



Townsend Town Council Meeting Agenda

April 3rd, 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 J. Mertz, Councilman J. Bangura, Councilman M. Chapman, Councilman M. Suhr, Finance Officer J. Helms, Town Solicitor A. Shapiro, Chief of Police R. Longo, 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: Michael Sparco, Dwain A. Haines, Antonina Tantillo, C. Anthony McDonald, and Rob Allen.
 - D. Announcements:
 1. CM Mertz announced the Town Fair and Parade is coming up and advised the Town is accepting registrations and donations.
 2. CM Mertz congratulated the Townsend Elementary School for winning their STEM Fair Project and Odyssey of the Mind Regional Competition.
 3. TC Rivera announced it is Townsend Day, the day of the Town's incorporation.
- III. General Citizen Comments
 - A. None
- IV. Review/Adoption of Agenda
 - A. *CM Bangura made a motion to adopt the agenda. CM Chapman seconded the motion. Voice vote of Council: all yea's.*
 1. Council adopted the agenda.
- V. A Presentation by C. Anthony McDonald with Creative Financial Group on the status of the Town's Investments.
 - A. Mr. McDonald provided a brief presentation of the Town's investment status.
 - B. Mr. McDonald noted he will begin adding mid and long-term bonds instead of short-term bonds.
 - C. Mr. McDonald advised the current policy requires investments to be 75% in bonds and 25% in equity, however Council does have the ability to change the policy.
 - D. Mr. McDonald advised CD rates are going down and long-term bonds will be going up.
- VI. Approval / Rejection of Minutes:
 - A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the February 7th, 2024, Town Council Meeting.
 - B. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the March 6th, 2024, Town Council Meeting.
 - C. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from the March 6th, 2024, Town Council Meeting Executive Session Minutes.
 1. Mayor Lobdell provided a title reading of the listed minutes.

2. *CM Chapman made a motion to approve the minutes. CM Bangura seconded the motion. Voice vote of Council: all yea's – CM Mertz abstained.*
 - a. Council approved the minutes from the:
 - i. March 6th, 2024, Town Council Meeting.
 - ii. March 6th, 2024, Town Council Meeting Executive Session.

VII. Departmental Reports:

A. Mayor Scott Lobdell

1. ***ACTION ITEM:** First reading and possible discussion of Ordinance 2024-008 An Ordinance to Annex 6170 Summit Bridge Rd.
 - a. TC Rivera provided a title reading of Ordinance 2024-008 An Ordinance to Annex 6170 Summit Bridge Rd.
 - b. The owner of 6170 Summit Bridge Road, Mr. Sparco, confirmed the property is approximately 38 to 42 acres.
 - c. Mayor Lobdell confirmed a public hearing will be held on April 17th at 7 pm.
 - d. TC Rivera confirmed notices have been posted to all Town sites and the newspaper.
2. **ACTION ITEM:** Discussion and possible vote of Resolution 2024-004 A Resolution to Recognize Town Manager Antonina Tantillo.
 - a. Mayor Lobdell provided a reading of Resolution 2024-004 A Resolution to Recognize Town Manager Antonina Tantillo.
 - b. *CM Mertz made a motion to approve Resolution 2024-004. CM Bangura seconded the motion.*
 - a. *Roll Call Vote: Mayor Lobdell – yea, CM Mertz – yea, CM Bangura – yea, CM Chapman – yea, and CM Suhr – yea.*
 - b. Council approved Resolution 2024-004 A Resolution to Recognize Town Manager Antonina Tantillo.
3. **ACTION ITEM:** Discussion and possible vote on appointment of one Board of Elections Member.
 - a. Mayor Lobdell noted no interest has been received.
 - b. No motion made, nor action taken for this agenda item.
4. **ACTION ITEM:** Possible swearing in of new Board of Elections member.
 - a. No action taken for this agenda item.
5. **ACTION ITEM:** Discussion and possible vote regarding Bond reduction request received by Handler Homes for the Woods at Hidden Creek development.
 - a. Mayor Lobdell provided a brief explanation of the bond reduction request received by Route 71 Properties (Handler Homes).
 - b. Rob Allen, Handler Homes developer for Route 71 Properties, confirmed there are nine phases in total and the request for Bond reduction is for phase three.
 - a. Mayor Lobdell confirmed the Town Manager, Town Engineer, and the developer will review the development for close-out.

