

**Town of Milton**  
**Town Council Meeting Minutes**  
**January 3, 2006**

**Milton Town Council Meeting was held in the Milton Theatre, 110 Union Street.**

**7:00 – PUBLIC HEARING –** Mayor Bushey called the Public Hearing to order.  
**James and Mary Beth Parker for the annexation and zoning of Sussex County Tax Map 2-35-14.11 Parcels 57.00, 58.00 and 60.00 located along County Road 228 (Morris Avenue Ext.)**

Mr. Parker addressed Council answering Mayor Bushey's question regarding the size of the parcel as being  $\frac{3}{4}$  acre. Mr. Parker explained that he proposes to build a mini-storage and climate control storage complex with a full-time tenant in attendance to take care of the car wash and mini-storage. He felt that adding the  $\frac{3}{4}$  acre will increase the tax base for the Town, there will be no need for sewer or water hookup, and the parcel is zoned Commercial. The property has been cleaned up and there have been no complaints from his neighbors. Council was presented with a site plan for their review. Mr. Parker felt that the Planning and Zoning Committee, at last month's meeting, seemed to be in favor of annexing the property. Councilman Dvornick wanted to know if Mr. Parker had ever done a project like this before. Mr. Parker stated this is his first project of this type but that he has done research; he owns several businesses and has a good idea of what is required. Councilman Post wanted to make certain that the sole purpose of the annexation was to build a mini-storage and climate control storage complex and not for conversion. Mr. Parker stated that it would be a climate control building or buildings. Councilwoman Melson wanted to know if there would be storage outside of the units. Mr. Parker stated no. The property would be fenced in and brick or stone pillars across the road front.

No comments from general public  
No adjoining property owners were present.

Mayor Bushey closed the public hearing.

**OPEN FLOOR (7:15 p.m.):**

- A) Gene Steele, 122 Carriage Drive, Wagamon's West Shore, expressed concern for the lack of street lights in the Wagamon's West Shore development and wanted to know when they would be installed. He has spoken with the developer and gets the run-around. Also, there are no lights at the mail building where the mail is delivered. It is dark and dangerous. The developer has told him they were not responsible for a light because the Town did not instruct him to put in a light. Mayor Bushey explained that the street lights have to be put in place before the Town accepts the lights. Council can go to the developer and ask to have some of the lights installed now and also request that a light be installed in the mail building. Mayor Bushey stated that the subdivision agreement will be reviewed to find out the public improvement schedule and talk to the developer.

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- B) Kathy Potts, 104 Oysterman Drive, Wagamon’s West Shore, wanted to share a conversation she had with two builders via cell phone conversation with the developer regarding the street lights, in which they informed Ms. Potts that the Council does not want to pay the light bill.  
Councilwoman Betts stated that the Town normally does not pay the light bill until the streets are turned over to the Town.
- C) John R. Collier, 301 Coulter Street, stated that several weeks ago he submitted a letter of interest for the appointment to Town Council to fill the current vacancy. He has met with several Council Members to discuss how his interest might serve in a constructive way in addressing current and future town interests. Mr. Collier recapped his record of service to the community and looks forward to participating in the Town of Milton’s future in what ever capacity best serves the Town.
- D) Dick Greig, 326 Union Street, pointed out that a significant election process is coming up and felt that there was stress build up over this. Mr. Greig wanted to speak on a positive note regarding all of the recent accomplishments – historical society building, Town Theatre, Library, landscaping and design by the Garden Club, new businesses. The Town Milton has achieved significant positive activities in past few years. He is proud to live here.
- E) Norman Lester, 311 Union Street, spoke regarding the Town Charter and felt it should be rewritten if we want progress. Mr. Lester felt Council should abide by “Roberts Rules of Order”. He also felt that a committee should be appointed to rewrite the Charter, with the help of the Town Manager and the University of Delaware. Members of Council should not sit on this Committee. Mayor Bushey stated the Town Council would have to appoint the Committee. Councilman Prettyman said that any changes to the Charter will go through the Legislation.
- F) Marion Jones, 411 Behringer Avenue, spoke on behalf of John Collier and found him to be well rounded, fair minded, & objective.

Mayor Bushey called the regular Council meeting to order at 7:35 p.m.

Councilwoman Betts offered a moment of silence. The Pledge of Allegiance followed.

Mayor Bushey called roll.

