

Town of Milton
Town Council Special Meeting Minutes
August 4, 2005

Mayor John Bushey called the special meeting to order at 7:00 p.m. at Milton Fire Hall.

Mayor Bushey stated the ground rules. Everyone will be allotted 5 minutes to speak. If you agree or disagree with someone that already addressed council, just simply say "I agree with or wish to re-emphasize..". Any disruption, (i.e. clapping, booing, yelling, etc.) by the audience before, during, or after someone speaks and you could be asked to leave.

A moment of silence was held.

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

Others Present: Harold Godwin, Town Manager
Dawn Johnson, Town Administrative Assistant

Status Report – Wastewater Treatment Plant

Mayor Bushey stated that there was a question asked at the last meeting how this annexation process affects the Wastewater Treatment Plant.

Councilman Hudson stated for the record, he is not related to Wayne Hudson or anyone else involved in the 1630 Ventures. The reason for the presentation was a question asked during the Open Floor portion of the July Council Meeting regarding the relationship between this development and the Town's need for new water and sewer system. Councilman Dvornick has prepared a power point presentation.

Before Councilman Dvornick gets to his presentation, there seems to be a misconception that the development in the area is what is driving the need for a new sewer plant. That is untrue. Everything has a service life as everybody knows – cars wear out, refrigerators wear out- that is also true for the current Wastewater Treatment Plant. Most of the facility is in excess of 40 years and the last substantial upgrade happened over 20 years, in the early 1980's. We are using old technology that nowhere operates at the efficiency we should expect. We are constantly placing band aids on the plant. Allen and his men do a wonderful job of running it. There are parts of the plant that when they fail are very costly to replace because they have to be custom manufactured. In the last year, four (4) bearings have had to be replaced on the RBC's (the things that take the bad bugs out of the water). They are somewhere in the neighborhood of \$12,000 a piece because they are

not made anymore. Someone has to be paid to manufacture them. The discharge method used to get rid of effluent is rapidly falling out of favor with every environmental group. It puts a load on the inland bays, even though we are a good distance from Rehoboth Bay, the Broadkill River does end up partially in the Rehoboth Bay and partially in the Delaware Bay. The result is that we may soon be forced to dispose of our treated water elsewhere. Additionally, the capacity of the plant was never sufficient to handle all the potential flow from the building lots located in town at that time, which obviously excludes any areas annexed since then. The plan was to replace the plant at the point when age, efficiency, treatment needs and capacity all reached a critical point. We have reached that point. The service life of this plant is at an end and we have to have a new one. As difficult as that might be to accept, or perhaps as difficult as the bill for that might be to accept, it is fact.

Councilman Hudson owns one piece of property in town, the home he and his wife live in. He is not looking to develop anything, seek higher office, or answer to any special interest. His only interest is what he thinks is best for the Town. Most of his family lives in Town and have been here since way before he was born. He did not buy property here as an investment, a second home or anything like that. He built his house here because it is his hometown and he anticipates spending his whole life here. He doesn't wish to have his taxes or user fees rise at all, for any reason. He has already bought his portion of a sewer plant. His family and friends have already bought their portions of a sewer plant. If you live in Milton now, you have already bought your portion of a sewer plant. Everyone did through the impact fees paid when they build their homes. He has not interest in buying another sewer plant through high taxes or user fees any more than you do. Development is coming, whether it is through the auspices of the Town or the County. We must have a new sewer plant and the only way to finance such a plant in a way that is fair to everyone, especially the current Milton residents, is through responsible development. Those who wish to come to Town should bear the cost to build the plant that we all need and can benefit from. Responsible development means we – all of us in town – control what comes on our doorstep, not people in Georgetown. We've seen what can happen when development is left to those in Georgetown.

Councilman Dvornick gave a brief power point presentation (status report) regarding the Wastewater Treatment Facility (copy attached to official minutes).

Annexation Applications from North Milton Development Group, Wayne and Bonnie Hudson and 1630 Ventures for Sussex County Tax Map 2-35-14.00 Parcels 1.00, 2.00, 3.00, 4.00, 6.00, 60.00 and 77.00 - Discussion and Forwarding to Planning & Zoning
Darrin Lockwood, representative for the applicants stated that he was born in 1973 and grew up here at 117 Broadkill Road. He is a principal partner. They intend to gift land to the Delaware YMCA and to the Milton Fire Department for a substation.

Bruce Minetta, Director of Architecture for Meridian, noted that they propose 5.5 units per acre on the Hudson property and 3.77 units per acre on the New Milton property as well as open/green space for a total of 5.14 units per acre.

