

Town of Milton
Town Council Meeting Minutes
Milton Theatre, 110 Union Street
September 5, 2006

1. **PUBLIC HEARING** regarding FY 2006-2007 Budget Adoption at 7:02 p.m.

Libby Zando: “What are the comparative costs with moving the Town Hall versus the Police operations? Could the Police Department be moved more easily and to a less expense in order to allow proper time and budget to plan for an effective Town Hall? Are grants available for either Town or Police improvements? In an effort to keep Town Hall downtown, which has been voiced quite regularly, are we also overlooking areas which may be more affordable and would provide more flexible alternatives? Would the new Town Hall have ample room for Town meetings, conferences, and office spaces? Will it include ADA facilities and access? Will an elevator or multiple floors be needed in the near future? And does Goshen Hall, the current site being evaluated, allow for such or is Goshen Hall stop gap at this time? The Goshen site is also subject to DelDot requirements for street entrances and parking access. They’ll be large areas of asphalt for driveways that will have to be required for the employee and some public parking spaces and if so will there also be room for landscaping and, most likely, needed retaining walls because the site is hilled and if so what amount is included in the \$230,000 budget that is allotted in this particularly proposed budget tonight? Is the remodel of Goshen Hall cost effective? Would we be better using money to redesign and rebuild the building more in keeping with the historic downtown? And has the council considered any tax or other incentives to encourage owners to sell or donate land for public or municipal use? Will the long-term and even though part-time residents who also pay property taxes and often use less services be allowed to vote in the next election?”

Mayor Post: “I would like to amend the record to show the Councilman Prettyman is now here.”

Dennis Hughes: (301 Chestnut Street) doesn’t think budget is balanced because of using all different kind of funds for general operations budget. Doesn’t feel that the sewer impact fees and water impact fees should be used for anything but the sewer and water. Is concerned about the amount of the new budget and stated, “if we don’t have the sewer and the growth doesn’t take place who’s going to pay for this? And do we need it?” Wants to know if we could cut funds if we decide that the sewer is the best thing we want to do go forth with. Also, where does the adequate levels stop in regards to 24-hour coverage of the police? Mayor Post: “we do have 24 hour coverage right now, we’ve had 24 hour coverage for quite some time.” Dennis Hughes: feels that the town employees could pay for some of their benefits to help save costs.

James Welu: Asked, “How much money does the Town of Milton have in the bank?” He stated that he has “a real problem with the Goshen Hall numbers, the sewer impact fees, and the water fees.” Mayor Post: The fees are structured to rebuild the town to where it needs to be because of the growth that has happened. Mr. Welu: felt that Mr. Willard, the old town solicitor, brought up back in March that the fees had to be used for that purpose, sewer impact. Feels that the sewer impact fee money should not be taken away from the sewer, the fees should be set aside for the new sewer plant. Asked, “Who gave the town this money (Rails to Trails and Stabilization fund for the Riverbank) and what are the restriction on it, can it be used for anything you want?” Mayor Post: stated, “The state of Delaware and it is stipulated for Rails to Trails and the

riverbank stabilization project.” Mr. Welu: asked, “How can this be used as revenue for general town operation?” Mayor Post: stated, “It’s not, its pass through money as shown on the budget.” The funds were received in 2006 and are not part of the 2007 budget.

Sharon Harris: (337 Union Street) Feels that some of the expenses may be unnecessary such as take home cars provided to all of the police officers, 100% of the health benefits to all employees, \$7,000 training course for the code enforcer, and the purchase and renovation of Goshen Hall. The number one priority should be building a new Wastewater Treatment Plant.

Mayor Post: The priorities of the town set forth at the Workshop Meeting held on January 18, 2006, listed the sewer plant, a new town hall, and the acquisition of land for the new sewer plant as the town’s top priorities.

Brian Dolan: (305 Chestnut Street) Feels top priority is the sewer plant and that the town should move forward with it to avoid legal issues. Supports \$32,000 for the Historic Society.

