

**Townsend Town Council Meeting Agenda
November 6th, 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:
- II. Opening Ceremonies
 - A. Roll Call:
 - B. Pledge of Allegiance:
 - C. Recognition of Visitors:
 - D. Announcements:
- III. General Citizen Comments
- IV. Review/Adoption of Agenda
- V. Approval / Rejection of Minutes:
 - A. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from October 2nd, 2024, Town Council Meeting Minutes.
 - B. **ACTION ITEM:** Approval/ Rejection of Town Council Minutes from October 2nd, 2024, Town Council Meeting Executive Session Minutes.
- VI. Departmental Reports:
 - A. Mayor S. Lobdell
 1. **ACTION ITEM:** Discussion and possible vote on appointment of one Board of Elections Member.
 - i. Possible swearing in of new Board of Elections member.
 - B. New Castle County Councilman David Carter
 - C. Town of Townsend Police Chief's Report
 1. **ACTION ITEM:** Review and discuss Attorney General Letter on Enforcement of 11 Del. C. § 1321 and 21 Del. C. §4147
 2. **ACTION ITEM:** Swear in Officer D. Hart
 - D. Town Solicitor Lisa Hatfield
 - E. Town Engineer Erik Gruenes
 - F. Town Manager Julie Goodyear
 1. **ACTION ITEM:** Review and Discuss House Bill 124 as it relates to Dog Barking
- VII. Committee Reports:
 - A. **Finance Committee:** Chair: Mayor S. Lobdell, Co-Chair: Councilman J. Bangura
 1. **ACTION ITEM:** Review and possible discussion on the September 2024 Budget vs. Actual Reports.
 2. **ACTION ITEM:** Discussion on land acquisition funding structure.
 - B. **Human Resources Committee:** Chair: Councilman Suhr, Co-Chair: Mayor S. Lobdell
 - C. **Public Works and Land Use Development Committee:** Chair: Councilman J. Bangura, Co-Chair: Councilman M. Chapman

Town Meetings will be held both in person and in 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 <https://townsend.delaware.gov> or by joining the meeting via computer.

- D. **Public Safety Committee:** Chair: Councilman M. Suhr, Co-Chair: Councilman D. Wiggins
- E. **Community Engagement Committee:** Chair: Councilman D. Wiggins
- F. **Code Review Committee:** Chair: Mayor S. Lobdell, Co-Chair: Councilman M. Chapman
 - 1. **ACTION ITEM:** Discussion and second reading regarding enforcement of the dumpster ordinance.
- G. **Veterans & Social Services Committee:** Chair: Councilman M. Chapman, Co-Chair: Councilman M. Suhr

VIII. Discussion of future agenda items.

IX. Recess Council Meeting to Convene Executive Session.

X. Convene Executive Session: Pursuant to 29 Del. C. §§10004(b)(9), 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 to address personnel matters.

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

XII. ACTION ITEM: Possible vote of Council.

XIII. Adjournment.

TOWNSEND POLICE DEPARTMENT



661 South Street, PO Box 223, Townsend, DE 19734
Office 302-464-1262 / Dispatch 302-739-4865 / **EMERGENCY 911**

NOVEMBER 2024 Town Council Meeting

The information provided herein is from October 1, 2024 – October 31, 2024

1) 45 Total Calls for Service

- 1 - Assist FD
- 1 - Theft
- 1 - Found Property
- 1 – Follow Up Investigation
- 1 – Property Check
- 1 – Lost Property
- 1 – Terroristic Threat
- 1 - Noise Complaint
- 1 – Found Drugs
- 1 – Verbal Domestic
- 1 – Reported Fight
- 1 – Vehicle Repossession
- 1 – Psychiatric Incident
- 1 - Traffic Hazard
- 2 - Welfare Checks
- 2 – Fugitive / Wanted Person Arrest
- 2 – Custody Dispute
- 2 – Drug Arrests
- 2 – Offensive Touching
- 3 - Suspicious Events
- 3 - Disabled Vehicles
- 3 - Public Assists
- 4 – Alarms
- 4 - Assist Law Enforcement Agencies
- 4 – Motor Vehicle Crashes

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NOVEMBER 2024 Town Council Meeting

The information provided herein is from October 1, 2024 – October 31, 2024 **CONTINUED**

- 2) Participated in 5 Community Outreach Events
- 3) We collected 43.65 pounds of medication at the Drug Take Back
- 4) Received approval to obtain 8 Solar Lights for Town Park
- 5) All Townsend Officers qualified at the range with departmental weapons.

NOTE: Townsend Police Department was recommended for Accreditation by the Delaware Police Accreditation Commission after we were found to meet or exceed over 108 standards of excellence.

The Accreditation recommendation comes **3 years to the day** the Police Department was formed

A Formal Award should be issued in early 2025 at a Town Council Meeting after a full vote is taken by the Police Accreditation Commission.

Sincerely,

Robert J. Longo

Chief of Police



KATHLEEN JENNINGS
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
FAX: (302) 577-6630
CRIMINAL DIVISION (302) 577-
8500
FAX: (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX: (302) 577-6499

October 18, 2024

Re: Enforcement of 11 Del. C. § 1321 and 21 Del. C. § 4147

Dwayne J. Bensing, Esq.
Legal Director
ACLU of Delaware
100 W. 10th Street, Ste. 706
Wilmington, DE 19801

Dear Legal Director Bensing,

As Attorney General, I am duty bound to uphold Federal and Delaware law, including the U.S. and Delaware Constitutions, and ensure Delawareans are protected. The neutral application of Delaware law is also very important to me and the Delaware Department of Justice (“DDOJ”). In light of constitutional concerns the ACLU of Delaware has raised regarding the enforcement of 11 Del. C. § 1321 (“Loitering; violation”) and 21 Del. C. § 4147 (“Pedestrians soliciting rides or business”) (individually, “Statute” or collectively, “Statutes”), I am writing to inform you that moving forward I, as Attorney General of the DDOJ, either directly or through any employee of the DDOJ, will not be enforcing either Statute against any Delawarean until the Delaware General Assembly acts to amend these Statutes. The Chief Deputy Attorney General will direct all prosecutors to cease enforcement of these Statutes.

