explained the ordinance presented expands the definition of Permitting by further clarifying the existing definition and noted the ordinance will become effective immediately after passing.
 3. CM Suhr asked if a carpet permit will be needed based on the definition. TM Tantillo explained the Town follows ICC code; therefore, if there is a permit required per ICC then a permit will be required with the Town.
 4. TM Tantillo advised that she will further discuss Ordinance 2024-001 with TE Van-Otoo and TS Hatfield with the following recommendations as discussed by Council:
 - a. Add verbiage for substantial changes and definition of what would be considered substantial.
 - b. Add verbiage for percentage.

- c. Add verbiage from the ICC code.
 - d. Add a list of required permits.
- 5. *CM Mertz made a motion to close discussion of Ordinance 2024-001. CM Bangura seconded the motion. Voice vote of Council: all yea's.*
- 6. Council closed discussion of Ordinance 2024-001 An Ordinance to Amend Section 18.04.010 of the Town Code to Further Clarify Permitting Requirements.
- D. Citizen comment and participation:
 - 1. Mr. Haines advised normal wear and tear on the roof should be considered regular upkeep on the house. TM Tantillo clarified the contractor would need to be licensed with the Town. Furthermore, only one roof permit would be required and either the homeowner or the contractor would submit for approval. TE Van-Otoo confirmed a roof permit will be required if the entire roof were to be replaced; however, if it is less than 25 – 30 % of the sheathing, then no roof permit will be required.
 - 2. Mr. Boyer advised he received a violation for a fence due to the contractor not pulling the permit. Mr. Boyer noted the Town's Code does provide a fee for the fence permit; however, the Town Code did not directly specify the requirement for a fence. Mr. Boyer advised based on the presented ordinance, the fence permit requirement is clearer.
 - 3. Ms. Wolfe advised in another town the roof permit is based on the cost of the roof. Mayor Lobdell advised it would be best to go by percentage to control the fee for a fence permit.

VIII. ACTION ITEM: Discussion and first reading of Ordinance 2024-002 An Ordinance to Amend Section 24.04.060 of the Town Code to Add the Definition of Commercial Vehicle.

- A. TM Tantillo provided a reading of Section 1.
- B. TM Tantillo noted this ordinance adds a definition of commercial vehicle and will become effective immediately after passing.
- C. CM Chapman advised his personal vehicle is registered as a commercial vehicle since it is over 8,000 pounds; therefore, this ordinance means that he would no longer be able to have his personal vehicle. CM Chapman noted registration of commercial vehicles is based on size and weight.
- D. CM Mertz advised the specific state code should be referenced in the ordinance since state law is mentioned.
- E. TM Tantillo clarified the Town Code currently states no commercial vehicles are to be parked overnight in residential districts. TM Tantillo noted the ordinance drafted seeks to clarify the definition of what is considered a commercial vehicle.
- F. CM Mertz advised the ordinance proposed is to provide definition only and a new or revised ordinance would be needed to address the other ordinance where it states the commercial vehicles are not to be parked in residential areas. CM Mertz noted HOA's (Homeowners Associations), or Maintenance Corporations may set restrictions on commercial vehicles as well.
- G. CM Mertz noted the Planning Commission must approve ordinances within Chapter 24.
- H. Mayor Lobdell noted due to the lack of clarification the Town is unable to enforce this code.
- I. TM Tantillo advised she will further clarify the definition of the commercial vehicle per state law.

J. *CM Mertz made a motion to close discussion of Ordinance 2024-002 An Ordinance to Amend Section 24.04.060 of the Town Code to Add the Definition of Commercial Vehicle. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

K. Citizen comment and participation:

1. TM Tantillo provided a reading of the written comment submitted by from Mr. Ventura, "How can anyone take a work vehicle home OR park it at their commercial property? Because it state 'anywhere in town limits'"

a. CM Mertz clarified commercial vehicles are not allowed in residential areas.

IX. ACTION ITEM: Discussion and first reading of Ordinance 2024-003 An Ordinance to Amend Chapter 12 of the Townsend Municipal Code as Related to Trash and Recycling Collection and Chapter 4 of the Townsend Municipal Code as Related to the Fee Schedule.

A. TM Tantillo provided a brief reading and summary of the ordinance. TM Tantillo advised this ordinance will allow for residents to perform work needed to their home while ensuring safety of the dumpster.

B. CM Chapman suggested changing verbiage to not restrict the dumpster company and should be permitted through the conclusion of the work. CM Chapman provided the example of having the permit be for 10 days with a possible extension of 30 days.

C. CM Mertz suggested having the Town Manager set specifications for the permit outside of the ordinance. Additionally, set requirements for dumpster placements.

D. CM Mertz recommended striking "for up to five (5) days and replacing it with the following verbiage "according to the work scope or Town Official".

E. Council agreed the dumpster permit should be charged a flat fee instead of the duration of the permit. TM Tantillo advised the permit fee presented was determined so that is less than the penalty for a violation. TM Tantillo advised she will perform research to determine a new fee amount.