PRESENT: Mayor John Bushey  
Councilwoman Leah Betts  
Councilman Gene Dvornick  
PRESENT: Councilwoman Ronda Melson  
Councilman Don Post  
Councilman Noble Prettyman

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Others Present: Hal Godwin, Town Manager  
Eric Evans, Code Enforcer  
Allen Atkins, Maintenance Supervisor  
William Phillips, Chief of Police  
Tim Willard, Town Attorney

### **Amendment to the Agenda – item 13, D under New Business – Milton’s need for a Tree Ordinance**

Councilman Dvornick made a *motion* to amend the agenda, seconded by Councilman Prettyman

Motion passed. “Aye”

### **Presentation and Approval of Minutes – December 5, 2005**

Councilwoman Melson made a *motion* to approve the minutes as written, seconded by Councilman Dvornick.

Councilman Prettyman requested an amendment be made to the December 5, 2005 minutes under the Open Floor section. Amendment: *Councilman Prettyman had requested to have a lead and copper study done for the area between Willow Street to Broad Street and Mulberry Street to Union Street.*

Councilman Dvornick made a *motion* to accept the amendment as outlined by Councilman Prettyman, seconded by Councilman Prettyman.

Motion passed. “Aye”

### **Committee Reports**

Sewer & Water – Councilwoman Melson - no report.

*Billing for 2 meters – irrigation system:* Councilwoman Betts asked if all developments have 2 meters if they have an irrigation system. Allen Atkins, Maintenance Supervisor, pointed out that there are 2 meters – 1 for water, 1 for irrigation. Councilwoman Betts asked how residents are billed – do they have a flat rate on the months it is turned off. Mr. Godwin stated it was his understanding that they are only being charged for water not for sewer. Councilwoman Betts felt that a flat rate is being charged. Eric Evans, Code Enforcer, pointed out if applicants/residents request to shut off the meters, the meters are shut off for \$50 - if a resident requests to have it turned back on they are charged \$50. Councilwoman Betts felt the fee is unfair to residents. Mr. Evans pointed out what the code says – if they choose not to have water turned off, they are charged an availability fee of \$35/quarter. Councilwoman Betts asked to have this matter checked into. Mr. Godwin explained the purpose of the double meters is so residents don’t have to pay sewer fees on water alone. The cost of meter is born by resident. Councilwoman Betts requested that this matter be checked to see what the best advantage is for the property owners.

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### Streets & Sidewalks

*Alleyway Project:* Councilwoman Betts referred the Alleyway project to Town Manager, Hal Godwin. Mr. Godwin received 2 cost estimates - alley for alley to clear alleys of all brush and growth. Estimate 1 - to completely clear the alleyway. Estimate 2 - to clear the alleyways but preserve the mature trees 4 inches or more in diameter and to trim the mature trees so they will be healthy and residents can walk under them.

First estimate from Tri State Tree Service for:

*North Easement:* Complete removal of all trees and underbrush, debris cleaned up and hauled away, grinding all major stumps below grade - \$3,000.

*South Easement:* Complete removal of all trees and underbrush, all wood, limbs, debris cleaned up, hauled away, grinding of all major stumps below grade - \$4,800

Total \$7,800 to clean up both alleyways as had been discussed mid year last year.

Second estimate: To include leaving mature trees behind and grooming them to some degree

	2 <sup>nd</sup> estimate	1 <sup>st</sup> estimate
North Easement:	\$1,600	vs. \$3,000
Southern Easement:	<u>\$3,200</u>	vs. <u>\$4,800</u>
TOTALS:	\$4,800	vs. \$7,800

Mr. Godwin explained that leaving the trees saves the Town \$3,000 and saves the mature trees. Mr. Baker of Tri State Tree Service is ready to start this job whatever way Council prefers.

Councilwoman Betts stated that Senator Adams has agreed to pay the cost of cleaning the alleyways whichever way Council decides. Senator Adams has also offered to help Parks and Recreation to fund additional park benches and trash bins.

Mayor Bushey asked Councilwoman Betts if she would like to make a motion to do the alley work. Councilwoman Betts – I would like to.

*Mulberry Street Project – Groundbreaking:* Councilman Prettyman announced that on January 12, 2006, 10:00 AM Del DOT is planning on holding a little ceremony in front of H.O. Brittingham Elementary School to kick off the groundbreaking of the work which is to start on February 6. Attorney Willard pointed out that there are certain easements required for this project which are in the process of being recorded.