I will be working closely with my colleagues at the DDOJ to draft proposed legislation aligning the Statutes with constitutional protections and will make a good faith effort to have the legislation introduced in the upcoming legislative session. The draft proposed legislation shall include opportunities for those with prior convictions for violating these Statutes to have prior convictions under these Statutes expunged.

This letter will be sent to all Delaware law enforcement agencies with instructions to law enforcement officers that reliance on the Statutes for any law enforcement activity, including any stop, search, or arrest, shall cease immediately. A request will also be sent to the Delaware Criminal Justice Information System (“DELJIS”) to remove both Statutes as a charging option in their mainframe.

Further, my office will provide training on this decision, the DELJIS request, and a refresher on constitutional stops within the next six months and encourage all law enforcement agencies in Delaware to participate. This training will be developed in consultation with the ACLU Legal Director. I will also be strongly encouraging these agencies to amend their own internal policies to reflect this decision and will provide technical assistance as requested.

Respectfully submitted,



KATHLEEN JENNINGS
Attorney General
State of Delaware

*cc (via email): Daniel Logan, Chief Deputy Attorney General
Patricia Davis, State Solicitor
Zachary Stirparo, Deputy Attorney General
Robert Goff, City Solicitor
Rosamaria Tassone-DiNardo, Deputy City Solicitor
Jason Angelo, Esq., Reed Smith
Nicholas Insua, Esq., Reed Smith*



TOWNSEND POLICE DEPARTMENT

141 Main Street, PO Box 223, Townsend, DE 19734
302-378-8082 Office
302-378-7099 Fax



OATH OF OFFICE

"I, _____ do proudly swear (or affirm) to carry out the responsibilities of the office of _____ the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent.

I further swear (or affirm) always to place the public interests above any special or personal interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware.

In doing so I will always uphold and defend the Constitutions of my Country and my State, so help me God."

_____ Employee (Print)	_____ Employee (Signature)	_____ Date
_____ Mayor (Print)	_____ Mayor (Signature)	_____ Date
_____ Police Chief (Print)	_____ Police Chief (Signature)	_____ Date
_____ Notary Name Print	_____ Notary Name (Signature)	_____ Date



University Office Plaza, Bellevue Building
262 Chapman Road, Suite 105
Newark, DE 19702
O: (302) 266-0212
F: (302) 266-6208

TOWN OF TOWNSEND - MONTHLY ENGINEERING REPORT | OCTOBER 2024

TO: Julie Goodyear, Town Manager
FROM: Erik Gruenes, PE
RE: Town of Townsend | Monthly Engineering Report
DATE: November 1, 2024

Remington & Vernick Engineers (RVE) is pleased to provide the Town of Townsend this status update for the various capital and planning projects.

Should you have any questions please contact me at (302) 287-7460.

CAPITAL PROJECTS

1. Surface Water Matching Planning Grant Program (DNTET101)

- a) Preparing all exhibits & descriptions for ditch easements. Documents will be handed over to the town mid-November
- b) Survey Team confirms construction easements are required to complete the project. Currently working on Estimate to present to the Town.
- c) Survey Team collected data along Cannery Lane week of September 3rd. Many of the existing ditches are partially located on private property parcels.

2. Townsend Municipal Park Irrigation (DNTET105)

- a) Construction is complete. Need to flush/clear out pipes to avoid damage caused by freezing during winter.
- b) Construction of Electrical Work is finished and approved by Certified 3rd party.
- c) The Bid Opening was May 28, 2024, at 10:00 AM. One supplier, Delaware Environmental Construction Services, submitted a bid of \$107,755.

3. 2024 Road Program (DNTET106)

- a) Repaving of Finley Street is complete.
- b) Road Core Samples were taken 10/11. Will use in conjunction with Vialytics to determine target roads for 2025 Road Program
- c) Received non-bid quote from Grover Asphalt Services for \$36,270.00, waiting for potential quote from Jaden Whiteman as of 9/26
- d) Letter of Recommendation will be presented to the Town Council on the Oct 3rd meeting.

4. 2024 - 2025 Townsend General Engineering (DNTET109)

Finley Street Pole Barn

- a) Townsend was sent RVE pole barn proposal to review on May 1, 2024.
- b) USACE issued Preliminary Jurisdictional Determination letter received on March 6,

Sinkhole

- a) Public Works are looking into feasibility of repairing the sinkhole.
- b) Public Works investigated the inlet near the sinkhole & took photographs. The inlet box wall above the pipe has crumbled, resulting in the sinkhole forming.
- c) Public Work currently determining best course of action going forward.

PLANNING PROJECTS

1. Townsend Village I (DNTEP013)

- a) Open Space Program is currently being handled by the Developers legal department.
- b) The Developer completed the restoration of the existing stormwater basins located behind 231 Edgar Road & behind Marilyn Court. The work included re-grading existing slopes, stabilizing slopes with erosion control matting, and replacing deteriorated outfall pipes.