Councilman Post asked Mr. Lockwood who the owners in North Milton Development Group are. They are Darrin Lockwood, Don Lockwood, Louis Capano, III, and Louis Capano, II. Then he asked Mr. Lockwood who the owners in 1630 Ventures are. They are Jim Kiernan, Larry DiSabatino, and Jean Julian.

Councilman Post noted that residential vs. multi-family, the property is 30% single family and 70% multi (apartment). If they are trying to capture what already exists in Town, more single family is needed.

The proposed plan shows 2809 total homes. Of those, 859 are single family, 482 are townhouses with garages, 816 are townhouses with no garages, 220 are duplexes, and 423 are condos.

Councilman Post questions if it meets the Comprehensive Plan. Mr. Lockwood noted that the existing Town is 7 units per acre.

Councilman Post asked if it meets Livable Delaware. Mr. Lockwood stated that one part has been through PLUS; the 140 acre parcel. If we estimate 2.33 people per residence, that is 6,245 additional people, which would mean that the Town would need 27 additional officers.

Councilman Post asked how many years they anticipate it to be before the site is built out? Mr. Lockwood stated 10 to 15 years. Councilman Post asked if they would be willing to agree to the issuance of only 100 permits per year? Mr. Lockwood stated they would be willing to discuss that.

Councilwoman Betts stated that the Town and its residents come first. She would like to hear their concerns since they elected her and she is here to listen.

Councilman Prettyman stated that he is a native; he was born here. He has a great interest in the Town. He encouraged residents and council to think hard about this proposal. He really doesn't like a lot of development, but the Town has the opportunity to get the best for the community.

Councilman Hudson asked what sort of businesses would be encouraged. He noted that he believes the downtown area is a walking "leisurely" area to eat, get coffee, and browse the shops. He asked if the businesses being considered for this development would compete with those downtown. Mr. Lockwood stated they will be encouraging businesses that are "high volume" and need parking, for instance, grocery, video, medical center, pharmacy, Wawa, etc. Councilman Hudson stated these are businesses that would otherwise find it difficult to come to downtown Milton.

Councilman Hudson does agree with Councilman Post regarding the number of single family homes, the emphasis is on multi-family, and it is discouraging to see the Town getting away from single family homes.

Councilman Dvornick asked Mr. Lockwood if they know who the builders will be. Mr. Lockwood stated it is too early. Mr. DiSabatino will build some. Councilman Dvornick asked if there are any nearby communities where Mr. DiSabatino has built homes, so Council could see examples of these homes. Mr. DiSabatino noted that in Rehoboth Beach, he built Kinsdale Glen. He has built mid-size homes, middle class, and HUD.

Mayor Bushey stated with regard to HUD housing, affordable housing for those making a modes income is needed. Councilman Prettyman stated that \$200,000 isn't "affordable" as stated at the Sussex County meeting.

The meeting was opened to the public for comment.

Robert Paul noted concerns regarding "urban sprawl". This causes traffic problems, pollution, etc. It concerns him that major decisions are made by seven (7) people. He would like to see this go to referendum. Downtown Milton is still dead. Milton needs to make developers keep their promises.

DJ Hughes stated that he is not for or against this development. The size of the community concerns him. He thinks it is too much. Traffic will increase. Density of four (4) or less is optimal; the proposed five (5) is not bad. There is a mix of single family and townhomes. The townhomes/condos are affordable. Many young people who go away to college or otherwise, come back and can't afford a single family home, so the townhouses offer an affordable alternative. Townhouses also generate less traffic. He also noted that there will be a significant increase in traffic on Route 16. Residential units will generate 14,000 trips per day while Commercial will generate 21,000 trips per day. Today, Route 16 is seeing only 4,000 to 5,000 trips per day.

Ed Harris urged Council to look at the size of the project. Residents play an important part in the community. Town Council is to represent the community. Holding a referendum is a good idea. As a businessman, more people would be great, but he loves this Town and doesn't want it absorbed and a "new town" created. He respects what Councilman Hudson says, as well.

Marie Mayor is not for or against this development. She had many questions that she raised about what other Towns do to provide clear water, what research has been done regarding providing water, how will this add value to the quality of life in Milton, how will residents be informed/involved, will all meetings be open to the public, etc.

Mayor Bushey answered several of her questions. He also noted that the Town cannot go in debt without the voter's approval.

