

Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday April 6, 2009
7:00 p.m.

1. **PUBLIC PARTICIPATION** portion was called to order by Mayor Post at 7:00 pm

- a. Deborah Rice-Spellman: I'm speaking in reference to the Shipbuilder sub-division that is coming for approval tonight. That is Section 15e of the agenda for tonight (April 6, 2009) under New Business. Just a couple of comments. I did submit a FOIA request on January 26, 2009 to which I received a return phone call on March 16, 2009, that's seven weeks later, the day before the Planning & Zoning Commission meeting, before it was approved. And then on the day of the Planning & Zoning Commission meeting where the approval for Shipbuilder division, that's March 17, 2009, I submitted another FOIA request for more documentation expressly pertinent, I believe written and required for your review before you vote on this proposal tonight. Mr. Robin Davis did call me I believe it was on March 23, 2009 to tell me that he would let me know when he had the documents I requested and he has not called me again; and here it is April 6th. Tonight you are expected to cast your vote on this project. My request in the FOIA request that I gave you on March 17th were for a signed document by Cave Associates or another appointed Town Engineer, just stating that they had reviewed the proposed revision, the Merestone document. I'm really not sure of the date of the Merestone document. I did just talk to Mr. Kerr and he doesn't recall signing a letter stating that he reviewed it and that he approved it. He said that he would have to review his own documents. I know it's a lot of documents; but given the nature and the tone of this one development, I think it's good to have everything in a row; all your t's crossed and your i's dotted. One document that I did review in Town Hall on the 17th of March was authored by R. E. Dennis discussing his findings with references. Although they were all supportive, they included the Merestone document, but I don't believe he's a qualified expert opinion for that, and I'm not trying to be critical; again I'm just trying to get all the information out in the open. If you in fact see, as a Council tonight that you can vote on this project, and that it is appropriate, please consider enforcing a performance bond for the entire stormwater project, not just the project that's coming before you tonight for the seven lots; that's the new portion on Mulberry Street. In addition to that, please consider the Merestone revision; and I know in today's economy it's a lot of money to ask somebody to put out, but it's what I consider money that should have been spent already. Normally that pump sits in front of my house with the hose across my rear property and I would like to finally get that off of my property. Mayor Post: I don't believe it goes to the rear anymore because I think that farmer no longer wanted it on his property. Doesn't it get pumped to the front now, George? It doesn't go onto the farm in the back.

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Deborah Rice-Spellman: It goes along the rear of all the Shipbuilder properties. Not only do I think that you should get the performance bond, but I think you should put a time limit on the performance bond with penalties and just strong, very concrete, specific language for enforcement of failure to complete the stormwater revision. That's all I have to say.

Mayor Post: I'm sure you'll stay to the end of this; hopefully you will be pleased with some of the things that you do hear.

Deborah Rice-Spellman: I would like to read about it in the paper.

Mayor Post: Ok, thank you.

- b. Cliff Newlands, Wagamon's Restaurant, Oysterman Drive: I've been asked by a number of people Wagamon's West Shore and Cannery Village to speak on behalf of the Baker Project, in opposition to that project. If we can have a show of hands for those people who are in opposition to the Baker Project. We feel that the project is going from a very light zoning area of agricultural and residential to extremely heavy, complicated zoning of heavy industrial; and we think it is going to be totally out of character with our community. In Milton we have bakeries and supermarkets and hair salons, things we can get to or within a mile from our home; and here they want to put something that is outrageous in a heavy industrial area, just again, a mile from our home. We think it is outrageous to have something like that put into a residential area. We hope that you, Mr. Mayor and the Town Council will write a letter in opposition to this project. Thank you very much.

Mayor Post: Thank you.

- c. Ginny Weeks: 119 Clifton Street. I am here also to speak about the Baker property. I went to the meeting at the County Council when they held it and spoke and I would like to read what I read to them to you so you understand where I am coming from. For years the Sussex County growth area mirrored the Town of Milton growth area. The new Sussex County comprehensive plan clashed with public hearings continued to mirror Milton's growth area along Route 30. That is until the applicant, Wilton Baker, Inc., requested that parcels 23 and 22, for a total of 28.34 acres be rezoned from AR-1 to Heavy Industrial District. Since these parcels were outside the County's designated growth area, the County quickly had them added to the designated growth area without a public hearing. What they did was, they went looking at their comprehensive plan, which includes the growth area map; they had a public hearing on it on April 3rd; but it didn't give any public notice of the Baker Property, which in actuality was not included. That was actually not included until June when Mr. Lawrence Lang brought it up and we have an amendment and there were 2 amendments. One was the Baker Property and something in Milford. So without a public hearing, it was added to the growth map. I'm against it for several reasons. One, as Cliff says, it's out of character and intensity of the surrounding area. I would ask you to remember that on Route 16 and 30 we have a housing development and the County has, again, already

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approved, although some people say it won't be built; but for 5 years we have approval of almost 4,000 dwelling units along Routes 30 and 16; better known as Elizabethtown. It's proximity to Milton; the Town of Milton will be encumbered with both Fire and Police responsibilities and because we will be the first responders in case of emergency; even if we are not charged with that; because we are the closest town to it. Is the county going to provide you with extra funding or training for this if it is a highly hazardous petroleum depot or a propane gas depot? I don't know if you guys know what propane gas looks like when it explodes? The idea of having that in an area where close to 4,000 homes and the homes that are already there just scares the life out of me. The location is on major roads, that's true; but DelDOT didn't think it needed a traffic study and it based it's requirements for not having a traffic study on the fact that 2,970 vehicles per day pass by; but unfortunately that count was taken in 1997, as it states on the piece of paper in the folder; so anything that's been built in the area, all the new homes down south where people are going down 30 and 16 area not included in that traffic account; and I don't understand why DelDOT doesn't think that a traffic study, or at least a new traffic count, not be done. It doesn't have public water and it doesn't have public sewer. I don't even know if you can get a fire plug put up out there. If you are going to put 28 acres; Mr. Baker said they were going to build 4 pads and rent them out, that they had tried to sell them and had some interest; but then they couldn't really sell it because it was going to take too long to get it into heavy industrial; so whether he's going to do it and then flip it; whether he's going to rent out pieces of the floor pads; you have no idea what's going there; you don't know what's happening and there's no water in the street and there's no sewer. The other thing is that heavy industrial allows buildings to be built to a high of 125 ft. That's over 12 stories tall. And a side and rear setback from the houses around them of 20 ft., I believe; and a front setback, which nobody cares about, which is 50 ft. So those are the reasons I am against it and I would urge you to please write a letter and it has to be there before April 15th saying the Town of Milton thinks this is a very poor idea. I don't even want to talk about the railroad going up along 16 close to those houses in Ellendale; I don't know where Ellendale is. What are they thinking? Thank you.

Mayor Post: Thank you.

Mayor Post: We will now close the public participation portion of this meeting at 7:12 pm.

2. The Milton Town Council Meeting was called to order by Mayor Post at 7:12 pm.
3. A Moment of Silence was led by Mayor Post.
4. The Pledge of Allegiance to the Flag was said by all in attendance.

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5. The swearing in of C Duby and C Prettyman was held by Stephanie Coulbourne, Town Clerk.

6. Roll Call was called by Mayor Post

C Duby	Present
C Hudson	Present
Mayor Post	Present
C Betts	Present
C Prettyman	Present
C Abraham	Present
C Martin-Brown	Absent

7. Additions or Corrections to the Agenda

Mayor Post: Are there any additions or corrections to the agenda? If not can we have a motion to approve it?

C Prettyman: I move that we accept the agenda.

C Duby: Second.

Mayor Post: All in favor say “aye”. Opposed. Motion carried.

8. Presentation and Approval of Minutes for March 9, 2009.

C Prettyman: I move that we accept the minutes of March 9, 2009, as presented.

C Betts: Second.

Mayor Post: We have a motion and a second, is there any discussion? All in favor say “aye”. Opposed. Motion carried.

9. Approval of Written Committee Reports

C Betts: I make a motion to accept and approve the committee reports that have been submitted to us, as written.

C Prettyman: Second

Mayor Post: All in favor of accepting the committee reports, as written, please say “aye”. Opposed. Motion carried.

10. Old Business

a. Town Manager’s Report

George Dickerson: Good evening Mayor and Council. I would like to give you an update on the Rails to Trails project. So far we are ahead of schedule for that project. The timeline for completion is actually May 30th, which is the deadline. June 20th is our drop-dead date; that we would have an issue with the money; but one of the things that I would like to say is that Reid Trucking, whose property is adjacent to the project, have been very understanding; we had a need to in some of the Brownfields operation we had a hot spot there where the dirt had to be dug out of there and placed on a plastic tarp and then it had to be re-inspected after it was dug out to make sure it was all removed. Reid Trucking was very amenable to placing the tarp on their property and allowing us to store it there temporarily until the testing was completed;

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eventually it will be blended back in and covered with fill and blacktopped; so we are making great progress with that project. Clean-up for the site will be the environmental remedy to include limited soil removal from the eastern portion of the site in the vicinity of Chestnut Street. The placement of a geotextile which is a special material too, that you can place dirt on and then seal it, will be placed there and it will then have clean backfill put over than. Eventually, it will be blacktopped, as the plans call for. But the project is moving along very nicely. Mike Davidson, who is the excavator who was awarded the bid; the rails have been removed and disposed of; the ties have also been removed and will be disposed of; and, in fact, those old creosoted ties; will actually be taken to Ohio which is where they will be taken to be disposed of in a facility that specifically deals with those creosoted railroad ties. Clearing and grubbing; installation of the filter cloths and place 12” sandy fill will be placed in there and then the construction of the sidewalks out there to Chestnut; as well as when they get to Federal Street; will also be coming very soon. We did receive a letter as the Mayor had requested a letter be written to Carol Ann Wickes, who is the Secretary of Transportation with regard to a request on Lavinia Street to look at the speed limit there. We did receive a letter back from her that says they are going to be doing a study of the speed limit on Lavinia to look at those within town limits; what those speeds are. If you remember upon renewal of our insurance premiums last year, we saved approximately \$18,000; I’m pleased to report that we had an additional savings this year was \$18,983 for our property, liability, as well as worker’s compensation. Our rating had actually gone down; we were in a high category at one time, because some year’s ago there was an employee that had an event that lasted about a year; and since that has come off the rolls, we’re down to about a .91 which reduces that premium, so that was a good savings for our insurance. This Thursday night at 7:00 p.m. here will be the six month budget review update. I will have to all Council Members by close of business tomorrow the update budgets so you will have that in hand, prior to that meeting for your review; which will give a break out of what those changes are and be identified to you where the changes have been made. I can tell you that it’s good news at the end of the report and we were able to, thanks to staff and some hard work in managing this; because we meet every week now on budget, that we were able to keep that in line and the report will please you all. You may see from time to time in town some vehicles that have on the side of them PTA or reassessment vehicle that they are doing the reassessment; that reassessment process has started. Each day, the people that are working call into town hall, talk with Stephanie; Stephanie then reports to the Police Department; the vehicle is there; the tag numbers and also so that if anybody has any questions, they will be easy to identify going about the reassessment process. That’s really all I have for now.