Norma Kraus: Thanks to Councilwoman Betts for getting lights fixed in Wagamon’s West Shore.

John Collier: Distributed statement to Council from Marion Jones. Feels that the budget is not a complete budget because it is missing the value of supplies and material on hand which is listed in the Charter.

Stephanie Parker: (113 Broad Street) Why are overtime and engineering fees being increased when a minimum amount has been spent so far this year? Is the Town Manager’s car a take home car and why is the mileage budgeted so high for administration? Would like to know if a set mile limit is still being implemented on take home police cars and if there is any thought of a cut off limit on the number of police we will have. Mayor Post: answered that the Town will continue to hire the amount of police necessary for the Town as it grows. Replied that Chief Phillips has stated that he believes the set mile limit is fifteen miles outside of Milton and he will be finding it in writing. There is one officer that lives more than fifteen miles outside of the town limit and if that is the case it will be adjusted with that officer. Staff Sergeant Cornwell: stated the correct figure is twenty-five to thirty miles. Mayor Post: stated that only four towns out of twenty-six did not provide a car for the Town Manager and that is why the mileage and gas will be increasing.

Libby Zando: feels there are workshops available nationwide for Robin and if he is not going to be doing inspections that we should not be putting the \$7,000 toward this training.

Norma Kraus: wants to know why the Town Manager cannot use his own car.

D. J. Hughes: wants to know if the \$50,000 GMB item is for the old or new plant. Mayor Post: it’s the balance on the contract for GMB to do the study/design and build for the new plant. The cost is unknown regarding the new sewer plant; it will be its own complex budget. D. J. Hughes: agrees that the sewer impact fees shouldn’t be used for anything other than the sewer plant.

PUBLIC HEARING closed at 7:45 p.m.

2. OPEN FLOOR

Nick Benz: read a letter from attorney William E. Manning representing Dogfish Head Brewery to attorney John F. Brady, esquire and Town attorney. Mayor Post: gave a report on the BOD levels back to the 1980s. Bob Kerr: stated that the high BOD levels have been occurring for several years. Mayor Post: ran through several documents as to how Council got into its current position regarding EDU issues. Stated that within the last three months the town has secured the land for the new sewer plant, brought in experts to look at the current sewer plant while aggressively moving forward toward a new sewer plant, and entertaining what the town is going to with the rights of the comprehensive growth area, protecting our sewer rights in that area as well.

Sam Calagione: stated he's tired of talking, it's time for action. Said the Mayor is quoted as not being threatened by businesses or landowners. Stated, "This is Dogfish Head against this Council's inability to deal with a realistic Wastewater Treatment program."

James Welu: believes the Town does not have the right to the land in question regarding the sewer plant. John Brady: stated that the letter of intent is not public information because the contract is being negotiated and it is listed under the executive session for tonight.

Councilman Frey: wants to know why council members are not being called in regards to the Adhoc Sewer Committee. Councilman Dvornick: stated he is not sure why everyone is not being informed regarding the meetings.

Bob Blayney: questions regarding the rate study. He requests that the Mayor and Council reduce the Sewer Impact Fee 57% from the current \$8,000 to a revised rate of \$4,560, that the impact fee be paid by individually lot owners and developers of the new neighborhoods upon the application of a building permit, and Council reimburse the individual lot owners and developers who have paid the increased fee upon initial notification.

Milton Carrow: new resident with question on the sewer impact fee. Believes that, "this kind of fee and the way it was imposed was highly inequitable and unfair." Mayor Post: quoted Middletown rates through 2015 with a 7% increase each year.

Libby Zando: Individuals have bought lots for \$70,000 and they had to put up with the streets and lights going in and now have increases on impact fees and cannot build their dream homes.

Bob Blayney: lots sold in 2000 settled in 2004, all people that bought lots understood the MOU and knew it traveled with the deed. Councilwoman Betts: said that the MOU stated if the fees went up then the increase follows the lot.