2. The Woods at Hidden Creek (DNTEP082)

- a) RVE reviewed and approved plan permits for lot #5, # 6 & #56. RVE will continue to review permit plans for development.
- b) Phase 5 sitework is underway. Due to high water tables, construction is planning to raise the ground floor approx. 18" from plans. Developer will re-submit any plans that change.

Scott Lobdell, Mayor
Joseph Bangura, Councilman
Matthew Chapman, Councilman
Marcus Suhr, Councilman
Dylan Wiggins, Councilman



Julie Goodyear, Town Manager
Mariaelena Rivera, Town Clerk
Jennifer Helms, Financial Officer
Kelsey Gallagher, Administrative Assistant
Erik Gruenes, Town Engineer
Lisa Hatfield, Town Solicitor

Town Manager- Monthly Report

October Recap 2024

Townhall/TM:

- Verizon Franchise Agreement is being negotiated. Expected to receive proposed renewal agreement by end of October. **(DELAYED)**
- Finley Street Repaving project Completed- Grover Asphalt Services
- Town Manager- attended Tax Credit Seminar 10/21/2024
- Town Manager- attended statewide FOIA Coordinator training 10/23/24
- Town Manager- Attended Cyber Security Seminar 10/24
- Attended TES Trunk-Or-Treat Event 10/18/224
- House Bill 124 signed on 10/9/24 addressing "Barking Dogs" to take effect 10/9/2025
- Re-established Townhall Library
- Participating in DVSA Food Drive

Permits:

- 16 permits issued in October

Licensing:

- 10 Business License issued/ renewed in Oct.
 - 232 Active Business Licenses

Public Works:

- Paint grills in park (Flat Black) with high heat rust oleum
- Verbal De-Escalation Training (DFIT Sponsor) October 3rd, 2024
- DFIT performed the Biennial Inspection of park playground equipment (inspection attached)
- Made irrigation repairs at Townhall & Park
- Winterized Townhall & Park Irrigation system
- Complete PD repairs for accreditation
- Completed PW equipment inventory

Upcoming Projects for November:

- Clean & paint all fire hydrant no parking areas in town (HOLDOVER from Sept.)
- Winterization of Summer equipment- weather dependent (HOLDOVER from Sept)
- Townhall Chambers painting

P.O. Box 223 · 141 Main Street · Townsend, DE 19734

Phone (302) 378-8082 · Fax: (302) 378-7099 · <https://townsend.delaware.gov> ·

townhall@townsend.delaware.gov

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Grants:

- Applied for the RC&D "Mini-grant" for tree plantings and butterfly garden revamp
- Revised Workforce Training Grant and resubmitted for review on December 9th.
- AWARDED- approx. \$40,000 from EECBG Program for energy efficient upgrades

Rentals: 0 Rentals

Code Enforcement:

- 4 violations issued
 - Trash
 - Rental Unit Violations (3)

FOIA Requests: 5 Received

- Permit records
- Police Procedures
- Tax Information

Owner Complaints: 1 received

- Trash blocking sidewalk and blowing debris

Respectfully Submitted,

Julie Goodyear
Town Manager

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Phone (302) 378-8082 · Fax: (302) 378-7099 · <https://townsend.delaware.gov> ·

townhall@townsend.delaware.gov



SPONSOR: Rep. Morrison & Rep. Minor-Brown & Sen. Gay
Reps. Baumbach, Gray, Ramone, Wilson-Anton; Sen.
Hocker

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE BILL NO. 124
AS AMENDED BY
HOUSE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 1
AND
SENATE AMENDMENT NO. 2

AN ACT TO AMEND TITLE 7 AND TITLE 16 OF THE DELAWARE CODE RELATING TO NOISE CONTROL AND ENFORCEMENT OF LAWS FOR PROTECTION AND CONTROL OF ANIMALS AND BARKING DOGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7105, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

CHAPTER 71. Noise Control and Abatement

Subchapter I. Nonvehicle Provisions

§ 7105. Administration of chapter; applicability of subchapter.

(a) The Secretary of the Department of Natural Resources and Environmental Control or the Secretary's duly authorized designee shall exercise general supervision over the administration of this chapter and, in conjunction with the various law-enforcement agencies of this State, the enforcement of this chapter, and shall have jurisdiction over noise emanating from motor vehicles to the extent of approving standards, codes and regulations proposed by the Secretary of the Department of Safety and Homeland Security.

(b) The Secretary of the Department of Safety and Homeland Security shall exercise general supervision over the administration and enforcement of this chapter with regard to noise emanating from motor vehicles.

(c) This subchapter shall not apply to noise caused or created by the work of any public service company incident to the repair or maintenance of its equipment or facilities which may have been damaged or destroyed as the result of any emergency situation including but not limited to acts of God, accidents and explosions.

(d) This subchapter shall not apply to any noise or noise disturbance caused or created by a dog or any other animal.

Section 2. Amend Subchapter III, Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter III. Enforcement of Animal Welfare Laws

§ 3031F. Powers, duties, and functions of animal welfare officers of the Department of Health and Social Services and the Department of Agriculture.

(a) The Office of Animal Welfare within the Department of Health and Social Services shall enforce all animal cruelty laws in the State, except in cases of domestic agricultural animals specified in § 101(8) of Title 3, where the Department of Agriculture shall have primary enforcement authority. In cases of imminent danger, the Office of Animal Welfare and the Department of Agriculture shall have concurrent jurisdiction to seize and impound an animal and take any other necessary step to alleviate the imminent danger or preserve evidence.

(b) The Office of Animal Welfare within the Department of Health and Social Services shall enforce all dog control, dog barking laws, dangerous dog and animal fighting laws, and laws concerning the maintenance of a dangerous animal in the State.