C Hudson: Mr. Dickerson, I have a question about Rails to Trails. Will Mike Davidson be removing the ties and rails all the way out to Lavinia?

George Dickerson: No. Not at this time. The only thing that has been pre-approved at this point; and the only thing that is Phase I; now what we have

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asked for with the Brownfields to continue on, we have asked after we get this project, because we have such a close window to having this completed; the funding is for the whole project out to Lavinia Street; so at that time we can look at the rail removal, as well as the ties, as well as the testing on the soil.

Mayor Post: Just the Brownfield is all that is approved.

C Hudson: So that would be the rails and the ties, wouldn't it?

George Dickerson: Yes.

Mayor Post: And the dirt.

C Hudson: And the dirt, right. Because the people at Wagamon's are interested in getting the rails out, especially, because they don't want tank cars back there.

Mayor Post: We have those in an abandonment process; and we also had an approval or an agreement that those cars will not be brought back.

George Dickerson: Yes, that's correct. There will be no cars. Last time we had an incident out there; nothing would be on the east side of Lavinia Street. Everything would be kept to the west side.

C Hudson: Did you have a vague or broad time frame when Mike Davidson would be working on the Rails to Trails project?

George Dickerson: No, I do not, but I'll let you know as soon as possible; but I'm only concerned with this first phase right now; it makes sense though; your point is well taken while he's on site if he can continue, he will.

Stephanie, do you have any comment, you're on top of this issue, do you have any comment that you would like to make?

Stephanie Coulbourne: Currently the State of Delaware doesn't have any funding to remove the rails or ties on Phase II. If you were to have Mike Davidson do that, you would have an issue because it wasn't bid out; you are going to have to bid out that process for the removal of the ties and rails on the second phase.

George Dickerson: Is it correct that the ties, since they are a contaminant, we know that; and contain carcinogenics; that that is covered by Brownfields?

Stephanie Coulbourne: Yes, it will be, up to \$1,000,000.

George Dickerson: Right.

C Hudson: Another general question; the current Phase I behind the medical park, will it include benches, trash cans and street lighting?

George Dickerson: Yes. That is part of the alternatives that were bid into the package, yes.

C Hudson: I thought I read somewhere that Angerstein's is donating pavers, is that correct?

George Dickerson: We have met with Mr. Warren Jones, out there; they had at one time prior to the economic slump, said that they would possibly entertain placing some pavers out there. We have approximately 500 sq. ft. combined with Chestnut as well as Federal Street and those pavers; when we met with Mr. Jones; he knows what we're requesting and he's taking it back to his people and looking at their finances and see if they can contribute anything to the project.

C Hudson: Are we going to go ahead with making every effort we can to get the rails and the ties and everything done all the way to Lavinia; all the processes and the paperwork; the applications; are we going to move ahead with that?

Mayor Post: Just the Brownfield.

George Dickerson: Anything that is Brownfield, yes. But don't misinterpret that with Rails to Trails project; because there is no funding available for that.

Mayor Post: Rails to Trails is not funded. The Brownfields is funded and that will include removal of the ties and rail and the contaminated dirt. As far as your getting into major money when we move the trestle track; but there are absolutely no funds for Rails to Trails and I would say there will be a long time before there will be any more funding for Rails to Trails. But you're under the deadline of the Phase I, because there is other money that is hinged to it, that has to be spent.

George Dickerson: That is correct.

Mayor Post: Or we will lose it.

George Dickerson: Yes, and it looks like that deadline is at 5/30/09 and we're ahead of schedule; where we need to be for that Phase I.

C Hudson: Thank you very much.

Mayor Post: Another thing is that there is a new medical complex that will be opening up out there, as well; where Tidewater Physical Therapy is in that gray building; it's going to be radiology and MRI.

George Dickerson: I would defer to Robin Davis; believe it or not, I don't know everything.

Robin Davis: Actually I think Ocean Imaging is the name of the company out there and they are actually opened now and they had a grand opening just recently.

C Prettyman: Last week; last Friday at 12 noon.

Mayor Post: I didn't realize that they were opened. They are going to build a third building, my understanding is.

Robin Davis: Eventually, yes.

George Dickerson: They are approved for a third building.

Robin Davis: They have to come back for approval for the new building itself.

C Prettyman: Going back to C Hudson's question of the lighting; I was under the assumption that they would be low level lighting along that trail behind the walk.

George Dickerson: I will defer to Stephanie.

Stephanie Coulbourne: We actually did have quite a number of light poles designed for that area and we removed some because the lighting was too bright. So there will be lower lights.

C Prettyman: It will not be the tall poles, but lower to the ground?

Stephanie Coulbourne: It will be the tall poles, but the projection of light will not be as bright.

c. Written Reports
Maintenance

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C Prettyman: I make a motion we accept the written report dated March 9, 2009, as written.

C Abraham: Second

Mayor Post: We have a motion and second; any questions; all in favor, opposed, motion carried. .

Project Coordinator/Code Enforcer

C Prettyman: I make a motion to accept the Project Coordinator/Code Enforcer report March 2009 as written.

C Duby: Second

Mayor Post: We have a motion and second, all in favor, opposed, motion carried.

George Dickerson: I do have an announcement regarding the Code Enforcement, that's why I've gotten up here again. Unfortunately, Mr. Dennis, known around Town Hall as CC, has accepted a job with the City of Milford as their Code Enforcement Officer and will be leaving us on April 17th. I would like to say that CC has done a tremendous job for the Town and he will surely be missed but for a \$12,000 salary increase, he couldn't do much else. Thank you.

Police Report:

C Prettyman: I make a motion to accept the Police Report dated February 21 to March 20, 2009 as presented.

C Abraham: Second.

Mayor Post: We have a motion and second; any discussion to this motion? All in favor, opposed, motion carried.

d. Water Facilities Plan Update by Cabe Associates

Scott Hoffman: Good evening. I would like to thank the Town Council for giving us this opportunity to present a formal presentation of the Water Facilities Plan that we completed last year for the town. This project is similar to facility plans that we have done in the past; it was funded through a 50% grant from the State of Delaware; through the offices of drinking water. There are four goals related to the Planning Document. The first goal is to identify existing conditions in the water system; identify potential improvements; plan for future growth and establish fiscal requirements related to any needed improvements and items needed for future growth. What we're looking at here is the Town's CPCN area, which stands for Certificate of Public Convenience and Necessity, and the yellow shaded area you're seeing is the area where the town is legally able to serve water. You can see it covers all of the existing town and there are also some parcels outside of town. Any new properties which are annexed through state regulation are automatically included into the Town CPCN area, although there has to be a formal notification to the Public Service Commission which is the State of Delaware agency which regulates CPCN's. One thing I would like everyone to note is where you see the red light here is the Broadkill, and this is the pond. The

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town's water is really divided into two pieces; the half north of the Broadkill and the half south of the Broadkill; those two pieces are connected by two pipes under the Broadkill; one down on Front Street at the bridge, which is a very old pipe; and a newer connection which was put in several years ago on Mulberry Street. The first thing we're going to talk about tonight is water supply. The town has four existing wells; three of them are located at the water treatment plant; which is at the corner of Behringer and Chandler Streets; the fourth one is located at the wastewater treatment plant. The important thing to note about the wells is the depth. Wells 2 and 3 which are at the water treatment plant are shallower and they are located in what's usually called the water table aquifer; Wells 4 and 5 – 4 is at the water treatment plant and 5 is at the wastewater treatment plant and are located in a deeper aquifer. The newest well you have is Well 3, which was replaced last summer. The depths have some implications on the town's water quality, which we're going to take a look at. Again, Wells 2, 3 and 4 are on the north side of the river; Well 5 is on the south side. This graph shows the town's water usage going back to 1998 and two trends which I would like you to notice are this increase. This red line is not really a statistically generated trend line. I drew it on there to give you an idea of the recent increase since about 2003-2004 in the water demand, in the town. The other thing you will notice is these peaks. These represent the amount of water that is being used in the summertime, most likely for things like irrigation. Those peaks are higher than they used to be; as compared to the average water use. Right now you are averaging about 280,000 gallons per day. An important thing that the town has is the water allocation permit and this is a document which is regulated by the Delaware River Basin Commission and basically it says how much water you are allowed to withdraw out of the aquifers under the town. It was last done in 1987; it expires in 2017 and these are the quantities of water which you are allowed to withdraw each day. I mention the summertime usage; you have in the past couple of years exceeded your maximum 30 day withdrawal which is 10,000,000 gallons per day for 30 days in the summer months. This graph shows a _____ demand projection based on some assumed growth rates; the blue line is what we are calling a high growth rate of 150 homes per year and that will more or less use up all of your existing surplus lots, that is lands that have been annexed and approved subdivisions that exist now in town. When we presented this to the Town Manager, he asked us to get up with Robin Davis and take a look at some other numbers which represent recent growth data and we put together a trend line based on 50 homes per year. Reality is that you're not going to have either of these happen. It's going to be somewhere probably in between these lines. At 50 homes per year, within 20 years you would be at 500,000 gallons a day, or almost double what your current demand is. Looking at water quality, I mentioned before about the deep wells and the shallow wells; your shallow wells have elevated levels of nitrates and that's not something unique for the Town of Milton; that's something that is in many wells throughout Sussex County and you're not at levels which are dangerous at this point. In