D. J. Hughes: lives in Shipbuilders and says that there has been very little progress. For two years there was no stop sign or street sign, thanks to Mrs. Betts and Mr. Dickerson there is now a stop sign and street signs but there is no top coat, no catch basins. Wants to know what the town is doing about ensuring the top coat is installed and getting the drainage issues fixed. Also, there are no light fixtures installed, what is the town doing about that? Councilwoman Betts: Mr.

Dickerson is preparing a letter to the owners of Shipbuilders and the attorney will go further with it. John Brady: stated that these issues are in litigation regarding Shipbuilders.

John Collier: brought up that Milton needs a tree ordinance. Feels that it has been brought up two or three times and has not seen a report. Wants to see it on an upcoming agenda. Councilman Harris: spoke in regards to the natural buffer zone between the town and the ocean and bay, also in regards to the clear cutting and destruction of the trees on one side of Union Street.

James Welu: brought up sewer impact fees and the issue being added to the agenda. John Brady: still researching the sewer impact fees, had prepared a Memorandum, however, the hard drive on his computer has crashed. Town Manager was notified this afternoon that he is not sure when it can be added to the agenda. Also, answering Ms. Zando and the issue of voting and non-resident voting. A Charter change is necessary to permit non-residents to vote. He will suggest in his report to the Town Council that they refer this to the Charter Committee to have it done by December so it can be forwarded to the elected Senator and Representative of Milton, which will allow it to be in effect by next March's municipal elections if it comes through the committee of the General Assembly.

Mary Hudson: she is against having a retail business at 309 Union Street and in this area because it would be detrimental to the Historic District. She would also like the Historic District expanded. She asks Council not to approve the conditional use of a retail business at 309 Union Street and that they enlarge the Historic District.

Kathryn Greig: (326 Union Street) announced that Wednesday, October 4, 2006, Irish Eyes is holding a fund raiser and that 10% of the food proceeds will be donated to the Garden Club. Stated that a number of people have asked why has the Town cut the trees on one side of the street and not the other. Rumors are going around about who cut them and she feels that the two in front of the Post House are going to die. Garden Club supports the town beautification.

OPEN FLOOR closed at 8:40 p.m.

3. **REGULAR COUNCIL MEETING** called to order at 8:41 p.m. by Mayor Post.

Councilwoman Betts offered a moment of silence, followed by the Pledge of Allegiance to the Flag.

Mayor Post called the roll.

PRESENT: Councilman Jack Frey
 Councilman Ed Harris
 Councilman Gene Dvornick
 Councilwoman Leah Betts
 Councilwoman Ronda Melson
 Councilman Noble Prettyman
 Mayor Don Post

Additions/corrections to the agenda

Councilman Dvornick: stated that there may be a special Council meeting to discuss the formation of the resolution that comes out of the Adhoc Wastewater Treatment Committee. This is to be added under New Business. Councilman Dvornick motioned to approve the agenda as amended, Councilwoman Betts seconds it. All in favor, "Aye". Motion carried.

Approval of Minutes

August 7, 2006, Regular Meeting-Councilman Frey motioned to approve, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

August 17, 2006, Budget Workshop- Councilman Dvornick motioned to approve, Councilman Frey seconds it. All in favor, "Aye". Motion carried.

Committee Reports

Planning & Zoning: Linda Rogers-not present, no report.

Board of Adjustment: John Collier-gave a written report on the meeting.

Sewer Plant Planning & Development Adhoc: Councilman Dvornick-held a meeting Thursday, October 24, 2006, with Charlie O'Donnell, GMB; Brice Fox, GMB; Virginia Lucas, Finance Director; George Dickerson, Town Manager; and Councilman Frey in regards to three issues: 1) prepare a timeline for a special meeting to introduce a borrowing resolution, timing for a public hearing, and hold a special election, 2) sources for public funding, and 3) whether to move ahead with distribution of the bid packages and what was the status with the land.

Personnel: Councilman Frey-will be discussing a contract for the Town Manager in Executive Session.