F. Citizen comment and participation:

1. TM Tantillo provided a reading of the written comment submitted by Mr. Ventura, "in many municipalities, it's required to have the dumpsters put on boards to protect the street".

a. Council agreed to add this verbiage to the ordinance.

2. Mr. Boyer raised concern regarding the possibility of long-term dumpster for home that require a full rehabilitation.

a. Mayor Lobdell advised the Town Manager will need to create the dumpster permit stipulations. Mayor Lobdell suggested one of the permit application requirements may be to state the need for the dumpster.

b. CM Chapman suggested for the dumpster permit to have a placement requirement based on the length of time for which the dumpster is needed for.

3. Mr. Haines raised concern regarding the requirement of dumpster to be placed in driveways in the older parts of Town due to electrical wires.

4. Mr. Hollis expressed concern with the proposed dumpster permit expiring and resulting in penalties. CM Mertz explained the Town Manager will set this policy for the dumpster

permit. Mayor Lobdell clarified that the intent is to enforce illegal dumpsters not to penalize those who comply by obtaining a permit.

5. Ms. Wolfe raised concern for properties that do not have driveways. Mayor Lobdell advised locations for such properties will be determined during the dumpster permitting process.

X. Departmental Reports:

A. Mayor Scott Lobdell

- a. None

B. New Castle County Councilman David Carter

- a. No report; absent.

C. Town of Townsend Police Chief's Report

- a. Mayor Lobdell thanked Chief Longo for providing a year-end review. CM Bangura thanked Chief Longo for his hard work.
- b. Mayor Lobdell noted Chief Longo did a fantastic job in applying and obtaining a grant award for two electric vehicles, along with charging stations, at no cost to the Town. CM Mertz thanked the government agencies for providing the funding and resources.
- c. Chief Longo confirmed the Park security upgrades should be completed by the end of January.

D. Town Solicitor Lisa Hatfield

- a. TS Deluca advised there are no reports at this time; however, TS Hatfield is continuing to work on items as previously discussed.

E. Town Engineer Edwin Van-Otoo

- a. TE Van-Otoo confirmed the Town will need to re-bid for the irrigation project. TM Tantillo advised the Town only received one bid; noting, additional updates are in her report. TM Tantillo advised she has reached out to Senator Hoffner and State Representative Spiegelman for additional funding.
- b. TE Van-Otoo confirmed review for the lines and grades at The Woods of Hidden Creek is to ensure all scopes on the site are as they should be. TM Tantillo noted the Code Official will review for permitting after TE Van-Otoo completes his review.
- c. TE Van-Otoo clarified the planning project on Edgar Road and Marilyn Court is regarding the completion of the rainwater retention ponds.
- d. CM Mertz expressed concern of sump pumps being released onto sidewalks and streets in TV II (Townsend Village II). TM Tantillo advised the Town is looking into the specific issues reported by CM Mertz.
- e. Mr. Haines expressed concern for the corner of Ginn Street and Main Street. TM Tantillo advised the Town has met with DeIDOT (Delaware Department of Transportation) to look into this issue, as it is an ongoing project for DeIDOT. Furthermore, the Town is looking into using MSA (Municipal Street Aid) funds to upgrade the streets.

- f. TM Tantillo provided a reading of the written comment submitted by Mr. Ventura, “after looking at the drainage on Cannery Lane and the proposal from last meeting. Where do you plan on draining the water once the upgrade is finished?”.
 - i. TM Tantillo confirmed, as discussed at last meeting the Town is working on design for plans on Cannery Lane.
 - ii. CM Chapman clarified there is no specific plan for drainage revisions at this time.
 - iii. TE Van-Otoo noted the drainage for Cannery Lane currently goes to Railroad Ave. TE Van-Otoo advised the Town unblocked some of the drainage on Cannery Lane to assist with the drainage. Noting, the blockage was due to sediment and debris. Additionally, the pipes are small. Mayor Lobdell noted pipes were done years ago and that is part of the design plan to fix the issue.

F. Town Manager Antonina Tantillo

- a. TM Tantillo announced that due to a scheduling conflict within the Auditor’s agency the audit presentation will be held at a later meeting. Council questioned if a presentation would be needed or if the documents could be sent and then a determination could be made if the presentation would be needed. TM Tantillo will determine how long the Auditor’s presentation will be and will inform Council so that it may be decided if a special meeting will be required.
- b. TM Tantillo confirmed she is working on drafting a resolution to send to DeIDOT. Additionally, she has reached out to DeIDOT regarding a meeting date for their presentation to discuss their recommended improvements for Main Street and Route 71 (Summit Bridge Road). TE Van-Otoo confirmed DeIDOT will not have funding for improvements in their budget until approximately 2026.
- c. TM Tantillo advised no determinations have been made regarding turning Esch Street into a one way or painting the curbs on Esch Street. CM Mertz clarified the Chief of the Fire Department has determined Esch Street was not an area of concern.
- d. CM Mertz thanked the Town for installing the solar speed signs and noted he has seen a decrease in speeding. However, noted issues with the back-up battery operation. TM Tantillo confirmed the Town is working on finding a better location for the solar-speed signs on Wiggins Mill Road and will monitor the other solar speed signs within the Town.
- e. TM Tantillo announced there has been a posting made for a part-time administrative assistance and encouraged Council to assist the Town with soliciting.
- f. TM Tantillo advised a posting for the part-time code official will be posted soon.
- g. Chief Longo confirmed one Police Officer has officially started and a second Certified Police Officer is still needed.
- h. Mr. Haines expressed concern with drivers speeding on Commerce Street when there is no Police presence. TM Tantillo advised the solar speed sign to be installed on Commerce Street required DeIDOT approval and will be installed upon reapproval from DeIDOT.
- i. Mr. Hollis expressed concern with drivers speeding on South Street and asked if there is the possibility of installing speed bumps. CM Mertz advised during previous