- c. CM Mertz raised concern with reducing the bond due to Town's history with a different developer for TV (Townsend Village) II leaving and there were no bonds in place.
- d. Mr. Allen confirmed Handler Homes has received this same variance for their bonds through their other building companies that have developed Townsend Village and Townsend Village II (TV II).
- e. CM Mertz noted in TV II there was a developer that did not complete the development and there were no bonds in place.
- f. Mayor Lobdell confirmed the requirement for bonds is not a State requirement; noting, most Town's and NCC (New Castle County) also have this in place.
- g. CM Suhr referenced RVE's letter to which TE Van-Otoo confirmed the bond amount listed is the amount the Town requires per the code (TMC).
- h. Mr. Allen confirmed phase one and two of the development is under construction and will not be finished until the Town approves the development. Furthermore, bonds are not released until phases are complete.
- i. Mr. Allen advised the checklist for completion of phase one and two are not ready until the housing construction is completed, in approximately a year or two.
- j. Mr. Allen clarified that the bond size requested by the Town is harder to obtain. Additionally, bonds are not released until development is complete.
- k. Mr. Allen confirmed the bonds in place for the Woods at Hidden Creek or previously are ever green bonds. Mr. Allen clarified the reduction for the bond will be allowed by the Town in six months once roads are finalized and they are seeking the reduction prior to the finalization of the roads.
- l. Mr. Allen confirmed phase one and two should be completed in two years, however is based on the amount of home sales.
- m. Mr. Allen advised Delmarva will install five to ten lights at a time once development is complete and there is no risk of heavy equipment damage. Confirming, this is not under bond and is not the developer's responsibility.
- n. Mr. Allen confirmed they are on target with phases one and two with an expectation of approximately 20 – 50 homes per year occupation rate. Furthermore, 30 homes have been sold with 15 – 20 homes occupied out of the 220 projected homes.
- o. CM Mertz referred to TE Van-Otoo's letter and raised concern for who is responsible if the developer is unable to complete the project and the reduced bond is not enough to cover the costs to complete the project. Mayor Lobdell confirmed the Town will wait until another developer takes over. TS Shapiro advised the Town is not obligated to finish or complete the development.
 - i. Mayor Lobdell clarified there are no houses in phase five. Additionally, noted there are no houses in this phase. Furthermore, the Town may hold permits as collateral.

- p. A majority of Council agreed a bond reduction will allow for the development to continue moving forward in a timely manner.
- q. *CM Suhr motion to approve the reduction as requested. CM Chapman seconded the motion. Voice vote: all yea's – CM Mertz opposed.*
 - i. Council approved the bond reduction as requested by Route 71 Properties to waive the initial 120% performance bond requirement for the initial site construction of phase five for the Woods at Hidden Creek development.

B. New Castle County Councilman David Carter

- 1. TC Rivera advised there is a Volunteer Service Event for the Wiggins Mill Park Seedling Flagging on April 13th from 9 am to 1 pm.
 - a. CM Mertz noted this will be a valuable resource for residents.

C. Town of Townsend Police Chief's Report

- 1. CM Mertz thanked Sergeant McCloskey for the ride along.
- 2. CM Mertz and CM Chapman noted the PD (Police Department) has been instrumental in getting issues resolved with regard to abandoned and commercial vehicles parking in the residential district.
- 3. Chief Longo confirmed the new recruit starts the academy on Sunday for 22 weeks.
- 4. Chief Longo advised new vehicle outfitting will be completed in approximately 4 weeks.
- 5. Chief Longo confirmed final testing and training for the security upgrades will be completed this Friday, April 5th.
- 6. Chief Longo confirmed the 911 disconnect is a report for accidental 911 dial.

D. Town Solicitor Lisa Hatfield

- 1. TS Shapiro advised there are no items for report from TS Hatfield.

E. Town Engineer Edwin Van-Otoo

- 1. TE Van-Otoo highlights:
 - a. TE Van-Otoo advised RFQ's (Request for Quotes) on the electrical portion of the Townsend Municipal Park Irrigation project has been sent to five different contractors and are due by next Wednesday, April 10th for the Public Works and Land Use Development Committee meeting.
 - b. TE Van-Otoo advised timing of the funding sources, and such are needed to discuss how Council would like to move forward with the irrigation portion of the project. TE Van-Otoo explained there is not enough funding currently to cover the project. TE Van-Otoo noted there is grant funding. Mayor Lobdell noted Council does need to allocated ARPA funds.
- 2. TE Van-Otoo to present a proposal for the Public Works Pole Barn at the Finley Street location at the regular Council Meeting in May now that clearance has been received for the site.
- 3. CM Chapman confirmed more items need to be discussed regarding the Road Program during the April 11th Public Works and Land Use Development Committee meeting.