(c) The Office of Animal Welfare is a “law-enforcement agency” for purposes of § 8901B of Title 11 and any other purpose relating to communication and access to criminal justice information.

(d) Animal welfare officers of the Office of Animal Welfare or Department of Agriculture shall be trained and certified pursuant to § 122(3)bb. of this title.

(e) Animal welfare officers of the Office of Animal Welfare shall have the power to investigate, search, seize, detain and arrest when investigating and enforcing animal cruelty and fighting, dog control, dog barking, or dangerous animal laws.

(f) The Department of Agriculture shall have the power to investigate, search, seize and issue criminal summons when investigating and enforcing animal cruelty laws.

(g) Animal welfare officers of the Office of Animal Welfare and the Department of Agriculture shall have no police powers to investigate or enforce laws other than those related to animal cruelty or fighting, dog control, dog barking, or dangerous animal laws.

(h) Animal welfare officers of the Office of Animal Welfare or the Department of Agriculture shall not be permitted to carry firearms while on duty as such.

§ 3032F. Enforcement of laws for protection and control of animals.

~~The constables of the several counties of this State, and the police force of the City of Wilmington, as well as all other places in the State where police organizations exist, shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture in the enforcement of all laws which are enacted for the protection of animals. All police~~

officers shall, as occasion requires, assist the Office of Animal Welfare and the Department of Agriculture, in the enforcement of all laws which are enacted for the protection and control of animals.

§ 3033F. Fines and penalties in certain cases; disposition; penalties.

All fines, penalties and forfeitures, imposed and collected in ~~any county~~ of the State under every act relating to or affecting cruelty to animals, animal fighting, dog control, dog barking, or dangerous animals, shall be remitted to the enforcing agency.

Section 3. Amend Subchapter IV, Chapter 30F, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter IV. General Provisions Concerning Dogs

§3057F. Barking Dogs.

(a) No person who owns, possesses, harbors, or controls a dog may allow the dog to cause a noise disturbance by barking, whining, or howling for an extended period. An extended period means continuously for a period of 15 minutes or, intermittently, for 30 minutes or more.

(b) No violation under subsection (a) exists if the dog is making a noise disturbance during the following events:

- (1) A person is trespassing or threatening to trespass upon private property where the dog is located,
- (2) An animal is intruding upon private property where the dog is located.
- (3) The dog is being teased or provoked.

(c) No violation under subsection (a) exists if, at the time the dog is making a noise disturbance, the dog is in any of the following locations:

- (1) Animal shelter.
- (2) Pet store.
- (3) Dog grooming facility
- (4) Veterinarian office.
- (5) Animal clinic.

(d) No violation under subsection (a) exists if, at the time the dog is making a noise disturbance, the dog is engaged in any of the following activities:

- (1) Dog training.
- (2) Dog exhibition.
- (3) Lawful performance competitions.
- (4) Hunting.

- (5) Herding.
- (6) Performing its duties as a service dog.
- (7) Livestock guarding.
- (8) Attending dog day care facilities.”
- “(9) Attending dog boarding facilities.

(e) A person who violates subsection (a) shall be subject to the following penalties:

- (1) For a first violation a written warning.
- (2) For a second violation, only if it occurs 7 days or more after the first violation, a civil penalty of \$50.
- (3) For a third violation a civil penalty of \$100.
- (4) For each subsequent violation a civil penalty of \$150.

§ 3057F, §3058F. State dog law management.

(a) In order to enforce this subchapter, the Department or a municipality shall authorize the hiring of, or contract for, sufficient animal welfare officers to accomplish the purposes of this subchapter.

(b) All animal welfare officers shall be uniformed and shall be adequately trained, certified, and equipped to enforce the dog control laws and ordinances of the State or any of its political subdivisions, including municipalities.

(c) ~~In addition to animal welfare officers, all police officers may enforce the dog control laws and ordinances of the State or any of its political subdivisions. All police officers shall, as occasion requires, assist the animal welfare officers in the enforcement of the dog control laws and ordinances of the State or any of its political subdivisions.~~

§ 3058F, §3059F. Rules and regulations.

The Department may adopt, amend, modify, or repeal ordinances, rules, and regulations to effectuate the policy and purposes of this chapter.

Section 4. This Act takes effect 1 year after its enactment.



DEPARTMENT OF PUBLIC WORKS
187-A OLD CHURCHMANS ROAD
NEW CASTLE, DE 19720
(302) 395-5700

October 3, 2024

Town of Townsend
Attn: Ms. Julie M. Goodyear, Town Manager
P.O. Box 223
141 Main Street
Townsend, DE 19734

Re: Sanitary Sewer Connection for 206 Finley Street

Ms. Goodyear:

It has come to my attention that 206 Finley Street, Townsend, DE is currently utilizing a cesspool for sanitary sewer service. Per State Code, cesspools are prohibited and must be replaced within one (1) year.

Per the Sewer Agreement between the Town of Townsend and New Castle County, Townsend is required to abide by all New Castle County rules, regulations and procedures regarding sewer service. NCC Code Chapter 40, Section 22.320.B states "All current and future lots discharging sanitary sewage shall be connected to the public system either at the time of construction of a building, or at the time of septic system failure for an existing building, if the building is located in a recognized sewer service area, where sewer capacity is available, and where a suitable sanitary sewer line is accessible to the property as determined by the Department of Public Works."

The Department of Public Works has determined that 206 Finley Street meets the criteria set forth in NCC Code Chapter 40, and therefore a connection to the public sanitary sewer system is required. Connection fees shall be paid prior to issuance of the plumbing permit, and the connection shall be made in accordance with Public Works Standard Details which is found on our website (www.newcastlede.gov/1967/standards-policies).