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the deeper wells, the water from those aquifers has a higher Ph. The nice thing is that Milton, unlike a lot of other towns has been able to avoid a lot of expensive water treatment by blending a deeper well with a shallow well to provide the total water flow. Therefore, your treatment at this time consists of disinfection and fluoridation, which right now are the two most inexpensive water treatment things in the area. One problem is Well 5 because it is located south of the Broadkill at the wastewater treatment plant; it cannot be blended with any other water sources. So our recommendations related to water supply would be to submit an application to the Delaware River Basic Commission to first receive a new water allocation to meet your future needs; second would be to identify a location for new well field and treatment site sometime within the next couple of years; and, we are emphasizing well field, rather than just a well site, to try to maintain that ability to have multiple wells and be able to do blending or at least minimize the number of locations where you have to do water treatment. It would be nice to keep that at one location. Abandon Well 5 and construct a new well and a water treatment facility at the previously identified location. Install a SCADA System and that stands for Supervisory Control and Data Acquisition, which is kind of a fancy logo for the ability of Allen to see what's going on at the different wells and water treatment plants at his desktop through computer in integrated monitoring of the water system. Then, in the future, at some point, would be to install a second new well on the well field. One thing, the well field should be on the south side of the Broadkill. Looking at water storage: presently there are two elevated storage tanks and I'm sure everybody knows where they are. Tower Number 1 is what we will be referring to as the tower by Chandler Street and Behringer Street behind the water treatment plant and Tower Number 2 is commonly referred to as Shipbuilders water tower. They have a total storage capacity of 225,000 gallons. Looking at how much storage you have, compared to what is generally recommended for a municipal water system. It is recommended to have a minimum of an average day's flow, which is 280,000 gallons and the Delaware State Fire Regulations require you to have a certain volume of stored water for fire protection, in excess of your water for domestic demand, which is equivalent to 184,000 gallons. That total is 464,000 gallons, which is approximately 239,000 gallons short of the general recommended standards for water storage. The town has since 2002 had a contract for maintenance of the water tanks that's worked out very well. That contract goes to 2011 and as far as I know the tanks are in good condition; they've been maintained through the contract. Our recommendations for water storage would be to continue the maintenance program through bidding of the services when the current one expires; to start to plan looking to build a new 500,000 gallon storage tank sometime this year and to look into the future at whatever is going to be needed fiscally to build another storage tank provided that the growth is going to support it. Finally, after you have two tanks when you get to the point that you need 1,000,000 gallons of storage, you can consider selling the existing Shipbuilders water tower to try to recover some of your capital monies put into the new ones. This is a portion

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of the town's water system map and we identified some locations for new storage tanks. This parcel is the Key Ventures/Cave Neck Road property and I believe the town has a parcel in this area. That was identified as the primary and potential location for a new water tank and well field. The biggest disadvantage of that location is there is quite a bit of water main that would have to be constructed to connect that into the town system. We have three other locations which are included in the plan: one is at the expense of the Cannery Village project, which would be connected through some of the water mains that are going to be constructed for that project. Those are not done at this point, so you would have to wait for that to happen before this site could be used or be forced to put that in. I should also note that some of these locations were talked about in the last plan where we were recommending the water storage tank. This location is behind the Dogfish Head Brewery and there is connection right now for this storage tank that was put in when the Round Pole Branch sewer and water project happened several years ago. The final location we identified was behind the elementary school. That location would also require building some infrastructure, but not as much as the other locations. Looking at how the water gets to everybody's house, that's through the water mains or the water distribution system and within the past ten years the town has done several water main projects, which have resulted in a large diameter water main loop throughout town. Looking at fire flows and pressure, they are adequate throughout most of town, with the isolated areas where there is weak pressure are primarily at small diameter dead end means; at the very extents of the water system. The Atlantic Avenue, out by the little league fields, is an example of one of those places. The other major projects that the town has done in terms of the distribution system is replace a lot of the older water services, commonly referred to as lead goosenecks, with new water services. The town's hydrants were tested in 2004 and again in 2008; there were some defective hydrants, and we developed a list that was included in the plan and they were being repaired, and I think have been completely repaired by this time. Allen says, pretty much. Improvements to the distribution system: they are going to be guided by wherever a new water tower ends up being put in. As I said, there are going to be some locations where you are going to need to have infrastructure to connect the water tower to the system. The second is to look at providing a third river crossing to connect the two halves of the town water system. Growth needs and repairs to older parts of the system that are needed, as the older parts start to fail. This is a map of the water system and it shows a potential location for a third river crossing. This is the southeast corner of Wagamon's; this is West Shore Drive; this is Federal Street; this is the Rails to Trails area; and, we are looking at a potential water main in this area that would connect Wagamon's over to the large diameter water main that was put in a couple of years ago in this area. This is an example of the kind of project that would happen as part of growth and this is the River Walk on the Broadkill area; that is a potential sub-division. We're looking at a potential tenant's water main which would go along Union Street, down here and be a replacement for the existing water

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main on Atlantic Avenue. These types of projects are basically expansion of your existing water main loop. Looking at capital cost numbers for these projects that I have discussed. For water supply and treatment, we're showing a figure of approximately \$1,000,000 (that's for new well and treatment system, SCADA System and a new well, sometime in the future). For water storage facilities, we've plugged in a budgetary number of \$1.5 million for a new storage tank (that number will also include some things that would have to happen with the storage tank and another tank in the future for a total of \$3.25 million). This is a list of 12 potential projects, in terms of water main improvements, which add up to \$2.6 million. That concludes the presentation. The slides that I presented tonight are all taken from the water facility plan which we sent down last week, so I'm sure that was reviewed. This plan does need to be sent to the Office of Drinking Water, so therefore we need, or are hoping for some type of action by Council to approve this plan before that is done. I can answer any questions you might have, before that is done.

C Prettyman: You said the new water towers on the south end; are we looking at all 3 on the south end of town?

Scott Hoffman: It would be preferable if the next new water tower is on the south side of town.

C Prettyman: The next new one.

Scott Hoffman: Where the next future one happens after that, is up in the air; it may be on the north. It depends on what kind of good location you can get, but probably on the north.

C Prettyman: Definitely the next one over on the south side.

Scott Hoffman: Correct. Are there any other questions?

Mayor Post: I think the only other one I would have is that you are asking for an approval of this plan; the timeline is just obviously an estimated timeline, so we do not have to hold to this timeline.

Scott Hoffman: As far as the times go, those are recommendations.

Mayor Post: You have to have the money to build it.

Scott Hoffman: I realize that. With any facility plan like this, once you get beyond five years or so; and right now everything with the recession the way it is, there's really been a drop in every town's revenues, so these kinds of projects get hard for everybody. You're not obligated to do any of these things. The primary use of this plan will be when you go after funding to show that you have already looked into it. That's why it's good to get it off to the Office of Drinking Water.

C Duby: The other thing in that vein, the other thing I noticed in reading through the plan, is that your recommendation is, and I think it's a wise one, that obviously a lot of this would have to be funded out of sinking funds, that we would get from impact fees and annexation fees and so on; and as long as the real estate market is what it is; those aren't going to be coming in.

Scott Hoffman: Right. The only other way would be to start looking at your rates for water use.

C Duby: As you pointed out, particularly when it comes to things that are providing services, almost exclusively, if not exclusively to new

developments for the rate increase to be town wide, is not fair and I think we are all aware of that. I guess the only thing I would ask, is at some point fairly soon, since some of the timelines in this are fairly immediate, I would like to see from town staff some sort of estimated or proposed method of funding this; looking at certain assumptions that may or may not be true; but some assumptions like assuming that the economy does come back, we would have to have so much in the way of annexation and impact fees to even begin to think about building a new tower.

Mayor Post: Or special rate districts that we might need to put in place now.

C Duby: We could have some of that to go along with this, so that we would begin to have a sense of exactly what was ahead of us and how we might do it.

Scott Hoffman: The next funding cycle for what are called the State Revolving Fund Loans, which is basically a low interest loan, which is done through the State through Federal Tax Dollars, those applications would be in August.

Mayor Post: But we would still have to pay them back.

Scott Hoffman: Right.

C Abraham: On the daily water usage report, do irrigation systems come into play in this report, as far as driving the amount of water?

Scott Hoffman: During the summer months, looking at the data, there were significant amounts of additional water required over the average demand; somewhere in the neighborhood of 50,000 to 100,000 gallons per day, depending on where you are. That was seen in June, July and August. Those peaks have not been as high, historically, which would seem to show that more people are doing that kind of thing nowadays.

C Abraham: And the reason I asked, is because the Water Committee seems to handle a lot of irrigation issues, where the property owner doesn't realize they have a break, until they get an exceptionally large bill.

Scott Hoffman: That's exactly why I don't water my lawn in the summertime.

Mayor Post: What's our pleasure here? Did someone want to make a motion to accept the plan?

C Hudson: I make a motion that we accept the Water Facilities Plan Update as presented by Cabe Associates.

C Prettyman: I second that motion.

Mayor Post: Any discussion to the motion? All in favor say aye. Opposed. Motion carried.

e. Discussion and Possible Vote on Sidewalk Repairs Within Town Limits

Vice Mayor Betts: I would like to bring before the Council the recommendations that were given as a result of a Streets & Sidewalks Committee and Step 1 was that Mr. Allen Atkins should update the list of both major and minor sidewalk repairs previously identified, due to the fact that a lot of these people have already fixed their sidewalks. This list included the dimensions of each property owner that needed to be repaired. Step 2 was to prepare bids or obtain estimates for overall costs, so as to reduce the costs to each property owner. Step 3 was we were to prepare a letter to all the

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property owners, letters to include the following: a) Cost to each property owner would be in the letter. b) A written statement from property owner as to whether or not they wish to join the town's plan or make repairs on their own. We will state a date by which a choice is made. If making a repairs on their own, town will choose a deadline date the repairs must be completed, after which the town will make the repairs and lien the property. c) Identify those needing assistance. Choose method by which a property owner may qualify for assistance. Use a seven year loan repayment plan to include the interest rate to be identified at a later point, because that will take time as rates change. Amount of funds available must be determined by the Town Council using their cash reserves. Consequences of not repaying the loan back will lead to a lien being placed on the subject property. d) No response to the letter would require the town moving forward; making the necessary repairs and placing a lien on the property. I would like for the Town Council to look this over and if they see fit, they approve this recommendation.

C Duby: Vice Mayor Betts, I have just one question for clarity. The written statement under b), I am assuming there would be a form that would go with the letter that they would just fill out.

Vice Mayor Betts: Yes.

C Duby: Okay.

Mayor Post: In that letter, there would be an interest rate proposed.

Vice Mayor Betts: Yes, there would be. We will have to work on that

Mayor Post: Even if it is 1% above prime.

Vice Mayor Betts: We will have to identify the rate at a later point. That would be included in the letter to the property owners.

C Duby: They would have the opportunity to say yes, I'll join the plan or no I'll do it myself.

Vice Mayor Betts: Yes. We will choose a method for each person to qualify, a criteria.

Mayor Post: All that would come to Town Council?

Vice Mayor Betts: We can do that if you like. Yes. We just want to be able to go forward with this and start working on it. There may be several things we need to come before or after we go to... As far as the rate...

Mayor Post: It looks to be as if there are four criteria, one they would just fix it themselves; two they could fix it technically themselves, but getting a better buying power by going through the town where we would be buying the service in bulk; applying for the assistance, whatever the criteria is established; and those that do not respond, we take action on doing it ourselves and either billing them or liening the properties. All four of these I would assume would have the exact the same date of when they have to respond or completion – some deadline.

C Prettyman: In doing this, are all the sidewalks at one time going to be completed at once, or is this property owner going to do it and we skip a place and another property owner; because if we do it in more of a bulk type of thing where it's done all the way through, it would be less expensive for everyone?

Vice Mayor Betts: That's exactly what we want done. The one contractor do it all, take the bid, get the bid, and one contractor do it all. He'll have to take steps; but it will not be done piecemeal.