Personnel/Pension – Councilwoman Melson had nothing to report. Councilman Post asked if the draft for Article II dealing with the Personnel Committee and the Personnel Officer had been prepared. Attorney Willard pointed out that a draft ordinance was presented at the November meeting. At that meeting Councilman Post had comments and was requested by Attorney Willard to have the detailed written comments sent to him. Attorney Willard then prepared another draft ordinance, sent it to Town a week or so ago. Attorney Willard noted that at the November meeting Councilman Dvornick made a motion that Councilman Post's comments be considered and that the matter be put before the Personnel Committee. The Personnel Committee should schedule a meeting to consider both ordinances. Councilman Post asked if the Personnel Committee

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has received the new draft ordinance. Mayor Bushey had questions regarding the new draft ordinance; contacted Attorney Willard regarding his legal opinion and Mr. Willard was to get back to Mayor Bushey. Attorney Willard stated that the Charter as amended calls for the Personnel Officer to be the Town Manager, so in the existing Article II there are some contradictions. If the new draft ordinance is to be adopted, Attorney Willard recommended that the Charter be amended to be thorough and consistent so that it contemplates the Personnel Committee in the process of Personnel Officer. Councilman Post felt that this reintegrates the importance of the urgency to rewrite the current Charter.

Councilwoman Betts felt that upon receipt of the new draft ordinance a copy should be sent to the Chairman of the Personnel Committee. Attorney Willard brought copies of the new draft ordinance and distributed copies to Council.

Parks & Recreation – Councilman Post had no report.

Economic Development – Councilman Post stated that the University of Delaware is still studying the data from the survey that was conducted. At the last meeting they did have a rough draft of the bi-laws for the Milton Community Foundation which is being reviewed. A meeting will be set up with the Chamber of Commerce.

Planning & Zoning – Nothing to report.

*Conversion of mini-storage units into businesses:* Councilman Post conveyed his concern over converting mini-storage units into businesses. He had read in the Planning and Zoning Report where two storage units are being converted into a carpet showroom and a karate studio. The report stated there would be no impact on parking. His concern is that others have to follow strict guidelines to develop office parks in the Town of Milton. He recommended as Council moves forward they look at and follow the guidelines outlined in Better Models for Development in Delaware presented by Ed McMahon. Mayor Bushey suggested setting up a meeting between Council and the Planning & Zoning Committee to discuss this matter.

Board of Adjustment – John Collier reported the Board did not meet during the month of December.

Milton Development Corporation – Councilwoman Betts informed Council that the Christmas House Tour took in a profit of \$3,074 and thanked everyone for opening their homes for this tour. The Rehoboth Beach Film Society and the Milton Historic Society will be holding a series of documentaries in January, February, and March; January 13 – Delaware Routes, January 28 – a gospel concert at the theatre, auditions will be held January 22, 23 for the show “The Importance of Being Ernest”.

200<sup>th</sup> Anniversary- No one present

Finance/Risk Management – Councilman Dvornick reminded everyone that there will be a presentation on January 21 at 10:00 AM in the Milton Theatre regarding the water/sewer rate study that was done. The rate consultant will give highlights of the rate study. Residents can bring in their water and sewer bills and the consultant will show residents what the impact will be in the event that the rates go up as they indicate.

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### WRITTEN REPORTS

#### **Maintenance Report**

Councilman Dvornick made a **motion** to accept the report, seconded by Councilman Prettyman.

Motion passed. “Aye”

#### **Code Enforcer Report**

Councilman Prettyman made a **motion** to accept the report, seconded by Councilman Dvornick. Councilman Post asked if an addition could be included in the report showing the number of enforcement letters sent out each month. Mayor Bushey said this would be included.

Motion passed. “Aye”

#### **Police Department Report**

Councilman Dvornick made a **motion** to approve the report as presented, seconded by Councilman Prettyman.

Motion passed. “Aye”

#### **Town Manager Report-**

*Mulberry Street Reconstruction:* Hal Godwin, Town Manager, complimented Councilman Prettyman on his work regarding the Mulberry Street reconstruction that starts February 6. Mr. Godwin discussed with Del DOT that the Town of Milton has restrictive construction hours by code but that he would ask Council to consider waiving the restrictive construction hours during this project because they may have to do work outside the limits of the Town’s construction times i.e. moving the water main with possible interruption in the water service which may be more productively done during early morning hours or weekends. Mr. Godwin suggested preparing a Resolution for February Council Meeting. Councilwoman Betts agreed.

*Mulberry Street Pre-Construction Meeting:* Town Council was given a copy of the December 28, 2005 Del DOT Pre-construction meeting minutes

*Spring Elections:* Registration days will be at Town Hall on January 21 and 28 from 9:00 AM – Noon. Councilman Prettyman wanted to know what was being done for the senior citizens and disabled people who cannot get to the registration. Mr. Godwin stated anyone unable to get to Town Hall for the Registrations Days should call Mr. Godwin and he will make sure someone goes to their home so they can register.

*Police Graduates:* Expect two new graduates. Graduation Ceremony to be held January 27, 2:00 PM at Delaware State University, Dover.