4. FO Helms confirmed there will be a maintenance bond for two years after everything in Townsend Village is dedicated to the Town.
5. Mr. Haines sought clarification if the Town has determined the cause of flooding on Main Street and Ginn Street. Mayor Lobdell advised this will be considered in discussion for the Road Program.
6. TE Van-Otoo confirmed properties that have been reported to cause issues due to their sump pump have been addressed.
7. **ACTION ITEM:** Discussion and possible vote regarding the selection of the ARPA items for the Town Park Irrigation System.
 - a. Council agreed once amounts for estimated cost of the project are received they may hold discussion and possible vote regarding the selection of the ARPA items for the Town Park Irrigation System.
 - b. No motion made, nor action taken for this agenda item.

VIII. Committee Reports

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

1. Review and possible discussion on the February 2024 Budget vs. Actual Reports.
 - a. FO Helms confirmed the Town should be at 67 %. Noting, one item is skewed but will be adjusted once the amendments made in March are reflected.
 - b. CM Mertz advised budget for next year should not include fines for the Police Department. FO Helms advised the Town needs this to balance the budget, noting there is a deficit for the Fiscal Year (FY) 25 Budget.
2. Review and possible discussion on the Fiscal Year 2023 Audit.
 - a. Mayor Lobdell confirmed this presentation has been done.

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

1. The committee confirmed there is an active search for a Town Manager and will provide updates during the Executive Session.
2. Mayor Lobdell confirmed the Town has hired a Part-time Administrative Assistant.
3. CM Mertz confirmed the Town is seeking to hire a Part-time Public Works employee, Police Department Officer, and Part-time Code Official.

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

1. CM Bangura confirmed the committee met last week. CM Chapman advised they are working on a Road program.
2. CM Bangura invited other Council members to attend their meetings.
3. CM Chapman confirmed the committee is working with Public Works employees to review schedule and communicating needs directly.
4. CM Mertz thanked Public Works Supervisor Paul and other members who assisted former CM Rojas with the cleanup by Wiggins Mill Road and Railroad Ave near TV (Townsend Village) II Woods. Noting, approximately 15 bags of trash were picked up.

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

1. CM Mertz thanked Public Works for fixing radar signs.
2. TC Rivera advised the Town is working on another plan for the remaining radar signs.

3. CM Mertz advised the cracked mirror on Railroad Avenue and Main Street needs to be addressed.
4. CM Mertz suggested the Town consider placing a no parking sign by the Post Office where the cinder blocks are or notify the railroad company.

E. Community Engagement Committee: Chair: Councilman Mertz

1. Update on the 2024 Town Fair and discussion on upcoming events.
 - a. CM Mertz advised he has emailed requests to each Council member for action items and advised Council to confirm if they are able to perform the action. CM Mertz confirmed there will be a weekly meeting on Tuesday's from 12 pm – 1 pm.
 - b. CM Mertz announce Lieutenant Governor Bethany Long will be the Town's Grand Marshall for the Parade and advised an executive session meeting will be needed to discuss security.
 - c. TC Rivera confirmed the Town has eight fair participants.
 - d. TC Rivera will send Council a list of contacts to reach out to and add everyone to Town Fair SharePoint, if not done already.
 - e. CM Mertz confirmed flyers, t-shirts, hats are being worked on and would like to have extra for contest prizes.
 - f. CM Mertz announced the following contests:
 - i. Pie eating
 - ii. Pie baking
 - iii. Lil' Miss and Lil' Mister
 - iv. Cars
 - g. CM Mertz advised a band is need and requested assistance to search. CM Suhr advised he will assist; will need confirmation of the budget. CM Mertz confirmed the band will be needed for 12 pm and located at the pavilion.
 - h. Chief Longo advised he will contact the national guard.
 - i. CM Mertz confirmed the DJ has been booked and is in the process of booking a bounce house.
 - j. CM Mertz advised the Town will contact the girl scouts and boy scouts as well.
 - k. CM Mertz noted there is a possible Townsend Veterans event. CM Chapman confirmed the Social Services Committee is looking to complete a Home Town Hero's banner project.
 - l. CM Mertz proposed a clean Townsend day and the butterfly garden for Earth Day on April 21st.
 - m. CM Mertz announced there is a possible election in May.
 - i. TC Rivera confirmed the Board of Elections is meeting Friday, April 5th to discuss possible scheduling of the Townsend Election.
 - ii. Mayor Lobdell noted this is the same day of the cut-off for solicitation of Candidate packets.
 - n. CM Mertz advised Council may plan something for Memorial day, May 27th. Chief Longo advised for the Town to assist with other Veteran's groups.

o. CM Mertz announced the Appoquinimink Referendum is on April 24th.