Mayor Post: But they would have the option of having it done by their own contractor.

Vice Mayor Betts: They can use their own contractor, if they're going to do it.

Mayor Post: It would be smarter to do it all in one and get the better rate.

Vice Mayor Betts: Because it would be a better bid. The letters will include exactly what the estimate would cost the property owner.

C Abraham: I make a motion to move forward with this.

C Hudson: I second it.

Mayor Post: We have a motion and a second; is there any more discussion on this motion?

C Duby: I just have one and I think you alluded to this. I think this does a really good job of putting down all of the things that we discussed at the Workshop and includes all of the options that we talked about; but I would assume that when the specifics are worked out, that would come back to us before the letters would actually go out? Is that what you were asking?

Mayor Post: I was hoping that the package when it was finalized would come to the Town Council for a vote.

Vice Mayor Betts: If that's what Council would like, that's what we will do.

C Duby: Where are we going for the financial advice on how to set up this revolving loan program and setting an interest rate?

Vice Mayor Betts: I think that will come through the Town Manager. Is that right, George? He had agreed that he would work on it and see what the best interest rates we could get and where the money would be coming from, from the revolving fund.

C Hudson: We obviously can not do the whole town, just all at one time; would we start with a specific street, specific section of a street?

Mayor Post: It's those identified?

Vice Mayor Betts: It's those that are identified and we have to have that master list checked.

C Hudson: But the master list has all the streets of the whole town.

Vice Mayor Betts: They would probably do a street at a time.

C Hudson: That's what I was asking.

Vice Mayor Betts: Oh, yeah. They would do one street. I don't know which street would be done first. It would probably be the street that needs the most attention at the time he starts it. I don't know, that would be up to the contractor.

C Prettyman: I thought Vice Mayor Betts that you had already addressed that with Mr. Atkins that he would look at the sidewalks and the maintenance and get back with his report to her and to see the necessity and where we should start. I think we should wait to hear from Mr. Atkins on this.

Mayor Post: My understanding though that it is all the identified and major and minor sidewalk repairs, so it could be Chestnut, etc.

Vice Mayor Betts: But it would up to the contractor as to where he wanted to start.

Mayor Post: We're going to get bid out the whole project.

Vice Mayor Betts: We'll bid out everything, yes.

Mayor Post: That way we get the best price; wherever the contractor wants to start is fine; as long as we have deadlines, that's all that matters.

Vice Mayor Betts: As long as he finishes each street, but it will be up to the contractor.

C Duby: The other issue that did come up that night at the Workshop that related to timing was that if we had, which we will, a limited revolving fund, that we would have to, depending on how much demand there was for the loans, but my guess is there probably will be some significant demand for them; that we would have to wait until some of them started getting paid back before we could... We don't have enough money to just have everybody in town who needs it get a loan at one time.

Vice Mayor Betts: We're going to discuss that to see when we get the responses back from the property owners just how much is needed.

C Duby: So that would determine how it would be phased, as well as the work itself.

C Hudson: I have a question about the major and the minor. Would you be doing major and minor sidewalk repair simultaneously, for example, if the property next to me had major damage and mine had minor damage and the next one had major damage.

Vice Mayor Betts: We would do it all at one time. We're not going to skip anyone. Do one street at a time.

Mayor Post: The night of the Workshop we were really focusing on major, but then when they had their meeting, they came up to minor/major, the Committee decided they wanted to focus on the entire minor/major list.

C Hudson: So for example if you wanted to do Chestnut Street from Cannery Village Center down to Wharton, you would just do it all whether it's minor or major.

Vice Mayor Betts: Whether it's major or minor. There's no reason to do one spot here because it's major and then leave it; we have to do it all at one time.

Mayor Post: Obviously the contractor is going to come up with the most economical way, because he wants to make the most profit from it, so he will align it where it makes the most sense. Are you willing to amend your motion that it comes back to Council or do you want it introduced as a separate motion?

C Abraham: I'll amend my motion to approve and for the finished product to come back to Council.

C Hudson: I second this amended motion.

Mayor Post: Any further discussion to this amended motion? All in favor say aye. Opposed? Motion carried.

Vice Mayor Betts: I would like to thank everyone.

f. Update on the Historic District Expansion Study

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Marie Mayor: Good evening, it's a pleasure to be here and to share with you some of the thoughts of the Ad Hoc Committee on the Historic District Expansion. This is not an evening where we are making recommendations. At one point we thought the recommendations would be back from the Center on Housing, Historic Architecture and Design; that report is probably coming out in another two or three months; but we didn't want to miss an opportunity to give you an update and just some information about what we are doing as the Ad Hoc Committee. I would like to thank the Town Council, particularly C Hudson and C Prettyman for being a part of the discussions and participating in the work of the Ad Hoc Committee. There are several members of our committee here tonight, among them Ginny Weeks, Melinda Huff, Amy Kratz, and I stood in the back to see if I missed anyone; at one point Jack Vessels told me he might be here tonight, but I didn't see him. We have a very active committee and when I saw today that we tornado watch until 3 pm, it was interesting because our committee has met when it was snowing, raining, sleeting, well this is just a typical evening for our committee to meet. We've been working together for about a year at the request of the Mayor and Council; we were originally asked to discuss the Historic Expansion and then after we started working on that another request came to also look at the ordinance for the Historic District, so I'm going to talk a little about both of them. We haven't seen the final recommendations of the Center for Historic Architecture and Design yet, however, I can tell you, and you've probably seen them yourself, we had several interns walking up and down our streets; they surveyed about 177 homes; actually 267 homes; and sort of an interim report was that they saw a substantial number of those 267 houses meeting the definition of a historic site. During the last 30 years what's considered historic has gone beyond just architecture. It takes in the streetscape; how our town looks; and it also takes in the economic, the cultural and the social fabric of the community; and Milton has such a rich historic history that needs to be shared; particularly our economic development; and sharing that history really helps inform all of us to be stewards of our land. We were fortunate, Ginny Weeks and I represented the Town of Milton on Friday at a conference sponsored by the American Institute of Architects in Lewes and it looked at how Historic Preservation is so important in continuing a stewardship of our land. I have materials that we've brought for you tonight, from that conference, and I think if some of you have some time you might want to look at this before we come back to talk about the final report. This is the material from the Conference and we are leaving a copy for the Town Council and the Mayor and I also a copy for the Library and we've given a copy to the Historical Society. We anticipate that the study on the Historic District Expansion will be completed by the University of Delaware in the next 2 or 3 months; we'll come back with that full report; it will have recommendations and at that time our committee will be able to voice our concurrence with the recommendations or the reasons why we don't concur with the University's study. If you have any questions about the study, perhaps you would like to ask them now, rather than after I talk about the

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ordinance. First of all, I should say thank you for helping to contribute to that study. We had really excited young people running up and down the streets; we have photographs of almost 300 individual homes in our town and when we were listening last Friday to the architects and the Delaware preservation representatives and people from the University of Delaware, our town is truly really tied in with the whole issue of historic tourism and so when we come back with our final report; I think we'll have some comments to make to you about how we really lit into that challenge so that we can make more people aware of what we have here. They pointed out that 14% of the United States population lives within 200 miles of the beaches; actually they're probably closer to us, then Rehoboth and Lewes and that equals about 42,000,000. Getting people to come to our town and learn about our history; to appreciate how people here have conserved the richness of this town, is just a tremendous contribution to our country and our history; and, I look forward to coming back sometime in the summertime with the full report and their recommendations.

C Hudson: You mentioned cost, could you tell the audience exactly how much the study cost and what we paid towards that.

Marie Mayor: I thought you might ask that, it was \$5,000 for Phase II.

C Hudson: So the total was...

Marie Mayor: Well, before I became a member of the Ad Hoc Expansion Committee, I was here at one of the meetings when you contributed money for Phase I, and it may be a total of \$12,000.

Unknown Speaker: I can't recall what Phase I cost, but Phase II cost about \$30,000. Now, about half of that came from the town and another 25% of that came from certified local government grant and the other 25% was contributed by the University of Delaware, they made a substantial contribution to both Phases to make sure that this work got done.

C Hudson: I have a concept of an old home like mine that was built in the 1800's; but out in the new development or the Conwell development, were there many homes out there between Bay Avenue and Atlantic Avenue?

Marie Mayor: That wasn't a part of the formal study. I live adjacent to the new development and I think the social and economic and cultural history of that development and its relationship to the growth of the town and its appreciation for families and families needing adequate housing, quality housing, is something we truly ought to celebrate in this town. I live close to little warehouse building, the dry zone warehouse building, and I learned a little bit about the history of that building and when I look at that building, I look at it with new eyes, because it represents a lot of the economic development of our town and I would like to get that kind of history out so that when something looks a little non-historic, in the context of the town, it has made a tremendous contribution to the quality of the life of the people here in Milton.

Mayor Post: But that's kind of the concept of the district anyway, because even with the change of a house, they find that it's the lifetime of the house, it all has historic significance.

Marie Mayor: That's right. They'll look at the different components of the house. We're fortunate in this town that our houses, if you take off the adornments, some of them are big blocks, but depending on the time that the house was actually built, it's incorporated some of the fashionable things, like the gothic or the federal or the Victorian house. May I move into the ordinance? This is what we've spent actually most of our time on, even though the expansion issue was the appointment; and we have several members of our committee who are also members of the Historic Commission here in town. About six weeks ago, the Ad Hoc Committee sent to the Mayor and Council a copy of our work and in that revised ordinance we had three different items. We had the additions and changes to the ordinances made by the Committee and that language is in red. The green font shows the additions and changes that were approved by the Town Council in the two amendments that you made in 2007. Previous to our putting this together, someone needed to go look at the ordinance and then look at the amendments in another place and now we're proposing that they be in the same ordinance so that you have one place to go to find the information about the Historic District. Thirdly, we had some concerns that we felt the Town Solicitor should review and I know that is underway and we also talked to Tom Reed, many of you may have met him previously. He is the expert on Delaware Preservation. He wrote the Delaware Preservation Handbook and he had a few comments and we included those for your review, so you can see our thinking and his rationale. This is an interim report. We would be happy to talk to the Council after you have had a chance to look at the proposed language. The purpose of the ordinance has been embellished. We didn't want to undermine anything that is already there; we wanted to enhance it and I think you will see that as you read through it. We've also incorporated the concerns and thoughts from people in town, because many of them knew that we were on the committee and they came to our meetings or they talked to us and you will see that reflected in the blue and the red language.

C Duby: So this is your final recommendation with the addition to come from the legal review.

Marie Mayor: Yes. These are our best thoughts to let you know what we have been considering over the last year and we would be happy answer questions, probably after the attorney has had a chance to review it. I would feel more comfortable doing that; because there are some things in here that we believe were totally clear.