*Summer Concerts:* Former Councilmember Charles Fleetwood is requesting to reserve the park Wednesday nights for the concerts starting May 3 through August 30 inclusive.

*Emergency Preparedness Workshop:* Georgetown, Sussex County, Administration Office, January 11, 2006 at 9:00 AM. Mr. Godwin felt it was important the Town focus on its emergency preparedness needs.

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*Letters of Concern:* Received from Nancy Brodhurst. Copies were given to Council.

Councilman Dvornick made a ***motion*** to accept the Town Manager's Report, seconded by Councilman Prettyman.

Motion passed. "Aye"

### Correspondence

Councilwoman Melson - none

### OLD BUSINESS

#### Appointment of Vacant Council Seat

Councilwoman Betts: I have a question before we get into that. Could I ask?

Mayor Bushey: Yes

Councilwoman Betts: Tim, on the Web Site, WBOC Web Site, I notice it states that Ed Harris and Paul Camelish can no longer run for an open seat. It was brought to some our Town Council officials and said that, and I would like before we get into that part of it, to know if that if correct.

Attorney Tim Willard: These are the individuals that were considered at the last meeting?

Councilwoman Betts: Yes

Attorney Willard: ... **inaudible**... timetable to register to run for office

Councilwoman Betts: Well this is appointments. I mean these are appointments to fill the vacancy.

Attorney Willard: I think the Council can consider, this is my opinion, and once again I know this section is frustrating to Council and also to the citizens of Milton but there is not much to vacancy language in the Charter but I think the Council could reconsider any names that have been moved and seconded. That's my opinion. It only says that if any vacancy shall occur in the office for whatever reason, the same may be filled by a majority vote of the remaining members of the Town Council and the parameters, ...**inaudible**... – like a resident so there is no limit. The requirements for running for office are spelled out in a little more detail in that a written notice must go to the ... **inaudible**.... Within a certain amount of days so the replacement vacancies ... **inaudible**...

Councilwoman Betts: ... **inaudible**... – **papers being shuffled**...(referring to WBOC website report).it said A tie vote cancelled out two candidates in the Milton election and

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it says, “Milton Town Officials say council candidates Ed Harris and Paul Camenisch can no longer run for an open seat because they both had equal votes on Dec. 5. The two were vying for an open seat left after Jerry Hudson resigned, leaving vacant a seat that can not come up for re-election until March 2008. Town Officials say that members **...inaudible....** But I would like to know where it says in the Charter or how does that fit on the Web Site to confuse people.

Councilman Prettyman: First of all I would like to make a comment on the... I don't think it is a confusion, I think the people that come before the Council and we vote, it's a tie vote, it's a tie vote but it doesn't stop them from running for, if the seat opens up in 2008, doesn't stop them, but I don't see, with the Council coming to a tie vote with the same Council sitting here, I don't think, I think that it is in poor taste for someone to put their name back in again to run for something that is a tie vote.

Councilman Post: But, but, but, I would like to comment on that count.

Someone from audience: Excuse me.

Councilman Post: The bottom line is that a tie vote is no vote. When you have three votes to three that cancels it out which means it is no vote and so therefore, the last time I remember being in this country, we were in a democracy and that means that everybody that has put their name in so far is still in the running, every one of them. I think it was just misreported either through the Town, which I think that is very important that when anything comes out of the town hall that we do need to make sure that they quote in Charter where that is, you know where they are quoting it from.

Someone from audience: excuse me Mr. Post

Mayor banging gavel

Someone from audience: **...inaudible...**

Councilwoman Betts: I don't want to cause a commotion, I just asked the questions that I felt like everyone was still if they wanted to put their name in, I just wanted to know where to look it up and where to find it so that we can go ahead.

Mayor Bushey: As a matter of fact I had contacted the attorney because I had a concern about that issue and asked him to make sure that he would be able to give us some type of legal opinion tonight.

Councilwoman Betts: Exactly, that's what I want to benefit everyone

Councilman Post: Especially when we get phone calls at home as well. It is nice to be kept up.

Councilwoman Betts: Exactly, I mean it is not right for anyone to be cast aside. Mr. Camenisch, Marie Mayor,

Mayor Bushey: Alisha Broughton, Marie Mayor

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Councilwoman Betts: Ed Harris, the whole four. I just wanted to be sure that where it was in our Charter or ..

Attorney Willard: We can spend a lot of time giving legal opinions on what we read in the press. Obviously that is an important issue, I was asked a questions just now and I think before and the vacancy filling section, as I say again is vague, is the pleasure of council and if it is on the agenda as it is tonight and someone wants to move to fill the vacancy with a name that motion has to be seconded and you would vote on it.