Councilman Post stated that the Town should "cost it out" like a business venture. We should ask ourselves, will our expenses be covered? What we will gain vs. what we will lose. We need to plan well and know what we are getting into.

Councilwoman Betts noted that we do not have enough police now; we will have to triple the police force to serve this proposed development. She noted that impact fees are paid only once.

Mayor Bushey asked if anyone else would like to comment.

Carol Bruce stated that she has lived here three (3) years. She was one of the first employees of Reston, Virginia. Developers want to make money, but the people here tonight want to save our Town. The Town can say “this is how it’s going to happen”. Broad, open discussion is needed; all here need to be happy.

Joan Martin-Brown asked if there will be free and perpetual access to the “public” goods. Mr. Lockwood stated that a condition on the YMCA is that it is for everybody. Mrs. Martin-Brown asked if there will be a binding agreement and can the Town help plan? Mr. Lockwood stated sure, the land is for the community.

Bob Blayney stated he is for planned, staged annexation growth. If this property doesn’t come into Town, the applicants can to the County and do the same thing with us having no control. He suggested someone contact Connie Holland of the State Planning Office regarding a matching grant to do a cost/benefit analysis. That way, the Town can cost out Police, Fire, Water and Sewer, Parks, Schools, etc. He recommends moving forward with the planned development based on a cost/benefit analysis.

Mr. Godwin was asked to call Connie Holland.

Virginia Weeks moved here from New Hampshire. She stated that she agrees with Bob Blayney. She would like to see the Town develop a website and include meeting dates, minutes, etc. She thinks we need some annexation. The population is not enough to support a downtown, but we need to preserve the downtown and make it a focal point. She doesn’t want to see box stores. The YMCA is private; people have to pay for membership. With regard to greenspace around Route 16, how about berms? She wants to see the Town avoid being another Rehoboth.

Tom Draper stated that he owns property in Town and the River is the biggest asset. He believes the Town has sold EDU’s they can’t deliver now. He referred to the Dogfish Head Brewery sewer issue. He believes that with regard to the proposal before Council tonight, “we’ve only begun to negotiate” because they originally proposed 4,800 units. It is imperative to move ahead with the Planning & Zoning process. The alternative to not want to annex this property is detrimental. The townspeople will have to pay for a new system if we don’t annex this property and have the developers pay for it. It is important for the Town to participate with the developers. He also noted that he bought the Lofland Gas Station property.

Someone asked the question why after 22 months we are still discussing the lack of sewer capacity.

Patsy Cicala has been a resident for three (3) years. He moved here from Pleasant Valley, New York. He suggested cluster homes to keep the integrity of the Town. The proposed looks like Long Island. He suggested creating a new zone for large parcels (20+ acres) to be annexed. He also noted that with regard to recreation, there is no place for youth. It is imperative to start some kind of youth recreational program.

Councilman Prettyman noted that the schools can be opened for recreation if someone is willing to “chaperone”.

Dominic DiScuillo stated that there was a water crisis ten (10) years ago. This is not a new problem. Traffic safety is a concern, as well as transportation problems.

Fred Pepper stated he is not for or against the proposal. He asked what the proposed lot sizes are. Mr. Lockwood stated that the average lots size would be 7,500 to 10,000 square feet. Mr. Pepper asked if there were any health associated with the previous use of the land for land application. It was noted that all land application was done in compliance with DNREC regulations.

Kay Moore urged Council to look at the scale of this development compared to surrounding parcels. She asked Council to consider traffic and cluster housing. She agrees with more open space. She is upset about the egress between she and her parents existing houses.

Mayor Bushey asked if there were anymore comments from the floor. Hearing none, Mayor Bushey thanked everyone for coming and for their comments.

Councilman Hudson made a ***motion*** to send this application to Planning and Zoning, seconded by Councilman Prettyman.

Motion carried – 5 Aye
2 No (Post, Betts)

Councilman Post recommended putting this issue to a referendum. The people have a right to make a decision. Council is obligated to represent the people. Any new development should look like the existing Town of Milton.

Councilwoman Betts stated she is not for or against the proposal. She thinks Council should sit down and go over the issues and then send it to Planning & Zoning. A lot of work needs to be done; an analysis of revenue vs. expense to see that the Town can afford it.

It was suggested that a copy of these minutes be forwarded to Planning and Zoning along with the application.

Adjournment

Councilman Hudson made a *motion* to adjourn the meeting, seconded by Councilman Prettyman.

Motion carried – “Aye”

The meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Dawn Johnson
Administrative Assistant

:8/19/05