Please contact me at your earliest convenience so I can assist you in this process. I can be reached at (302) 395-5780.

Respectfully,



Jason P. Zern, P.E.
Senior Manager, Department of Public Works

Cc: Eric Laramore, P.E. - Engineering Services Manager
Harry Ryan, P.E. - Chief of Project Management



Certified Playground Safety Inspection Report

PRESENTED TO

Town of Townsend

October 21, 2024

[PMACOMPANIES.COM](https://www.pmacompanies.com)

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Via email

October 21, 2024

Julia M. Goodyear, Town Manager
P.O. Box 223
141 Main Street
Townsend, DE 19734

**SUBJECT: Playground Safety Inspection
Account # (0909622)**

Dear Julia:

This is my follow up report from the inspection recently conducted at Townsend Park on October 11, 2024. The inspection and report are based upon the conditions presented the day of my visit, any changes, deletions, or alterations made since that time may not be included. Inspections were conducted in accordance with the guidelines presented in the US Consumer Products Safety Commission document "Public Playground Safety Handbook" and American Society of Testing and Materials (ASTM) F1487-11.

As a "newer" playground system, I commend your attention to the details of owning and operating the site for the use of your residents and guests. The systems appear to be in good condition, with regular maintenance to monitor physical conditions continuing to be done effectively. Usage is moderate to high, but the "wear and tear" is minimal. Items needing correction from my 2022 inspection were all completed satisfactorily.

The surfacing material gets "kicked out" at the end of slides, under swings and various landing areas. Ongoing raking and appropriate addition of Fibar surfacing will maintain the fall protection needed for the activities currently in place. You indicated some interest in other surfacing materials, and I suggested contacting Jarred Steele at Ocean View, who does use a rubber-type surfacing material. He can share his experience with cost, maintenance and durability.

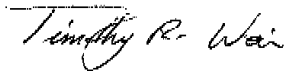
During the site inspection we discussed the items I observed and prospective measures to assist you and Paul with corrective actions that would be needed to bring the play areas into compliance.

Town of Townsend Playground
October 21, 2024
Page 2

The attached pages provide a tracking sheet to help you follow up on the few issues we noted and the actions as you complete them, and the photos show the items identified and descriptions of areas of recommendations. This should provide the opportunity for review and corrections in a document you can separate and attach to work orders for completing the maintenance repairs listed for the playground area.

All the items on the attached pages were reviewed with you during my visit and as before, it's likely corrective actions have already been addressed. If you have any questions on this report, please feel free to contact me at 610-937-2697 or tim_weir@pmagroup.com.

Sincerely,



Timothy R. Weir, ARM-P, CPSI #54243-425
Risk Control Specialist

Cc: Paul DiMartino, Town of Townsend - Public Works Supervisor
Terri Desanto, SIP Risk Management
Scott Stohrer, PMA Companies

All risk control services, including surveys, are provided to assist Client in recognizing Client's underwriting risks. Evaluations concern only such conditions and practices that are discovered at the time of PMA visits. PMA Companies or PMA Management Corp. makes no warranties or representations of any kind. Specifically, PMA Companies or PMA Management Corp. does not warrant that hazards of Client are discovered, adequately controlled, or that employees, property, operations, workplaces, machinery, or equipment are safe or in compliance with any law, rule or regulation. PMA Companies and Old Republic Insurance Group does not provide legal advice and the information and suggestions in this letter should not be construed as such.

PLAYGROUND INSPECTION TRACKING FORM
Townsend Park

TP 1, TP 3, and TP 5		
Play Unit	Observations	Corrective Action Taken
General Play Areas	Surfacing shows "kick out" under swings and activities, and the growth of grass through the surfacing in some areas.	Providing regular (weekly) checks to rake in areas to even out the surfacing material and remove any grass or weeds.

TP 2 and TP 4		
Play Unit	Observations	Corrective Action Taken
Surfacing at Slide ends	Surfacing material is kicked out at slide ends and needs to be raked in.	Rake in surfacing to maintain levels: 2-5 slides: no more than 6" above the surfacing material. 5 to 12 slides: no more than 15" above the surfacing material.

TOWNSEND PARK

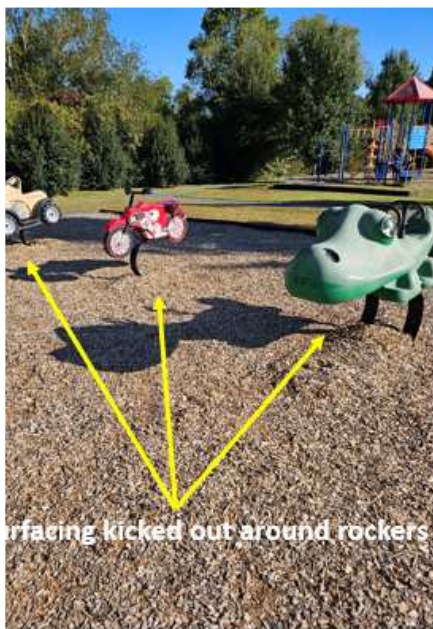
TP 1 Surfacing issues under swings



TP 2 Surfacing at slide ends



TP 3 Surfacing under rockers



TP 4 Surfacing at slide ends



TOWNSEND PARK

TP 5 Grass growing into surfacing



THE PMA DIFFERENCE

The strength of PMA Companies lies not only in what we offer but also how we deliver results for our business partners. Our Risk Control team is not only knowledgeable but passionate about helping you more effectively manage and control risks. We maintain a truly service-driven culture that leads to better support and measurable results. We are committed to being your trusted advisor and partner.