Mayor Post: I think all we're looking at tonight is to send this to Planning & Zoning and to the Historic Preservation Commission for their review and any input they may have on the final product. It's already in the attorney's hand, but yes, the attorney, as well. That's all we're looking at tonight; because then we'll have to go through the whole ordinance, having public hearings.

C Prettyman: I would like to make a motion to send the presentation proposal to the Planning & Zoning and the Historic Preservation Commission for review.

C Duby: I second that motion.

Mayor Post: We have a motion and a second; any more discussion? All in favor say aye; opposed? Motion carried.

Marie Mayor: Thank you, Mr. Mayor, we have really enjoyed serving the town and we look forward to coming back at a later date when the items have been reviewed.

Mayor Post: Thank you for all the work your committee has done on this.

11. New Business

a. Discussion And Possible Vote Regarding The Current Moratorium Placed On Demolition Within The Historic District In The Town Center Zone

Mayor Post: The reason that's on here is because it does expire at the end of this month, prior to the next Council meeting. And maybe to just move it along quickly, we don't put a long time on it.

C Duby: I think that would be an excellent idea.

Mayor Post: Enough time for it to get back; reviewed by Planning & Zoning; reviewed by the Historic Preservation Commission; reviewed by our attorney; and then, hopefully, we'll have something.

C Prettyman: I think it's a shame, but I would like to give the Historic Preservation and the Planning & Zoning Commission and everyone the opportunity to come back with a report to the Council and also give our attorney an opportunity to go through everything also, so I don't see that another ninety days from the date of expiration would be a problem.

Mayor Post: I don't think we have any demolition in the works right now, do we, Mr. Dickerson or Mr. Davis?

Vice Mayor Betts: There is no demolition on the books?

Mayor Post: There is nothing pending.

Robin Davis: We have no applications that have come in that want to demo buildings.

C Duby: That would be the end of July, if we did 90 days.

C Hudson: I second the motion for 90 days from the date of expiration.

Mayor Post: We have the motion and the second; we've discussed. All in favor say aye. Opposed. Motion carried.

b. 2009 Committee Appointments

Mayor Post: There are a few changes. There was one committee added at the end for the Zoning Ordinance Review/Revision Ad Hoc Committee; that will convert after the Process Review Committee as their final proposal. The approvals of the Committees will need to be made with the acceptance of a completed ethics form, prior to serving on the Committee. There are still some out there, because the new Charter stipulates that they have to be redone every year, which means that they have to be notarized every year; which you are

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talking about 80+ people; including Council's. Make sure Council has all theirs in, as well.

C Hudson: I make a motion for the approval of the 2009 Town Council positions and also the acceptance of the 2009 Town Committees.

C Prettyman: Second.

Mayor Post: I have a motion and a second, any discussion? All in favor say aye. Opposed. Motion carried. Thank you.

- c. The Proposal of Hosting in Milton the Dogfish Dash Event on September 27, 2009

Mayor Post: I would like to turn this over to Mariah Calagione.

Mariah Calagione: Thank you for having me. I am coming before you tonight to ask for the support of the Mayor and Council; we at Dogfish Head have been hosting a Dogfish Dash 5K, 10K run in downtown Rehoboth for the last 3 years and have had a lot of success with the event; it's grown every year; and we have runners come in from all over the mid-Atlantic and beyond; also a great amount of local runners participate in the race. We are looking to move the race from our Rehoboth location to the Milton location here off of Chestnut Street. The race is slated for Sunday, September 27th at 8:00 a.m. and it should be over before noon in terms of the running, the awards ceremony and all that stuff. The race does include a 5K portion, which, of course, walkers are welcome in there, and also a 10K portion and then an awards ceremony afterwards, which we do a full slate of food and beverages, including Dogfish Head Beer, of course. The race has grown; the first year we had 250 racers; and last year we had 701 racers.

Mayor Post: They're expecting 1,000 this year.

Mariah Calagione: We want to cap it at 1,000 this year. Then we'll see if we get that, first of all and where we go from there. But that's our goal for this coming year. We work with a race director, Tim Banforth, The Seashore Striders, who does over 50 races a year in our area and he is well versed with all of the entities that need to be worked with in terms of the town, fire, police, whoever you would want us to work with; also, he works with the State Fire Marshall, State Police, if our race goes outside of town, he is used to dealing with all that, so I feel comfortable having him do that for us. We, of course, will work with the State Alcohol, Beverage Commission; we'll need a one-day gathering permit for the event itself, which we've been assured, is not a problem on the State level, assuming that we get the go ahead from the Town. The beneficiary we've worked with for the last two years is the Delaware Chapter of the Nature Conservancy; over the last two years have raised \$30,000 and we think it's kind of fitting if we move it to Milton, since their office is housed right around the corner and Milton is surrounded by two Nature Conservancy properties. So it sort of brings it all back together for us. That's all I have to say about it, unless you have any questions about the race.

Mayor Post: What Mariah is looking for is the approval to hold the fourth annual Dogfish Dash 5K, 10K on the morning of Sunday, September 27, 2009 here in Milton.

C Hudson: I think this is a fantastic event and I would ask just a couple of questions. Do you have any idea, you mentioned a course, because the Seashore Striders had a race here last year with the Milton Historical Society; part of it was in town and part of it was out of town; do you have any idea about the course, where it would go?

Mariah Calagione: We've been working with our race director and he's sort of been roaming around trying to figure it out also; but we also want to work with the Nature Conservancy, seeing that they do have two properties on either side of town seeing if we can have the course be adjacent to either of those properties; I don't know if that is feasible or not; it might not be. Certainly more possible with the 10K; the race would start and end at our facility off of Chestnut Street. In the Rehoboth Race we did go through town, through the County, through the State Park and back, so we're used to dealing with the different entities in terms of planning; but we've also found that even in downtown Rehoboth, at 8:00 a.m. on a Sunday morning at the end of September, the traffic impact was very minimal; the biggest problem we had downtown was the circle and that really wasn't even a problem with all the people we had on staff to do traffic control and all that.

C Hudson: What I was interested in asking about the course was considering the police staffing we might need any possible overtime and maintenance for cleanup after 700 people, and overtime for that; and I was wondering if possibly Mr. Dickerson could contact the Town Manager of Rehoboth and maybe get an idea of what is involved and get back to us, maybe.

Mayor Post: I think that anybody that wants to host an event here, I think we should be embracing, in today's time.

C Hudson: I'm thinking of the cost.

Mayor Post: I think there is no cost to the town. No more than what we have done with other events here in the town; every parade we have had police attendance at those events; whether it's the Christmas parade; or the St. Patrick's Day parade. That goes with the economic stimulation, as well. At the same time, if it is well planned and obviously, you've held it three years in Rehoboth, which is much more difficult than holding an event in Milton, because of the volume of everything.

Mariah Calagione: I'm not particularly sure of the cost that Rehoboth had for the race. I know all the cleanup after the race and preparation for the race, we took care of; the trash, the cups, all of that stuff. We have volunteers along the race course during the water stops that handed out the water, picked up the cups; in fact, we went away 100% from water bottles and just used compostable corn cups at the end of the race, so that we could just take them to a composting facility down in Salisbury. Our people took care of all that side of it. I don't know about the cost for the police, I think from the top of my head, they might have had 7 people, in Rehoboth helping us, but I don't know if that is true. I know we had a lot of fireman volunteers from the area, State Police and groups of volunteers from different social service organizations; along the course so it wasn't all dependent on the town's facilities.

Mayor Post: Usually the Police Department will put out to other areas in other towns asking for volunteers which are done often. I know our officers volunteer at other towns, there's something and I don't know if it's this month or last month, that they helped out in Laurel; so they're always doing that; and I'm sure that will be structured that same way; with that event.

C Hudson: With the race that we had through the Milton Historical Society, the Neighborhood Watch (and I'm also a member of that) we volunteered and we stationed ourselves at intersections and we had walkie-talkies and we handed out water and directed people on the route, so volunteers are important.

Mariah Calagione: Last year we have a volunteer coordinator who organizes all of our volunteers for the race and we had volunteers coming down from all over the state to help out.

Mayor Post: She is under a deadline, I do know that.

Vice Mayor Betts: I would like to make a motion to host this event in the Town of Milton.

C Hudson: Second.

Mayor Post: We have a motion and a second. Any more discussion?

C Duby: It's a phenomenal idea; for many different reasons, not the least of which is for economic development.

Mariah Calagione: It's a fun race.

C Hudson: Especially the beer at the end of the race.

Mayor Post: All in favor say aye. Opposed. Motion carried.

C Prettyman: Mariah, the Vice Mayor and I shall lead the race.

- d. Discussion to Forward an Opinion to Sussex County Council on the Following Application of Wayne Baker – 9.03 Acres – Tax Map I.D. 2-35-19.00 Parcel 22.00 West of Route 30, 2,300 Feet North of Road 319 and South of the Railroad

C Duby: Mr. Mayor, I made the request that this go on to the agenda tonight and I distributed to all of you some background materials on this. I realize that this is a County matter and so we have no authority on this issue, but I think we, and from what I read in the papers, a lot of the town jurisdictions in Sussex County need to be paying a little more close attention and getting a little more involved with what the county is doing and this is an excellent opportunity, so that is a general reason why I put it on the agenda. I also feel very strongly that as some of our speakers have said tonight and as we have seen in some written communication that have come to us, our residents are very concerned about this and rightly so. I think it is a very scary thing to have out there, both in terms of size, possible hazardous activity and it is simply too close to too much of our residential area and I think it poses some real threat. Just to get the discussion going, I would like to move that we send a letter as soon as possible, but in no case any later then to allow it to arrive at the County Council by April 15th, opposing the rezoning of these two parcels as Heavy Industrial.

C Prettyman: I would like to make a comment.

Mayor Post: Wait. We have a motion.

C Hudson: I second it.

Mayor Post: We have a motion and a second. I'll open it up for discussion, but I do want to read a letter into the record first; then we will go into discussion on it. "I have two concerns for this project: one, the railroad to the north and two the stream to the south of the proposed site. My home is within 1,000 feet of the railroad tracks in this proposed project. Thirty years ago when I moved to this location, one could walk these tracks and remove the spikes holding the tracks in place, by hand. A member of Draper Canning Company told me that restrictions limited trains to 5 mph and an engine and 2 box cars; about 20 years ago the tracks were updated; the update consisting of replacing every third or fourth tie. This update would allow the train to travel at a speed not to exceed 8 mph; to the best of my knowledge, this is the last work performed. Secondly, Wagamon's Pond is one of the only few beautiful ponds left in Sussex County. The stream to the south of the proposed project flows into the pond and the pond into the Broadkill River. The River is already being monitored by DNREC for its present contaminated condition; further contamination could result in monetary penalties and restrictions of other expansion projects that would be more beneficial than this one. I am opposed to this whole project, but in the event that it is approved, I sincerely hope it will be approved with specific recommendations that will be aimed at the proper updating of the tracks. Now is the time to designate specific types of businesses that will not contribute to further contamination of the Broadkill River. I thank you for your time and consideration. Sincerely, Lester Radke". Now I will open it to C Prettyman.