discussions on solutions to slow down traffic, concern was raised regarding damage to cars, maintenance expenses, and noise with the use of major construction. CM Mertz noted the first step is to raise awareness of the speed limits within Town.

- j. TM Tantillo announced the Town has received two grants ORPT (Outdoor Recreation, Parks and Trails) and the Delaware Bicycle and Pedestrian that will assist the Town with the pursuit of increasing recreation. TM Tantillo advised additional details are forthcoming.
- k. **ACTION ITEM:** Discussion and possible vote on appointment of one Board of Election Member.
 - i. TM Tantillo advised there has not been any interest expressed in the Board of Elections (BOE) seat that has opened due to a scheduling project with the BOE member stepping down. TM Tantillo asked Council members to advise her if they choose to sponsor a resolution to recognize the BOE member, Ms. Mobley, for her many years of service to the Town.
 - ii. TM Tantillo advised those interested in serving on the BOE should send an email to herself or TC Rivera, preferably TC Rivera. Noting, TC Rivera oversees the Election. Additionally, any interested candidate for the BOE will not be able to run for Council.

XI. Committee Reports

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

- 1. Review and possible discussion on the November 2023 Budget vs. Actual Reports.
 - a. No questions or discussion.
 - b. Mayor noted 100% on tax collection.

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

- 1. None.

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

- 1. Discussion regarding Community Center Options.
 - a. The Public Works and Land Use Development Committee advised they are still working on the community center options.
- 2. Discussion regarding Annexation Handout.
 - a. The Public Works and Land Use Development Committee advised they are still working on the annexation handout.

D. Community Engagement Committee: Chair: Councilman Mertz

- 1. Introductory update on the 2024 Town Fair and discussion on upcoming events.
 - a. CM Mertz advised the 2024 Town Fair application forms to be a vendor are digitized.
 - b. CM Mertz requested assistance from Council with donation requests and searching for groups to partake in the parade.

- c. TM Tantillo advised donation request letters will be drafted and sent out; noting, Council has access to the file and advised Council may perform personal outreach utilizing the donation request letter template.
- d. CM Mertz announced he is seeking nominations for the Grand Marshall. CM Mertz noted last year Attorney General Kathy Jennings was the Grand Marshall. TM Tantillo noted last year the Town reached out to the Lieutenant Governor Bethany Hall-Long was unavailable. TM Tantillo advised she will reach out this year to see if Lieutenant Hall-Long is available.
- e. CM Mertz advised the Town will be able to do a community yard sale again this year. TM Tantillo confirmed she will set up the event like last year, whereas the Town gathered a list of addresses for those participating and distributed it to Town residents.

2. Discussion and vote on the 2023 Annual Holiday Decoration Contest.

- a. CM Mertz thanked everyone who participated in the 2023 Annual Holiday Decoration Contest.
- b. TM Tantillo presented the pictures taken of all those who participated. TM Tantillo noted there are two categories with a first and second place:
 - i. Modern – light movement and blow-up displays.
 - ii. Traditional – static displays; little to no movement.
- c. CM Mertz gave honorable mention for property on Money Road.
- d. Council determined the following winners for the Modern Category:
 - i. First Place – 611 Commerce Street
 - ii. Second Place – 1110 East Founds Street
- e. Council determined the following winners for the Traditional Category:
 - i. First Place – 120 Main Street
 - ii. Second Place – 234 Edgar Road
- f. TM Tantillo advised all the winners will receive gift cards. Winners will be notified and provided the option to pick up their gift card or have the Town mail their gift card.

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

- 1. None.

XII. Recess Council Meeting to Convene Executive Session.

- A. Council did not recess into executive session.

XIII. **Convene Executive Session:**

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

XV. **ACTION ITEM:** Possible vote of Council.

- A. No motion made, nor action taken for this agenda item.

XVI. Discussion of future agenda items.

- A. TM Tantillo to follow-up with TS Hatfield to revise the proposed ordinances and determine if another first reading is needed.

- B. TM Tantillo will advise Council of the length of the Auditor's presentation. Council agreed Auditor's may send their report for review, no presentation needed. TM noted thorough report.
- C. CM Chapman thanked the Townsend Fire Department for the Santa Claus events.

XVII. Adjournment.

- A. CM Chapman motioned to adjourn the meeting. CM Bangura seconded the motion. Voice vote of Council: all yea's.
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- 1. Council adjourned the meeting at 8:52 pm.
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