We're very confident that our Risk Control organization possesses the skills and expertise you are seeking in a safety partner and look forward to working with you.



EECBG Grant Application Update

From Swan, Brett (DNREC) <Brett.Swan@delaware.gov>
Date Wed 10/30/2024 8:47 AM
To Julie Goodyear <jgoodyear@townsend.delaware.gov>

This message originated from outside the organization

Good afternoon,

This email is to inform you that the Town of Townsend has been awarded approximately \$40,000 from the Energy Efficiency and Conservation Block Grant Program (EECBG). We are currently in the process of working on the contract language with both the Department of Energy and DNREC's fiscal team. This step is expected to take a couple of weeks. The contract will include the exact grant amount. If you have any questions, please let me know. I can be reached via email or my direct office line below.

Thank you,
Brett



Brett Swan | Planner IV

Energy Policy
DNREC Division of Climate, Coastal & Energy
100 W. Water Street, Suite 10B. Dover, DE 19904
Office: 302-735-3491
<https://de.gov/geac>



TOWN OF TOWNSEND
GENERAL FUND INCOME STATEMENT
September 30, 2024

REVENUES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Fire House Impact Fees	15,000.00	1,500.00	(13,500.00)	10%
Franchise Fees	20,000.00	4,092.80	(15,907.20)	20%
Interest Income	55,000.00	35,589.12	(19,410.88)	65%
Miscellaneous Income	2,000.00	1,094.50	(905.50)	55%
Filing Fees	-	500.00	500.00	
Property Transfer Taxes	250,000.00	133,393.22	(116,606.78)	53%
Real Estate Property Tax	633,200.00	672,100.49	38,900.49	106%
Violations, Fines & Penalties	2,500.00	802.50	(1,697.50)	32%
Rental Registration Fee	1,700.00	-	(1,700.00)	0%
Total Administrative Revenues	979,400.00	849,072.63	(130,327.37)	87%
Impact Fees	135,000.00	13,500.00	(121,500.00)	10%
Permits and Fees	71,900.00	12,320.00	(59,580.00)	17%
Town Permits	142,900.00	19,962.73	(122,937.27)	14%
Total Permits & Licenses Revenues	349,800.00	45,782.73	(304,017.27)	13%
Park rental	1,500.00	725.00	(775.00)	48%
Total Park & Recreation Revenues	1,500.00	725.00	(775.00)	48%
Municipal Street Aid Grant	59,200.00	29,889.36	(29,310.64)	50%
Grants Revenue	314,500.00	82,950.00	(231,550.00)	26%

Total Grant Revenues	373,700.00	112,839.36	(260,860.64)	30%
Community Events: Donations	1,800.00	-	(1,800.00)	0%
Town Fair Donation	5,000.00	-	(5,000.00)	0%
Veterans & Social Services Donations	-	80.00	80.00	
Community Events: Town Fair	2,000.00	-	(2,000.00)	0%
Total Community Events Revenues	8,800.00	80.00	(8,720.00)	1%
General Fund Revenue Totals	1,713,200.00	1,008,499.72	(704,700.28)	59%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept
				25%
Fire House Impact Fees	15,000.00	-	(15,000.00)	0%
Advertising	300.00	-	(300.00)	0%
Accounting Audit	30,000.00	-	(30,000.00)	0%
Bank Fees & Reward Credits	-	(535.15)	(535.15)	
Computer/Software Support	48,500.00	20,205.77	(28,294.23)	42%
DE League of Local Governmts	2,800.00	1,575.00	(1,225.00)	56%
Decorations	1,000.00	-	(1,000.00)	0%
Elections Expense	1,000.00	-	(1,000.00)	0%
Copier Maintenance Agreement	3,500.00	546.19	(2,953.81)	16%
Town Insurance	26,000.00	12,969.17	(13,030.83)	50%
Maintenance:Town Hall Cleaning/Pest Ctrl	2,400.00	600.00	(1,800.00)	25%
Membership Fees	500.00	225.00	(275.00)	45%
General Town Hall Expenses	10,000.00	234.31	(9,765.69)	2%
Office Equipment	2,000.00	-	(2,000.00)	0%
Security System @ 141 Main Street	1,500.00	659.77	(840.23)	44%
Office Supplies	2,800.00	535.98	(2,264.02)	19%
Flowers & Gifts	1,000.00	-	(1,000.00)	0%
Code Red	3,000.00	2,890.85	(109.15)	96%
Postage & Delivery	4,600.00	1,252.56	(3,347.44)	27%
Town Merchandise/Uniforms	700.00	-	(700.00)	0%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept
				25%
General Legal	60,000.00	5,998.10	(54,001.90)	10%
New Hire/Urgent Care	500.00	-	(500.00)	0%
Board of Adjustment	5,000.00	-	(5,000.00)	0%
IPA Services	1,000.00	-	(1,000.00)	0%
Subscription Fee	2,400.00	119.99	(2,280.01)	5%
Training Classes	2,500.00	600.00	(1,900.00)	24%
Trash Collection Service	241,200.00	59,579.52	(181,620.48)	25%
Travel & Entertainment	1,500.00	-	(1,500.00)	0%
Utilities - Town Hall	15,000.00	3,270.77	(11,729.23)	22%
Total Administrative Expenditures	485,700.00	110,727.83	(374,972.17)	23%
Payroll & Benefits	552,300.00	136,231.29	(416,068.71)	25%
Total Payroll Expenditures	552,300.00	136,231.29	(416,068.71)	25%
General Engineering	60,000.00	1,730.00	(58,270.00)	3%
Studies	-	3,720.00	3,720.00	
Code Enf/Inspections	65,100.00	3,825.00	(61,275.00)	6%
Lot Grading Reviews	13,800.00	-	(13,800.00)	0%
Charter/Comp Plan Fees	1,000.00	-	(1,000.00)	0%
Total Code & Planning Expenditures	139,900.00	9,275.00	(130,625.00)	7%
Street Lights	111,100.00	24,342.40	(86,757.60)	22%
Total Street Lights Expenditures	111,100.00	24,342.40	(86,757.60)	22%
Town Equipment Fuel	3,000.00	882.23	(2,117.77)	29%
Park Maintenance Expense	35,000.00	17,525.67	(17,474.33)	50%
Vehicle/Equipment Maintenance	3,700.00	1,892.75	(1,807.25)	51%
Public Works Equipment	4,300.00	296.49	(4,003.51)	7%
Public Works Uniforms	1,200.00	-	(1,200.00)	0%
Town Landscaping & Beautification	2,500.00	-	(2,500.00)	0%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept
				25%
Street Repairs: Maintenance	59,200.00	145.52	(59,054.48)	0%
Street Repairs: Snow Removal	20,000.00	-	(20,000.00)	0%
Total Public Works Expenditures	128,900.00	20,742.66	(108,157.34)	16%
Community Relations	1,300.00	-	(1,300.00)	0%
Community Events Expense	10,500.00	70.90	(10,429.10)	1%
National Wildlife Foundation/Habitats	600.00	-	(600.00)	0%
Total Community Events Expenditures	12,400.00	70.90	(12,329.10)	1%
Capital Expenses	93,900.00	35,918.33	(57,981.67)	38%
Total Capital Expenditures	93,900.00	35,918.33	(57,981.67)	38%
General Fund Expenditure Totals	1,524,200.00	337,308.41	(1,186,891.59)	22%