Councilwoman Betts: I just wanted it to be right before we started to vote and I am just asking our Town Manager that if any of the media called and we do give them an answer that we show where in the Charter.... **inaudible...**

Mr. Godwin, Town Manager: Councilmember I can assure that I did not give that erroneous information to the press.

Councilwoman Betts: I am not saying you did. I am just asking.

Mr. Godwin: I can go on to say that she, one of the ladies from the press contacted me today and I took her through the Charter book which I have in my desk and showed her in the Charter where it says about **..inaudible....**and I also confirmed it again with our legal counsel as soon as it came out of the press several days ago, so the press did contact me today to find out if in fact it was wrong and I assured them what they reported was wrong and it was embarrassing and confusing for the town and the town people to have that sort of reporting of **...inaudible...** for our community. She understood that and I gave her a copy of that page of the Charter so that won't happen again. It did not come from any of our staff or myself.

Talitha Vickers, reporter, WBOC: May I say something on behalf of the press, if that is OK, if it is not, I fully understand.

Councilman Post: Well I think it would be good since I believe that this is the press person that reported it.

Talitha Vickers: Alright, for those of you who don't know, my name is Talitha Vickers from WBOC. I am the person who reported that story. I have never ever ever in my life received so many phone calls about this story. I would like you to know that I do not make up stories; I do not at all twiddle my thumbs at my desk and just put things out there to confuse people at all. This story was aired throughout, well during the holiday recess and there were several calls made to Council members and I did not receive phone calls back. I made a call also to the Town Manager and we played phone tag back and forth, as you can imagine, my schedule is very busy so I missed his phone when I called to confirm information with him. I would be happy to give you all my cell phone number if you have questions or concerns or anything like that. I did get the information confirmed with one of the council members as well as the Mayor. I am not in any position to make up information about the town. I did go to Mr. Godwin this morning to discuss with him this suppose inaccuracy. He did, as he said, show me the Town Charter and I told him where I did get the information from. This story was in no way to upset

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anyone. Again, I apologize if it has, but if I'm given information from the Town Council or even higher-ups in the Town, with any other story that I have done, I take their word for it and I don't feel that – I don't want to speak on behalf of WBOC – I am speaking on behalf of myself, who actually reported the story,. But I did not make this up. I did not at all blow things out of proportion; I just reported the information that was given to me.

Someone from audience: Ok Talitha, so then you are saying that someone gave you the information, the Town Manager is saying they did not. Who is correct? Who's lying?

Talitha Vickers: Well today, the Town Manager can also attest to this. Today I did go to the Town; I made phone calls to the Town Manager. We did not speak prior to the story airing. Again, he was out of the office, he was busy. I was busy. I had left messages with him. I had requested to be transferred to him. I left a message also with Stephanie and she said she would give him the information. When I did speak with him today, he did tell me that you know, it is embarrassing for the Town.. He told me that he was sorry that the information was given to him inaccurately and - oh well – given to me, excuse me, but he was sorry that the information was given to me inaccurately. I am not sure if that answers your question or not.

Someone from audience: Excuse me, I just wanted **...inaudible...**

Mayor Bushey pounded gavel.

Mayor Bushey: One question at a time please.

Someone from audience: I just wanted to make sure I heard you properly. You said that before airing this you had this in front of a council member and the Mayor.

Talitha Vickers: Yes

Mayor Bushey: No she did not. I did not confirm that for her whatsoever.

Someone from audience: **...inaudible...** That is what I heard her say.

Mayor Bushey: Let me just correct something for you. She called Mr. Prettyman's house one day. I happened to be over there checking on a question he had in reference to some parcels and she was put on the phone to me. I said I believe I have the same concern or question out to the Attorney and this was just last week, that I had a question out to the attorney trying to get a legal opinion on that.

Someone from audience: In fairness to you Mayor Bushey and fairness to her, that's why I asked the question – didn't want it left hanging out there.

Mayor Bushey: OK. I had a legal question out to the attorney and asked that question and he can verify that. I called him 3 weeks ago, called him again last week and left messages.

Talitha Vickers: Mayor Bushey

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Someone from audience: so in other words Mr. Prettyman ....inaudible...

Talitha Vickers: No, Mayor Bushey

Councilman Prettyman: Excuse me. I had asked - Mr. Harris you are not listening - Mayor Bushey stated that he was at my home and there was a question about some land usage and things I was going over with him. I made a call and talked to Ms. Vickers and she was asking questions and we passed it off to him and this is what he said, it is what he said. You are taking things totally out of context because Mayor Bushey was at my home on another thing.