C Prettyman: I do have some comments and concerns about the Baker's project, but one thing I have to say first. For years, we have had Chairman Oil. Their propane tanks, the ends of them are right behind our school (HOB) and if those things should have popped, they would have popped; and they have been there for over 20+ years. I remember them coming and getting those things. Also, we're talking about the County and we really have no jurisdiction for the County, but I looked at it for two different ways. We are having young graduates from our High School that it is going to create jobs there, production jobs, fork-lift jobs, out there if you go out there and look, the railroad tracks come right along the Baker's property and that too is access for them if they should use that. Also there are those towers out there and I can't imagine anyone that would want to build along those towers and that. I heard Ms. Weeks talk about she didn't know if they had sewerage out there and everything; well the office has running water and bathrooms in there, so I'm sure they have wells or some kind of maintenance there. My thing, I really look at this whole thing as a gift to the community because it is going to be bringing to the community; it's going to be bringing people to the community; and it seems like every time that somebody wants to bring a business or do something, we have objection, objection and then we say we open our doors, we want this, but we are a community and its on the other side of Route 30, it isn't even on the left side of Route 30 and I just feel that it is a positive thing that the Baker's are doing. They moved their business off of Route 5 and cleaned that area up there and to build their business out there and I just think that at this time, I'm speaking for the conditional use and I just feel that it is a positive thing what the

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Baker's are trying to do; Mark has grown up in the area; and I'm sure he would not want to do anything that is going to be detrimental to his children, grandchildren and I just feel that this is how I personally feel about this. As a native Miltonian I have gone through quite a bit here, with the various factories and things here in the community, so I just feel that we all need to sit back and look at the big picture, because as I'm looking at it, it's on the other side of 30; you have those towers out there and no one is going to be building out there and I just think it would be an ideal situation for the community to have extra business and income and the way that jobs are not here and young people are becoming entrepreneurs on the streets selling drugs; crime is increasing; we have to create jobs someplace.

Mayor Post: Well, I totally disagree with you, because I think you're right, I think we need good clean business and I think you're opening the doors of great risk of supporting the project because of the poor zoning of permitting in that residential area, and yes Pemberton is residential, to permit H1, I don't even know, because it's a new created...

C Prettyman: It's HI-1.

Mayor Post: It's a newly created zoning in the County or not, but it certainly was not publicly noticed for that property to be zoned Heavy Industrial District. They were looking at several properties, I believe; one in Georgetown; I don't know where the others are; but then I think my understanding is they threw this one in after the fact? If you're telling me that that close of a vicinity to Milton in almost our growth area, that we should have asphalt production, we could have bleaching products; we could have cotton ginning, that would be interesting; cotton lawning; fertilizer manufacturing; a forging plant; glue and gelatin factory; rubber product manufacturing; rendering or storage of dead animals; radioactive waste handling; if I'm reading this, these are possible things that could go on this property. I think it's inexcusable, quite frankly, for the County to have this as permitted uses. I think, you know, we've tried to be good stewards of our town and we fail at times, I'll be the first one to admit it; but I'll tell you one thing; we've tried to take care of the rails in this town and we have stopped the fact of having storage tanks parked along Wagamon's West Shores; inexcusable. I think it's inexcusable for the County to even consider this property as it is proposed. It was also recommended, my understanding, and believe me, I get the facts wrong at times, I'll be the first one to admit it, that it was not recommended for a change of use; that it was recommended as a conditional use; but the owner refuses that; well, guess what, conditional use is conditional use. If they don't accept the terms, then they need to walk somewhere else. So I think the bottom line, do I think we need business? Absolutely, we need business. There's many businesses; I could probably read you 2,000 that I have no problems with; but when I read this kind of stuff; that incinerators; the manufacturing of insecticides; and they want to use the rail system; first of all, that certainly shows me a red flag right now; anybody in today's time in the vicinity of Milton, Delaware wanting to use a rail system; so I think there are major problems. What are they transporting through the rail system? Are they large propane storage tanks? Are they storing

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propane for the entire Sussex County? How dangerous is that C Prettyman? I agree and I sympathize with you about the fact that we absolutely need business; but you know what, there is a difference between good business and bad business and when I can't see it in black and white of what it can be; I have a problem with a proposal such as this. It's all here in a proposal such as this. C Prettyman: I feel that it is the job of the County Planning and Zoning to state what can they bring in, just as we in our little town say what they can do on their property and what they can not. I feel that should be something done with the County and I understand and I feel for these people in the audience don't get me wrong, I understand where they're coming from and I do feel for them. But I also feel that people have property that they're going to the County about, just as we had fought Elizabethtown and the County approved; but they need to go to the County; this is not the forum for this and the things that you just read off the list I still feel that the Planning & Zoning of the County should address each and every one of them.

C Duby: They have gone to the County. The County has reviewed it. All I'm asking and all we're discussing, is whether or not the Town of Milton should send a letter to the County Council expressing our view on it. My personal feeling is that I think we need to; I think we're way beyond the time when we can sit here and say oh well, it's not inside our borders so we can just ignore it. It's going to have a major, major impact on residents of our town and on what happens around our town; but I want to respond to your question about jobs. I did not attend the hearing last week, I was unable to because of a conflict before the County Council; but I have listened to an audio recording of it. Mr. Baker and his representative both spoke and they kept talking about well this will bring jobs; this will bring jobs; but when he was questioned about exactly what they were going to do with this land, he was very, very vague. They may lease it; they may sell it; they don't know what businesses they might put on it; so we have no idea of what's going to happen out there; and I think as long as they can't be any more specific about they are going to with this H-1 designation that they want to badly, my feeling is they shouldn't get it because we have no idea what could go out there and some of the things that the mayor has read from the ordinance list the kinds of things that could; now, to be complete about this, most of the very hazardous things would have to go through more process; they would not be given the right to do all of that, just in one fell swoop; but the fact is you open a door with that kind of zoning; and, I don't see the potential for any kind of jobs that have been specifically stated by these folks, because if they lease it out in four different parcels or if they sell some of that land off to somebody else, we have no idea what jobs it would create; and, I think it would create jobs, is a refrain that we hear; and people think oh yeah, we're going to do this. Well, I did a lot of work in my career on the whole issue of Economic Development; you had things like people coming into a large city and wanting to build a new stadium or some new big complex and it would create jobs and it ended up creating hot dog vendor jobs and things like that. It's all too easy to say well this is going to give us all the jobs we need, for all our folks; but I don't see any evidence in what they've presented that they're going to have jobs

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at all or what kind of jobs those would be; so I don't think that's a strong argument for supporting it.

C Prettyman: Excuse me C Duby, as I say jobs, we don't know, but that is one thing that the County Planning & Zoning would govern what they would be building; what they would be putting on those lands. There are ordinances and things in place, in the County, as you are aware of, as I am aware of, so I understand and I send letters to the County; that is your option, but I feel that it's out of our jurisdiction and the County has to look at it. We the people here have to be at the County to speak up and let them hear their voices, because that's where the change is going to be made; at that County Planning & Zoning hearing. Just as when things come here, we have to listen to the people as things are being brought to us if we want that business, or if we don't want that business, or what. There is an ordinance in place. There are things already in government by the County.

C Duby: Many of our residents were at the County Council hearing. You heard from some of them tonight; they were there and they voiced their opinion and they have been very active on this issue and I think they expect of their town no less than that we look out for our residents and what is happening around our town, even if it is beyond our jurisdictional line; it has an impact; it has the potential to have a huge impact on us and on them and their homes and their neighborhoods and they expect us to pay attention and do something on their behalf. The least we can do is to write a letter.

C Prettyman: I have no objection on the letter.

C Hudson: That's where I agree with one thing C Prettyman said. Use your voice and that's why I seconded this motion to send this letter, because I think a united front from this town would send a strong message and I think we should send the letter.

Vice Mayor Betts: I think we should also because of the fact that this town is the own that is being impacted upon; not Georgetown or Milford; if we do not express our concern; then they are not going to get any concerns.

Mayor Post: I think you said it all, just to say because it's the County it's not our problem; I do think that it's vital for everybody out there that opposes this to write a letter and write it as soon as you can. I'm still not convinced that a letter from the town as a town, just from us, signed by the Mayor is going to have the weight that if 200 people in this town or the surrounding area would write something of their grave concerns for this project, would have. I'm not convinced yet because when people can't say what they're going to do, it kind of scares me; and whenever things give them an opportunity, even if it is just because they have to have a public hearing and all; to be able to manufacture things that should even be permitted use in a Heavy Industrial Area in rural Delaware; such as turpentine manufacturing and paint manufacturing; certainly worries me. You where I feel on this.

Vice Mayor Betts: Don, I also feel that we represent these people and if we can't send a letter...

Mayor Post: But we want them to write too.

Vice Mayor Betts: We want them to write, but on behalf of our constituents, I think we should do it as well.

C Prettyman: And that is just what I said, the voice of the people, those people must make their voices heard to the County.

Unknown Speaker: We the people...

C Prettyman: We the people must make our voices heard to the County.

Mayor Post: We have a motion; we have a second; all in favor for writing a letter in opposition...

C Prettyman: You've already done that.

C DUBY: Do you want a voice vote or a roll call?

Mayor Post: We can have a voice vote. All in favor say aye and your reasons.

C DUBY: Aye, I think we need to represent our constituents who oppose this and I think we need to be paying attention to these kinds of things that are going to have negative impact on the town, so I am strongly in favor of our opposing it.

C Hudson: I vote yes on the letter; I believe it will present a strong front from this town to support our town. Thank you.

C Prettyman: I guess I am in the middle; I vote that we the people should send a letter, but I abstain on any action.

C Abraham: I vote that we should send the letter.

Vice Mayor Betts: I vote that we should send the letter and we should support the people of the Town of Milton.

Mayor Post: I vote yes to send the letter and as I stated earlier many of my concerns.

Motion carried.

[Applause and thank you's from the audience.]

- e. Request for Final Approval of Major Sub-Division Shipbuilders Village Tax Map and Parcel Number 2-35-14.00-656.00, with the review of conditions placed on the project.

Mayor Post: I know we heard some from one public comment earlier tonight regarding this issue and as we all know, this has been a long issue for the Town of Milton; many years of many problems. This has gone in front of Planning & Zoning and it has been referred over to us for approval on behalf of conditions; and prior to us voting; I would like to read these conditions; because there may be things that we want to discuss within the conditions. The conditions that you were given earlier, for some reason, did have one different item on it, and it is added into this one and it kind of addresses the issue that we heard earlier.