**TOWN OF TOWNSEND
POLICE INCOME STATEMENT
September 30, 2024**

REVENUES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Impact Fees: Public Safety	22,500.00	3,000.00	(19,500.00)	13%
Fines - Police	3,000.00	3,089.73	89.73	103%
Grant Revenue	373,300.00	373,260.00	(40.00)	100%
Miscellaneous Income	4,200.00	-	(4,200.00)	0%
Transfers In	208,000.00	-	(208,000.00)	0%
Total Police Revenues	611,000.00	379,349.73	(231,650.27)	62%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Community Relations	1,000.00	-	(1,000.00)	0%
Repairs & Maint - Vehicles/Equipment	8,400.00	2,819.92	(5,580.08)	34%
PD Bldg Expenses	800.00	51.00	(749.00)	6%
Computer/Software Expense	900.00	288.88	(611.12)	32%
PD Cleaning	1,200.00	300.00	(900.00)	25%
PD Pest Control	800.00	150.00	(650.00)	19%
PD Equipment	1,000.00	221.99	(778.01)	22%
PD Office Equipment	1,800.00	433.05	(1,366.95)	24%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept
				25%
Postage & Delivery	500.00	24.82	(475.18)	5%
Prisoner Meals	100.00	-	(100.00)	0%
Training Classes	4,800.00	384.00	(4,416.00)	8%
Office Supplies	500.00	179.41	(320.59)	36%
Cleaning Supplies	400.00	-	(400.00)	0%
DUI Blood Draws	100.00	-	(100.00)	0%
Memberships & Subscriptions	400.00	-	(400.00)	0%
Fuel	11,000.00	1,981.21	(9,018.79)	18%
Insurance - (Gen Liability & Property)	8,000.00	3,960.83	(4,039.17)	50%
Uniforms: PD	3,900.00	559.03	(3,340.97)	14%
Legal Services	2,500.00	355.50	(2,144.50)	14%
Utilities - PD	15,500.00	3,081.77	(12,418.23)	20%
Total Administrative Expenditures	63,600.00	14,791.41	(48,808.59)	23%
Payroll & Benefits	358,900.00	80,340.03	(278,559.97)	22%
Total Payroll Expenditures	358,900.00	80,340.03	(278,559.97)	22%
Capital Expense - PD	377,500.00	17,646.96	(359,853.04)	5%
Total Capital Expenditures	377,500.00	17,646.96	(359,853.04)	5%
Total Police Expenditures	800,000.00	112,778.40	(687,221.60)	14%



**TOWN OF TOWNSEND
SPECIAL REVENUE FUND INCOME STATEMENT
September 30, 2024**

REVENUES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Grants Revenue	501,200.00	-	(501,200.00)	0%
Special Revenue Fund Revenue Totals	501,200.00	-	(501,200.00)	0%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Capital Expenses - ARPA	501,200.00	56,719.20	(444,480.80)	11%
Special Revenue Fund Expenditure Totals	501,200.00	56,719.20	(444,480.80)	11%



**TOWN OF TOWNSEND
POLICE GRANTS INCOME STATEMENT
September 30, 2024**

REVENUES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Police Grants Revenue	21,100.00	3,628.81	(17,471.19)	17%
Police Grants Fund Revenue Totals	21,100.00	3,628.81	(17,471.19)	17%

EXPENDITURES	BUDGET	ACTUAL	OVER/(UNDER)	Target % for Sept 25%
Overtime	12,700.00	-	(12,700.00)	0%
Misc Expense	8,400.00	2,724.99	(5,675.01)	32%
Police Grants Fund Expenditure Totals	21,100.00	2,724.99	(18,375.01)	32%