Someone from audience: ...inaudible....

Councilwoman Betts: **inaudible...**the only thing I didn't want you to be in another situation again is why I asked the question that could we if the media calls, that our Town Manager look it up and check the Charter and make sure that what information we give the media is correct, and I am not blaming you, Ms. Vickers at all.

Councilman Post: And in Talitha Vickers defense, I have to say that Talitha and WBOC has provided excellent coverage to this town and that's important.

Councilwoman Betts: I agree

Councilman Post: But I do think somehow there was something that kind of got off kilter with this.

Mayor Bushey: I think that what needs to be done right is probably should be like a lot of other municipalities, a policy or procedure put into place that Hal does the major releases of the Town of Milton

Hal Godwin: What I did today was to give this young lady my business card, which has my cell phone number. If you have questions in the future and can't get through our offices lines, please call my cell phone. As you heard earlier, it is always in my pocket and if I can't give you an answer right then, I'll get the code out and give it to you from the code.

Councilwoman Betts: And I do want to thank you for all your help for the Town. And it was in no way when I brought this up.

Talitha Vickers: I understand. In all due respect Mayor Bushey, I did ask you more than once if this is correct, if two candidates when it comes to the matter of a vacant seat, if two candidates submit their letter of intent, or however many candidates, submit a letter of intent and there is a tie vote, does that mean that the candidates cancel each other out and you said yes, you were also going to speak with your lawyer for further knowledge about the situation, but you did say yes, on more than one occasion, and you said you would be going to attorney generals office or making a call to them just to confirm that as well, but you said from your understanding, yes, and that you would go to your lawyers. So I do not in anyway shape or form feel that I made a misrepresentation with the information I was given and I've been WBOC's defense.

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Mayor Bushey: Thank you.

Someone from audience: Do we have a Sunshine Law in Delaware? I am referring to when two or more council members get together to discuss public issues.

Attorney Willard: It's got to be and I believe. To answer your question and I haven't gone to the mat on it recently, **...inaudible....** It has got to be more than two.

Someone from audience: Can I ask when the agenda was released to the public. Was it released Dec. 30<sup>th</sup>? Isn't it 7 days for posting **...inaudible...** that's illegal folks.

Mr. Godwin: It was posted out front of town hall on the 27<sup>th</sup> at 10:45 am.

Someone from audience: **...inaudible....**Dec. 30<sup>th</sup>

Mr. Godwin: I'm sorry, mine says it was posted out front on the 27<sup>th</sup>.

### OLD BUSINESS

#### Appointment of Vacant Council Seat

Mayor Bushey stated during the last several weeks he received three (3) letters of interest: one dated December 14, 2005 from John Collier, December 27, 2005 from Ed Harris, and December 29, 2005 from John Frey.

Councilman Dvornick made a **motion** that John Collier be appointed to fill out the vacancy by the resignation of Jerry Hudson. The motion was seconded by Councilman Prettyman.

Roll call votes to have John Collier fill the term vacated by Mr. Hudson:

Councilman Post	No
Councilman Dvornick	Yes
Councilman Prettyman	Yes
Councilwoman Melson	No
Councilwoman Betts	No
Mayor Bushey	Yes

The vote resulted in a tie 3-3. Motion failed.

Councilman Post made a **motion** to resubmit Ed Harris. The motion was seconded by Councilwoman Melson.

Roll call votes to have Mr. Harris fill the term vacated by Mr. Hudson:

Councilman Post	Yes
Councilman Dvornick	No
Councilman Prettyman	No

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Councilwoman Melson	Yes
Councilwoman Betts	Yes
Mayor Bushey	No

The vote resulted in a tie 3-3. Motion failed.

Councilman Dvornick made a **motion** to appoint John Frey to fill the term vacated by Mr. Hudson. The motion was seconded by Councilwoman Betts.

Councilman Post	Yes
Councilman Dvornick	Yes
Councilman Prettyman	Yes
Councilwoman Melson	Yes
Councilwoman Betts	Yes
Mayor Bushey	Yes

Motion passed unanimously.

Mr. Frey introduced himself to the audience. He originally lived in New Jersey and has resided in Delaware for the past 8 years. He has worked for two New Jersey State Senators, was on Council, Council President and Vice President. He felt that with the Mayor, the present Council and his help all can make Milton a good place to live.

Mr. Frey took the Oath of Office being sworn in by Secretary Councilwoman Melson.

Congratulations were given.

Mayor Bushey thanked the other residents who submitted their letters of interest.