Here's what I'm going to read:

“Shipbuilders LLC Sub-Division
Proposed Findings and Conditions
Final Sub-Division Approval
Shipbuilders Village Phase III
Tax Parcel Number 2-35-14.00-656

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The Milton Town Council met on April 6, 2009 and agreed to recommend approval of the proposed sub-division with the following findings and conditions:

Findings: the proposed sub-division is in compliance with the Town of Milton's sub-division ordinance, Chapter 17 of the Code of the Town of Milton, in that,

- 1) The final plat is in substantial conformity with the approval preliminary plan.
- 2) The final plat has received all necessary agency approvals, and,
- 3) The final plat incorporates the conditions placed on the preliminary plat, that the stormwater problems in the entire sub-division be fixed, completed and approved by the Town, before any building permits may be issued for the new lots and approved herein; and that the recorded final plat record this condition by note thereon.

Conditions:

- 1) Water and sewer service will be provided via existing service lines with connections made at the developer's expense, if sufficient capacity is available.
- 2) There shall be no more than 7 lots permitted.
- 3) In the event of the existing owners of the lots within Shipbuilder's Village Phase II desire to form a Homeowner's Association, the developer shall cooperate with said owners to establish the Homeowner's Association and to integrate this project IGE Shipbuilder's Village Phase III into the Homeowner's Association governing Phase II.
- 4) The development shall be integrated into the existing sewer and water systems at the developer's expense.
- 5) The developer shall comply with all roadway and entrance requirements of DelDOT and the Town of Milton.
- 6) The developer shall ensure appropriate easements and approvals are obtained to install the stormwater management plan prepared by Merestone Consultants, Inc. dated October 2, 2006, as reviewed by Cabe Associates and approved by the Sussex Conservation District. The plan shall be recorded with the final plat. No building permit shall be issued for the 7 lots in the proposed sub-division until the stormwater management project is complete and approved by the Town Engineer and the Sussex Conservation District.
- 7) The current developer is Shipbuilders LLC. These conditions apply to the current developer, as well as to its successor and assigns and shall be recorded with a subdivision plot at the Sussex County Recorder of Deeds. Purchasers of the proposed sub-division lots are expressly notified of these conditions and building permits shall be withheld until the stormwater management system is complete.
- 8) The developer shall agree to a Performance Bond before the sub-division is recorded to ensure that the Town has the funds to complete the stormwater management plan, if the developer does not.

9) If these conditions are not met, declaratory, equitable and/or compensatory relief may be sought by the Town of Milton.”

Mayor Post: So there you have it. These are the recommendations that are coming over from Planning & Zoning; as we’ve heard in many things here, we are dealing with a serious issue out there with the drainage and the flooding and I think we certainly need to be taking appropriate action to resolve this issue, on hand; and, it seems to be a never ending problem that we have faced; including some litigation actions that we have had along the years, as well; regarding this development. So when we got our estimates for correcting the drainage problem, it was going to cost around \$300,000; that the taxpayers were going to have to pay; and the Town of Milton was going to have to pay; to fix this serious problem. I was out there once during a storm and my car conked out. I was out in 2’ of water; the water was coming through the bottom of my door; and thank goodness the car started again, because I would probably have ruined my car. Almost and in some cases it has come up to some of the townhouses; it has entered into some of the townhouses, the flooding; so, this is a serious problem; and, we don’t have much direction to go on this.

C Prettyman: May I ask one question? Under the condition you read, number 1, water and sewer service will provide the existing service line with connections made at the developer’s expense; if sufficient capacity is available. If not, what happens?

Mayor Post: If not, then we wouldn’t issue the water and sewer to them. But we do have sufficient capacity.

C Prettyman: You do have capacity. I just wanted to clear that up.

Mayor Post: And I don’t know if you want to make any comments here; you might want to just state for the record your name and that you are here representing Shipbuilders’, so if you would come up to the microphone, please.

Bob Burns: Thank you Mr. Mayor and Council. My name is Bob Burns and I am representing Shipbuilders. I only have, if you are basically finished reading these, I can comment on a couple of the items. I have the same concerns as the other Councilman with respect to Item Number 1, the water and sewer and it is my understanding after talking with Mr. Davis, that those items are taken care of or we wouldn’t be this far. Also, I do have a question with respect to Item Number 6 in the conditions and findings; it’s been my understanding all along since I got involved in this for Shipbuilders, that the Town was acquiring certain easements. First of all I believe there was a plan that was to be recorded or has been recorded, I believe, was my understanding, I want to say through something to the nature of the Rubino property and I’m not really sure of the name of it. My understanding is that that has been recorded.

Mayor Post: Right. You mean for the drainage issue? There have been two easements.

Bob Burns: Right, which we need to fix; one there and one at the school. And I understood that the one was taken care of and that the school one was being taken care of.

Mayor Post: They have both been taken care of. I signed off on both of them.

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Bob Burns: So there are no restraints on us; because that's some of the concern we had as far as doing this project.

Mayor Post: Nope, you are clear to go.

Bob Burns: The only other item I have is Number 8; the developer shall agree to a Performance Bond before the sub-division is recorded to ensure that the Town has the funds to complete the stormwater management plan, if the developer does not. In speaking with one of the owners of Penta Development, he wants to get started with this as soon as possible, with the drainage correction problem; and, in light of that he was away and asked me to see what I could do to rectify it, because trying to get a bond takes usually 3 or 4 months, believe it or not, through our bonding company; so what I did was I requested the bonding company to issue us a letter of commitment on the bond.

Mayor Post: A good faith letter.

Bob Burns: Correct. Which they have done; which would, in hopes, allow us to record the plan and move forward with this. I have a couple of copies of that letter here and if that's acceptable and Item Number 8 be modified accordingly, then that would certainly satisfy one of our needs in order to get this project moving.

Mayor Post: Our attorney will not make a decision on this bond issue tonight, but we could certainly, if it does go into approval, approve it upon the condition that the bond will be forthcoming.

Mary Schrider-Fox: Since we've just seen this letter for the first time tonight, we'll have to review it and get in touch with you.

Bob Burns: That's fine. We're just trying to speed the process up a little bit.

Mary Schrider-Fox: Certainly and that's appreciated.

Mayor Post: And my understanding here is that the bond amount is for \$150,000.

Bob Burns: It's 125% of what the cost is.

Mayor Post: I know for me, the only thing I would like to do is check with our Engineer. I understand possibly why it is less since you own the company; doesn't Capano own the company that will be doing the work? Correct?

Bob Burns: They might be a party to it; I wouldn't necessarily say they own it.

Mayor Post: Because for us we had a bigger price that we were looking at. So I just want to make sure that we have a bond that will protect us; in other words.

Bob Burns: Hopefully, I'm not speaking out of line; but the estimate was for somewhere around \$200,000, or so, I think the last time; or maybe higher.

Mayor Post: Around \$300,000.

Bob Burns: But in speaking with Frank Capano, yesterday, it is my understanding that he told Christiana Construction that he had paid a substantial amount towards this earlier and they had forgotten about it and they are correcting that and hopefully I will have that new bid, as well.

Mayor Post: I know they've got the piping out there; I know they've got the gravel out there; I know they've got a lot of things out there. They do have it on site; there's a large amount of stuff on site as far as the materials and then we were waiting on the easement issues and thank goodness we finally; it took us

several years to get between those two properties, the easements that were needed; for whomever was going to correct this issue.

Bob Burns: You can refresh my memory, I think my age is getting the best of me, correct, he had done some things like that; he had paid for materials and things like that which Christiana had kind of forgotten about.

C Hudson: I have a question about the Homeowner's Association. Is there going to be a Homeowner's Association just for the 7 households?

Bob Burns: Yes, ma'am.

C Hudson: Is that connected in any way to Phase II? Can you tell me what Phase these 7 households are in?

Bob Burns: They are in Phase III.

Mayor Post: And Phase II can join it.

C DUBY: It doesn't read as if the homeowner's is only for that. It reads as if the homeowners of Phase II desire to form a Homeowner's Association that the developer will cooperate and integrate the new project, the 7 lots, into the Homeowner's Association.

Bob Burns: If I may, that's a recommendation from your Planning & Zoning Commission. Our documents that I believe are already submitted will form the Homeowner's Association.

C DUBY: But the Association of just the people in Phase III, or of the people in Phase II as well?

Bob Burns: This sub-division Phase III.

C Hudson: Phase III is 7 households.

Bob Burns: Correct.

C DUBY: Then this needs to be changed.

Mary Schrider-Fox: If I can add something here. This whole issue is based in part on the unique history of Shipbuilders Village from what I understand. I have not been involved in this all along, but this came up at the Planning & Zoning meeting. Phase III, the seven lots that are before you tonight for final approval, will have a Homeowner's Association. I've seen the certificate of incorporation for the association entity as well as the Declaration of Covenants and both of those documents look very fine; mandatory membership; assessments to maintain themselves; all the things you want to see in those documents, they are there. This issue of Phase II and the idea that if the owner's in Phase II ever want to form an association that the developer will be encouraging and try to merge them into Phase III, that's the idea if Phase II ever wants to do it. The problem, because of the history of this community that not everybody is required to be a member of an association and therefore you are going to have to get the homeowner's to consent to be a part. What this paragraph is trying to do is to say, if the owner's ever do consent in Phase II, they can be part of Phase III; the developer will encourage that so that they can be a more unified group. But we're going to start with what we can get and that is Phase III with an association.

Mayor Post: But it opens the door of Phase II.

C Hudson: So everything has been done for that, all the paperwork, all the certificates, etc.

Mary Schrider-Fox: Well, a certificate of incorporation hasn't been filed yet and it won't be until they get approval; but they've given us their draft documents.

C Hudson: Will that be a condition?

C Duby: Mary what you're describing makes perfect sense to me. I don't think the language of Number 3 says that; it's integrating the wrong way. It's saying that the developer will cooperate and integrate Phase III into Phase II; what you just said is that Phase II would be integrated into Phase III. So I think that language needs to be reworded.

Mayor Post: Deanna, I'm reading it differently. What I'm reading is that Phase III is already to go.

C Duby: But this doesn't say that.

Mayor Post: It says in the event the existing owner's of lots within Shipbuilders Village, Phase II ever desire to form their Association; which they've never done; they will have the option to phase into Shipbuilder's Phase III all as one.

C Duby: Yes, and I understand that. I'm wordsmithing and I'm sorry, but I can't help it. It says "to integrate this project, Phase III, into the Homeowner's Association governing Phase II". That's backwards; what Mary just described is, if Phase II ever wants to have one, there's already going to be a Phase III one and Phase II will be integrated into it.