**TOWN OF TOWNSEND
CASH AND CASH EQUIVALENTS
September 30, 2024**

Account	September-24
Cash - Operating Account	\$ 984,924.25
Cash - Payroll	45,746.11
Cash - Municipal Street Aid	203,043.37
Cash - Escrow Account	160,276.69
Cash - Petty Cash	100.00
Cash - Money Market	1,016,146.13
MML Investors Services	3,272,386.26
Total General Fund	\$ 5,682,622.81

Account	September-24
Police Grants Cash	\$ 6,944.82
ARPA Cash	\$ 455,860.14
Total Grants Cash	\$ 462,804.96

Note:

Cash - Operating Account	\$ 2,001,070.38
Less: Police Funding in FY25 budget	(208,000.00)
Less: Roadway Impact	(217,250.00)
Less: General Impact	(228,400.00)
Less: Sidewalk Impact	(30,250.00)
ORPT Grant	(30,000.00)
PD Building Expansion	(373,260.00)
Total Operating	\$ 913,910.38

The Mayor and Council of the Town of Townsend

141 Main Street, PO 223, Townsend, DE 19734
Phone (302) 378-8082 Fax (302) 378-7099

Introduced by:

Mayor Lobdell

Introduction on:

October 2nd, 2024



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

**Mayor
Scott Lobdell**

WHEREAS, the current Townsend Municipal Code prohibits dumpsters at properties which are zoned in residential districts; and

**Councilman
Joseph
Bangura, PhD**

WHEREAS, property owners within residential districts may need to utilize dumpsters from time to time to for matters related to trash collection and building permits; and

**Councilman
Matthew
Chapman**

WHEREAS, safeguards must be put into place when allowing for permits in residential districts to ensure no safety concerns are presented with the temporary dumpster.

**Councilman
Marcus Suhr**

NOW THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE TOWN OF TOWNSEND that the following Sections are Changed as follows:

**Councilman
Dylan Wiggins**

Section 1. Amends Chapter 12.12.080 Trash And Recycling Collection of the Townsend Municipal code by striking the following as noted with strikethrough and adding the following as noted by underline:

12.12.80 Trash And Recycling Collection

A. Trash must be placed at the curb no earlier than 24 hours prior to scheduled trash pick-up. All trash containers must be removed from the sidewalk area no later than 24 hours after trash pick-up. Trash containers and/or bags should be placed at the edge of the property so as not to block the sidewalk.

B. Commercial and retail establishments and apartments may use the trash company of their choice (preferably whoever has the town contract) that best suits their needs at the Owners expense. Dumpsters are to be auto renewed for all

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Commercial Locations with a successful business license renewal on an annual basis. In addition to the business license renewal requirement, all dumpster placements must comply with Section C limitations.

~~C. — C. Dumpsters will not be permitted at properties that are zoned residential.~~

C. Dumpsters and/or roll off containers or portable storage containers for the purpose of remodeling, storage, cleanup of debris, etc. in residential areas noted in the Towns Comprehensive Plan (R, R-1, R-1A, R-2 & R-3), must be permitted by the Town for a stated period of time not to exceed thirty (30) days with the opportunity to extend an additional thirty (30) days. Such dumpster(s) or portable storage containers are subject to the following limitations:

1. Dumpster(s) or portable storage containers when placed in the front of the property shall be placed on hard concrete or asphalt surface. The location shall not affect the health, safety, and/or welfare of the neighborhood in accordance with Section 10.04.010 of the Townsend Municipal Code.
2. Footings for the dumpster are to be sufficient as to prevent damage to the public asphalt or ground the dumpster is placed on. Footings are for example plywood or other sufficiently durable material.
3. Portable storage container(s) when stored in the rear or side of the property, must meet the setback requirements in accordance to that of an accessory structure.
4. No dumpster shall be overfilled and shall be emptied in accordance with Section 12.12.010 of the Townsend Municipal Code.
5. Every Dumpster container shall conform to all local, state and federal specifications.
6. Fees for Dumpster Permits will be outlined in Chapter 4.12 Fee Schedule.

D. Definitions

- a. Dumpsters are to be defined as; “A steel container with a capacity of not less than two (2) cubic yards, or more than nine (9) cubic yards, designed to facilitate collection services either by hydraulic lift or cable winch pull-off mechanism.
- b. Roll off Container is to be defined as; “ A large metal container (i.e., typically with a capacity of ten (10), twenty (20), thirty (30) or forty (40) cubic yards) used for the collection of solid waste, which is rolled-off of a motor vehicle when the container is placed at a site and then rolled onto the vehicle when the container is ready to be transported to another location.
- c. Dumpster Placement is to be defined as; Dumpsters and roll-off containers must be placed on a stable, firm, and level surface and must be easily accessible for pickup and collection. The Dumpster or roll-off container shall be placed in the rear of the property whenever possible and when not possible in an area as inconspicuous as possible.

Section 2. Amends Chapter 4.12.020 Fees Enumerated of the Townsend Municipal code by adding the following as noted by underline:

3. Permit Fees

Dumpster fee : \$0.00

Dumpster extension fee: \$50 per extension as authorized by Town Manager

Dumpster Violations for Sections #1 and #2: The first violation a monetary penalty shall be assessed of not less than \$100. Each subsequent violation shall incur a penalty of not less than \$200.

Exceptions to the Violations are Chapter 12.12.080 Section A

Section 3. This Ordinance shall become effective immediately upon passage.

Adopted by at least a majority of the Council members of the Town of Townsend on this ____ day of _____, 2024.

Introduction

Public Hearing

Final Reading

Adoption

Signed By

.....

Mayor

Town of Townsend, Delaware

Attest: _____

Town Clerk