### Approval of Software Purchase

Councilman Prettyman made a **motion** to approve the new accounting software from Edmunds and Associates. The motion was seconded by Councilman Dvornick. Councilman Frey abstained.

Motion passed. “Aye”

### Choose Wastewater Treatment Facility Bidders.

Mr. Godwin received 4 letters of interest. The engineering firm of George, Miles, & Buhr, LLC assisted in narrowing the letters of interest down to 3 design build firms which Mr. Godwin would like the Council to consider to be the bidders on the new wastewater treatment facility. The companies are: George & Lynch Inc., New Castle, DE; Reid Engineering Company, Fredericksburg, VA; The Whiting Turner Company, Baltimore, MD.

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Councilman Post made a ***motion*** to accept the three above mentioned companies to bid on the new wastewater treatment facility. The motion was seconded by Councilwoman Melson.

Motion passed “Aye

### Choose Engineering Firm to Create Design/Build documents for proposed new Wastewater Treatment Facility bids.

Mr. Godwin presented a proposed contract with George, Miles & Buhr, LLC, which the staff recommended, to design the Town’s bid documents. The bid document will be the requirements to be placed on the three (3) bidders. Mr. Godwin felt that technical assistance in developing the bid package was needed so that the Town’s needs are met adequately at the most reasonable cost.

Councilman Dvornick made a ***motion*** to accept George, Miles & Buhr, LLC to create the design/Build documents for our wastewater treatment facility. The motion was seconded by Councilman Pretty.

Motion passed “Aye”

### Franchise agreement with Chesapeake Utility

Attorney Tim Willard explained that the original draft franchise agreement is dated May 31, 2005, changes were made by Chesapeake Utility on June 28, 2005, on August 12, 2005 there was a second revision. There was a workshop held on November 29, 2005. The last draft sent, Chesapeake bolded the changes that were accepted. Some of fees were not accepted. The last revision was sent to the Attorney early in December 2005 and it seems that Chesapeake has adopted most of the changes Council had concerns with. Attorney reviewed other towns, Milford, Seaford, Blades. They had a \$10,000 lump sum which was not included on Town of Milton’s draft agreement.

Mr. Rich Felton and Mr. Jim Schneider, Chesapeake Utilities, were in attendance. Mr. Schneider gave an overview. Dec. 2004 Chesapeake addressed Town Council and told Council of plans to expand natural gas into eastern Sussex County in 2005. The transmission line has just been completed from Milford to Milton. In March 2005 Chesapeake submitted a letter with attached draft franchise agreement to Town Council asking that Milton consider entering into a franchise agreement. As result of the letter on May 31, 2005 a special workshop was scheduled to hear questions and concerns regarding the agreement. Mr. Godwin and Mr. Schneider met several times to discuss terms and conditions of a draft franchise agreement. 23 changes were made to the original draft, most from the Town Manager’s side. November 29, 2005, the second special workshop was held to review the most recent draft. Comments from Town Council, Attorney Willard, and Mr. Godwin resulted in another 6 additional changes. The document presented at tonight’s meeting is entitled “1<sup>st</sup> Revision Draft Franchise Agreement”. Changes since November 29, 2005 are included in this document – bold print.

## Milton Town Council Meeting – January 3, 2006

Mr. Schneider pointed out that Milton will benefit for having natural gas as an alternative energy source. Natural gas attracts quality developers, builders and businesses. The Town of Milton will benefit directly from the property taxes that Chesapeake will pay, example: a development of 500 homes could conservatively generate more than \$3,000 per year in property taxes based on the current assessment of \$.41 per \$100 of assessed value. Chesapeake has agreed to pay a 10% restoration fee, in addition to paying for all construction cost related to repairs and restoration work. Chesapeake will pay an additional 10% of the total construction costs to the Town of Milton not to exceed \$200 per application. Chesapeake has also agreed to collect a franchise fee of .018 per CCF of natural gas used by local residents and payable to the Town of Milton. A CCF is 100 cubic feet of natural gas. The franchise fee is paid by the customer. Chesapeake is willing to accept the franchise fee amount stated in present 1<sup>st</sup> Revision Draft agreement, Chesapeake is concerned about the overall impact that a franchise fee will have on the customer's bill.

Mr. Schneider stated that Mr. Godwin asked for .02 CCF. Chesapeake's position is to remain at .018 CCF which is the highest Chesapeake has paid. This is a 25 year agreement and Chesapeake has to be careful about adding cost to the product as they compete with other energy alternatives. There is no up front money offered in this agreement because we are almost twice of what Milford is.