Mary Schrider-Fox: I honestly don't think that we need to reverse it, because, it doesn't matter really which direction a merger of two Homeowner's Association's would happen, as long as the merger can happen. What this paragraph is trying to do is to say, if we ever get Phase II on board, to actually form a Homeowner's Association, the two will be encouraged to become one, so that you don't have two associations in the community, floating around; instead we'll try to stick them together. The assumption is that Phase III will be formed before Phase II, simply because we have seven lots; the developer can see to it that the Phase III is formed quickly; while Phase II is pretty scattered around; we have to get Homeowner's consents; from a legal perspective I don't think we have that we have to need to rewrite it; but if there's a preferred rewording of some of that last sentence in Paragraph Number 3, that's fine. I think the goal that they're trying to accomplish is still being accomplished; it doesn't matter the direction of the merge; whether it's II into III or III into II; the idea is to have one group someday; if we ever could. From what everybody has told me I'll go ahead and add; it sounds to me it's very unlikely that that's ever going to happen.

C Hudson: I understand kind of blend the two phases; my concern was to make sure that the Homeowner's Association was actually going to happen.

Mary Schrider-Fox: A Homeowner's Association will actually happen for Phase III for those seven lots. We already have seen the documents and they look really good.

C Duby: I'm very pleased to hear that the developer is anxious to get started with the drainage problem and fix it. I agree with the person who lives out there and who spoke earlier that if possible, it might be a good idea to get some deadlines and some timelines into here. I used to be a homeowner in what is Phase II and sadly had a lot of evidence at that time, at least, that that particular

developer made promises that weren't kept; so I don't have a lot of trust; I apologize to your client.

Bob Burns: I take no offense; but I work for them.

C Duby: I would like to, if it's at all possible; have some kind of sense, somewhere in here that says, that they're going to do it by a certain time or within a certain time frame. Is that possible?

C Prettyman: I concur with C Duby, because this has been going on for many years; because I even lived out there at the other end when they built those townhouses and it was just a flood back there and they said they were coming in and they were going to do this and it's been going on since the late 90's and we still haven't gotten any further; so I think there should be a deadline put on to; at least at estimate deadline put on to when this is going to be completed; because those stones have been sitting out there in the parking lot for several years.

Mayor Post: Yeah, but in defense, and I agree with you 100%, not only has it been going on for a few years it's been going on for 10, 12, whatever amount of years; this has been a major problem. In the defense of the Applicant, we just received the second easement; I think I signed it in November or December, 2008. Both easements on the Rubino property, which was a nightmare in its own right because then Rubino got out of that project, but we have it with the property owner; and then the school. It's done. If your client would be amenable to a realistic timeline, I don't think it would hurt.

Bob Burns: Speaking off the top, and I apologize, I'm not sure how you do that, because of just the mechanics of the construction company, the weather conditions and other types of things. One of the things that you've done on this plan, or I would assume you are going to do, is that you have basically tied the hands of the property owner in that he can not transfer; go to the bank; or do anything else with respect to these seven lots, because you've limited it to his not doing anything; not being able to apply for a building permit until this drainage project has been done; in affect, that stops him cold. There is no bank that will lend him money on the property with a note like that. In affect, I think you've done that; that's why his comment to me was, I would like to get started as soon as I can; please make sure the easements are in place. Those were my instructions.

Mary Schrider-Fox: Just to make a comment. A deadline of sorts can be incorporated into the project by and through communication with the bond company; in other projects in other municipalities that either Letters of Credit or the Performance Bonds that there are deadlines are associated with the Bond; so in that regard you can, for lack of a better term, get a back door deadline in there somehow. The point has been well made that they are not going to get any building permits until that work is done; until all of that is set and in place.

- f. Presentation and Possible Vote on Proclamation P-08-001 – Greening of Milton
- Mayor Post: This was something that was brought forward by C Prettyman.
- C Prettyman: The reason I brought this forward is because Greening is something that we need to do. A lot of other towns around us are already doing it. I thought it would be a good time at the end of the year to bring forth this Proclamation of Greening. I know we are doing it with our new High School.
- Mayor Post: “The Town of Milton Proclamation: Whereas the U.S. Conference of Mayors has adopted the U.S. Mayor’s Climate Protection Agreement to reduce to each Town’s carbon footprint, and traditional fuel and energy costs threatened to adversely affect public health, environmental quality, and escalated costs to the Town of Milton and therefore its taxpayers; and the Town of Milton recognizes the value of our natural resources and reducing dependence on foreign energy; and endorses preservation of our ecological and geographical features; and new energy; and environmental conservation in technologies and materials are available that promote the well-being of public health and protect natural and historic assets and the Town of Milton desires to promote the Greening of Milton through active community participation in programs that encourage environmental awareness and energy conservation and further conservation methods, such as enhanced efforts for recycling, resource conservation, and reuse; preservation of existing trees; planting of indigenous species and promotion of walking, bicycling, and other alternative forms of transportation; also promote a “Green” community; and State programs such as Greenways and Trails; Thank You Delaware Bay; and federal legislation such as the Energy Independence Security Act; Energy Star Program; or green legislation such as Energy Efficient and Conservation Block Grants; and, legislation directed towards Global Warning, support principles endorsed by the Town of Milton. Now therefore, the Mayor and the members of the Town Council of the Town of Milton will proceed to support policies and decisions that promote alternative use of energies in the Town of Milton and that all Town Ordinances governing all matters are modified when necessary to support the goal of Greening the Town of Milton and do hereby recognize and commit to the concept of Greening the Town of Milton as aforementioned, and encourage all citizens to work to adopt the guiding principle of Greening, as to maintain and enhance the quality of life for our entire community and to the 21st century for innovations and creative solutions, this Proclamation is hereby adopted by the Mayor and the Members of the Town Council on this _____ day of 2008. Will be signed by the Mayor, the Vice Mayor and the Secretary.” We would need a motion.
- C Martin-Brown: I would be pleased to recommend that the Mayor and Council adopt this Proclamation with a slight amendment that my title be added, after my name on the last page, Sir.
- Mary Schrider-Fox: She’s referring to the Draft of the Proclamation.
- C Martin-Brown: I have made the motion, Sir, that we adopt this.

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C Duby: Second.

Mayor Post: We have a motion and a second, any discussion to the motion? All in favor say “aye”. Opposed. Motion carried. I do want to say that we took our first step by going forward with this type of a concept because the people that attend on Sunday, the park will see the new solar energy light that has been installed for the John Milton Statue and we’re going to be looking into more and more things as we move forward, on energy conservation.

C Prettyman: Mr. Mayor, some time in the near future, I would like to see if we can have a conference, on a weekend, where we can bring people in on the Greening and the Lighting. I’ve been to several meetings in the last few months and there’s a lot of information out there that I think that the people in the Town need to be aware of and the advantages that they can get by using solar lighting and other things.

Mayor Post: Sounds good.

g. Discussion and possible Vote on Ordinance

Mayor Post: This is the proposed Ordinance. Town of Milton, Ordinance 2008-0006, an Ordinance to amend Section 18-35 of Chapter 18 – Vehicles and Traffic, Article VI, Parking of the Town of Milton, Delaware. Whereas, the Town of Milton wishes to amend Section 18-35 of Chapter 18 – Vehicles and Traffic of the Town of Milton, Delaware to read as follows: Strike the words of Section 18-35 “reserved for future use” and add “no vehicle shall park upon any public street within the Town limits of the Town of Milton with a gross vehicle weight (GVW) of 10,000 lbs. or more. This shall not apply to vehicles required to temporarily park for short periods of time, not exceeding fifteen (15) minutes for unloading/loading purposes. Synopsis: this Ordinance prohibits vehicles with the gross vehicle weight (GVW) of 10,000 lbs. or more from parking on any street within the Town limits of the Town of Milton”. If passed, it will read Adopted by the Town Council of the Town of Milton, Delaware on _____ date of 2008; signed by the Mayor and the Secretary.

C Prettyman: I would like to make a motion to accept this Ordinance 2008-0006, an Ordinance to amend Section 18-35 of Chapter 18 – Vehicles and Traffic, Article VI, Parking of the Town of Milton, Delaware, as read.

C Duby: Second.

Mayor Post: This is to address a town issue that has been an issue for two years in the Town of Milton, and this will address it. And fifteen minutes is a little short.

C Prettyman: You can amend it to one hour.

C Duby: Can we change the time?

C Prettyman: We’ll amend the time.

Mayor Post: We can amend the time. This needs to be done and this issue will be resolved.

C Martin-Brown: Mr. Mayor, if we can amend the time...

Mayor Post: And that’s all we need to amend, is the time.

C Martin-Brown: Well, this is the environmentalist speaking, that during that time the engine should not be left running. We see these trucks that are

unloading and loading and the engines are running; nobody is in the truck; and this stuff is spewing out all over the street; and it happens all the time in front of the liquor store where the engines are not off. So if you want to deal with it, you might want to now, if you feel that you would rather not deal with it, but it would just simply say with the engine off.

Mayor Post: However you want to do it. I think sixty minutes is...

C Duby: What is the problem?

Mayor Post: Because a dump truck that keeps parking on the Town property, that's why and it is permitted and it's how our Ordinance reads. The town has dealt with this for three or four years that I know of. We need to resolve this issue; the ordinance can be enforced and we're done with the dump truck. I don't think it's too much to ask, because no truck should be parking on the streets anyway. If they want to park, then they need to be in their driveway. They can't do that either, because that's how the Ordinance reads. We're resolving that issue.

C Duby: It is only if we get to a point where people, if they are moving or having something delivered, and they get ticketed, because they were there longer than 15 minutes, so can we amend it to be an hour?

Mayor Post: Then let's just put another time limit, but let's not make it too long so that we don't have somebody backing their truck up and forward, so that we get this issue resolved. It has caused a lot of staff time, involving an issue with numerous complaints that we can't address, because of how our ordinances are written.

C Duby: The problem that you're talking about is an overnight, all the time issue. It's not something that's an hour.

Mayor Post: You're right.

C Duby: It seems to me an hour is long enough for somebody to load up.

Mayor Post: I don't care if you put two hours, but let's just put a time that's short enough that it can be monitored and managed.

C Martin-Brown: So you want to change it to 2 hours? Or 1 hour? After the words "purposes", could it be amended to say "with the engine off".

Mayor Post: That is fine with me. C Prettyman, would you like to withdraw your motion and C Duby will withdraw her second?

C Prettyman: I withdraw my motion.

C Duby: I withdraw my second.

C Prettyman: I would like to make a motion to accept this Ordinance 2008-0006, an Ordinance to amend Section 18-35 of Chapter 18 – Vehicles and Traffic, Article VI, Parking of the Town of Milton, Delaware, as read; but we are going to amend and take out the fifteen (15) minutes and add one (1) hour for unloading/loading purposes with the engine not running.

C Duby: Second.

Mayor Post: We have a motion and a second; any discussion to the motion? All in favor say "aye". Opposed. Motion carried.

11. Adjournment

C Duby: I make a motion we adjourn.

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C Prettyman: Second.

Mayor Post: All in favor say “aye”. Opposed. Motion carried. Adjourning at 9:12 pm. Everybody have a great holiday.

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