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

1. Mayor Lobdell provided a title reading of each of the listed ordinances and noted they require a second reading and a vote.
2. *****ACTION ITEM:** Discussion and possible vote of Ordinance 2024-005 An Ordinance to Amend the Townsend Municipal Code Regarding Utilities.
 - a. Mayor Lobdell noted this change allows for wells in Town for landscaping and adds a sewer connection requirement.
 - b. Council discussed possible changes needed to the ordinance. TS Shapiro advised substantial changes will require a new introduction. Furthermore, if Council decides to not add a proposed amendment this may be struck without a requirement for a new introduction.
 - c. Council raised concerns with how the current code is written which requires connection to the water system of the Town at the owner's expense. Council agreed this item needs to be revisited if there is no water system available for possible annexation of properties.
 - d. Council proposed to strike "and sewer" from items C of the ordinance.
 - e. *CM Chapman motioned to approve the ordinance as read with the exception of "and sewer" so that 12.04.010.C reads as "Any homes, businesses, industrial facilities, etc., annexed into the town shall be required to connect to the water system of the town at the owner's expense."* *CM Chapman seconded the motion.*
 - i. *Roll Call Vote: Mayor Lobdell – yea, CM Mertz – yea, CM Bangura – yea, CM Chapman – yea, and CM Suhr – abstained.*
 - a. Council approved Ordinance 2024-005 An Ordinance to Amend the Townsend Municipal Code Regarding Utilities as written with the exception of the proposed amendment of "and sewer" to item C of 12.04.010.
3. *****ACTION ITEM:** Discussion and possible vote of Ordinance 2024-006 An Ordinance to amend the Town Code regarding Animals.
 - a. CM Mertz provided a summary reading of Ordinance 2024-006 An Ordinance to amend the Town Code regarding Animals.
 - b. TS Shapiro clarified sections two through four are not part of the Code.
 - c. *CM Chapman motioned to approve Ordinance 2024-006 An Ordinance to amend the Town Code regarding Animals. CM Mertz seconded the motion.*
 - i. *Roll Call Vote: Mayor Lobdell – yea, CM Mertz – yea, CM Bangura – yea, CM Chapman – yea, and CM Suhr – yea.*
 - a. Council approved Ordinance 2024-006 An Ordinance to amend the Town Code regarding Animals.
4. *****ACTION ITEM:** Discussion and possible vote of Ordinance 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles.
 - a. CM Mertz provided a reading of Ordinance 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles.

- i. TC Rivera provided a reading of the amended draft of Ordinance 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles.
- b. CM Suhr raised concern of the fine responsibility.
- c. Chief Longo raised concern of the possibility of the fourth amendment right being violated.
- d. CM Chapman referred to state laws definition of abandoned vehicles.
- e. TS Shapiro advised this ordinance is an example of management and maintenance of property within the Town not criminal, therefore the Town has authority to enforce maintenance of property.
- f. TS Shapiro advised Council will need to determine what happens after efforts are exhausted. Additionally, there are obligations of what happens once the car is obtained by the Town.
- g. CM Mertz provided a reading of 16.04.10 and 16.08.10 which are referenced in 16.08.040. CM Suhr noted the sections reference refer to parking of abandoned vehicles on street.
- h. *CM Suhr made a motion to table and have returned to Code Review. CM Chapman seconded. Voice vote of Council: all yea's – CM B abstained.*
 - i. Council tabled Ordinance 2024-007 An Ordinance to amend the Town Code regarding abandoned vehicles to be returned to Code Review Committee for further discussion.
- i. Chief Longo requested to be present for discussion of law enforcement items with Code Review Committee.

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

- 1. No items

IX. Recess Council Meeting to Convene Executive Session.

A. *CM Mertz made a motion to recess the Council meeting and convene executive session. CM Chapman seconded the motion. Voice vote of Council: all yea's.*

- 1. Council recessed and convened executive session at 9:19 pm.

X. Convene Executive Session: 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, and 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.

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

A. Council closed executive session and re-convened the Council meeting at

XII. ACTION ITEM: Possible vote of Council.

A.

XIII. Discussion of future agenda items.

A.

XIV. Adjournment.

A. CM ** made a motion to adjourn the meeting.