Attorney Willard wanted to know if the Town Council would entertain the .018 CCF would Chesapeake consider a lump sum payment for the first year like Milford. Mr. Snyder said a lump sum payment would be considered but probably not in the amount of \$10,000. Mr. Willard wanted to know if Milford had a permit fee cap. Mr. Schneider explained that Milford does not have the restoration fee nor do they pay a permit fee.-

Mayor Bushey stated that since Council just received the 1<sup>st</sup> Revision Draft he would not call for a vote tonight but would put this item back on the agenda at February's Town Council Meeting.

### NEW BUSINESS

Consideration of Resolution Regarding Annexation and Zoning of Parker Property, Sussex County Tax Map 2-35-14.11 Parcels 57.00, 58.00 and 60.00 located along County Road 228.

Councilman Dvornick made a ***motion*** to accept the recommendation of the Planning and Zoning Commission to annex the property of James and Mary Beth Parker. The motion was seconded by Councilwoman Melson.

Roll call to annex the Parker Property

Councilman Post	Yes
Councilman Dvornick	Yes
Councilman Prettyman	Yes
Councilwoman Melson	Yes
Mayor Bushey	Yes

## **Milton Town Council Meeting – January 3, 2006**

Councilwoman Betts               recused herself from the vote  
Councilman Frey                   abstain

### **Appointment to the 200<sup>th</sup> Anniversary Committee**

Mayor Bushey explained that last month Councilman Prettyman resigned from the Anniversary Committee. The Mayor spoke with Charlie Fleetwood who was interested and took over the chairmanship this committee.

### **Appointment of Jose Quinones to the Election Committee**

Councilman Dvornick made a ***motion*** to accept the appointment of Jose Quinones to the Election Committee. The motion was seconded by Councilman Prettyman.

Motion passed. “Aye”

### **Amendment to agenda - Discuss Milton’s Need for a Tree Ordinance**

Mr. Ed Harris explained the importance of future planning of communities is the preservation of the trees and green space and asked Council Members to consider adopting a Tree Ordinance. He explained that the advantage of keeping the trees and green space is to promote protection of the trees; wooded lots sell for more money than lots without trees, and trees improve the esthetics of a neighborhood. Mr. Harris felt that every tree that is taken down takes away from the value of resident’s property. He suggested that Town Council consider using Rehoboth or Milford’s tree ordinance as a guideline. There are other options instead of taking trees down, i.e. tree surgeons, pruning, cut the trees back. He felt that Town Council should require developers to plant more trees.

Mayor Bushey stated that this matter would go to the Town Manager and Attorney for review and present recommendation back to Council.

### **Request from Town Manager re: Alleyway cleaning project**

Councilwoman Betts made a ***motion*** to accept the bid submitted by Tri State Tree Service that does not cut the trees down. Bid in the amount of \$4,800. The motion was seconded by Councilman Dvornick.

Motion passed. “Aye”

### **Concerts – Reservation of Park on Wednesday nights - May 3 through August 30**

Councilman Dvornick made a ***motion*** to reserve the park for Wednesday night concerts. The motion was seconded by Councilwoman Betts.

Motion passed. “Aye”

## **Milton Town Council Meeting – January 3, 2006**

### **Del DOT - Waiver of Construction Hours – Mulberry Street Project**

Mayor Bushey stated that this matter would be put on the January 19, 2006 agenda for consideration instead of the February meeting agenda..

#### **Request that the Town Manager be designated as the Public Information Officer**

Councilman Dvornick made a **motion** to designate the Town Manager as the Public Information Officer. The motion was seconded by Councilman Prettyman.

Motion passed. “Aye”

### **2006 Council Prioritization Workshop**

Councilman Dvornick explained that he and Councilman Post request that Council hold a 2006 Council Prioritization Workshop for the purpose of outlining exactly what the Council priorities are for the next year. They would like each member of Council provide six (6) priorities in a sealed envelope to the Town Manager. Councilman Dvornick requested that a date be set aside for this workshop.

Council Members are available Wednesday, January 18, 2006 at 6:00 PM – place to be determined.

Councilman Dvornick made a **motion** to go into Executive Session. The motion was seconded by Councilman Prettyman.

Motion passed. “Aye”

Council returned from Executive Session.

Councilman Post made a **motion** to come out of Executive Session. The motion was seconded by Councilwoman Betts.

Motion passed. “Aye”

Councilman Dvornick made a **motion** to amend the lease as it pertains to the three items discussed in the Executive Session. The motion was seconded by Councilman Post.

Motion passed “Aye”

Councilman Dvornick made a **motion** to adjourn the meeting, seconded by Councilman Prettyman. Meeting adjourned at 9:30 PM.

Respectfully submitted.

Pat Feeney