Zoning Ordinance Review/Revision: Ginny Weeks-not present, no report.

Milton Development: Councilwoman Betts-A fundraiser will be held on September 9, 2006, the cost is \$50 a person.

Finance: George Dickerson-cash balances are available at Town Hall as well as expenses.

Sewer & Water: Nothing to report.

Streets & Sidewalks: Councilwoman Betts-has asked the police to drive throughout the Town and make sure all of the lights are burning, if not please call Delaware Power and Lighting if any member of the Town notices the lights out, please contact the Town office. Please be sure to provide the pole number.

Parks & Recreation: Councilman Harris-thanked Charlie for the concerts in the park. Landscaping in the Bi-centennial garden will be starting at the end of the month. He will be contacting Fish and Wildlife to obtain new signage for the park.

Economic Development: Councilman Harris-met with Chamber President Mike Clark. He feels that the Sussex County Economic Development and Chamber of Commerce need to be working together. Mike has requested a possible space for the Chamber in the current Town Hall. Also will be meeting with Steve Masten from Sussex County Economic Development at next meeting.

200th Anniversary Adhoc: Mary Catherine Hopkins-gave a report.

Historic Preservation: Stephanie Parker-met with John Brady, wording being worked on. Final draft will hopefully be available to Council by October.

Written Reports

Town Manager: George Dickerson-introduced Virginia Lucas as the Finance Director for the Town of Milton. Thanks to Edmunds Associates for all the help in training on new accounting software. Hopefully it will be running October 1, 2006. There should be a report from Bob Kerr in regards to conditions and what upgrades need to be made to meet those BOD levels. Thanks to staff for all the help in researching for issues brought up about the budget. Wants to hear from the residents if they have not received the proper feedback.

Code Enforcer Report: Councilman Dvornick makes a motion to accept the report as written, Councilman Prettyman seconds it. All in favor, "Aye". Motion carried. Councilman Harris wants to bring up Front Street and how it is an "eyesore". He wants to have this area cleaned up. Feels that all of these rundown properties are a reflection on our image. Bet Orr: thinks the Town should have a timeline and fees assessed. Ordinances are needed to back up fines. Councilman Harris brought up the water/sludge that is in the alley way of Irish Eyes, Mayor Post stated that Mr. Dickerson is working on that issue.

Maintenance Report: Councilman Dvornick makes a motion to accept the report as written, Councilwoman Betts seconds it. All in favor, "Aye". Motion carried.

Police: Councilman Prettyman makes a motion to accept the report as written, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

Executive Session

Councilwoman Betts makes a motion to go into Executive Session regarding land acquisition, Councilwoman Melson seconds it. All in favor, "Aye". Motion carried.

Councilwoman Betts makes a motion to come out of Executive Session, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

Unfinished Business

Chesapeake Franchise Agreement: has been asked to be removed from tonight's meeting, they will be added at a later meeting.

Chestnut Properties: request for (1) 4" irrigation well and (1) 4" well for storm water management. Pret Dyer and Joe Reed addressed Council. Councilman Dvornick handed to Council calculations on irrigation systems of various sizes and went over it. He recommends that the Town institute an annual well permit fee and review this annually. John Brady: stated it must be a resolution of ordinance. Councilman Prettyman: feels that the ordinance needs to be in place after voting on Mr. Dyer's request. Councilman Frey asked how many wells are in place. Mr. Dickerson read the September 19, 2002, minutes where well 5 in Phase I was approved. Mr. Dyer stated he does not own Phase I. Councilman Prettyman made a motion to grant the well for Cannery Village, Councilman Dvornick second it.

Mayor Post asks for a roll call vote: Councilman Dvornick "I vote to grant"
Councilman Harris "I vote to grant"
Councilman Frey "I vote against it"
Councilman Prettyman "I vote to grant"
Councilwoman Melson "Yes"
Councilwoman Betts "Grant"
Mayor Post "Yes"
Motion carried.

Councilman Dvornick makes a motion to forward to the Ordinance Committee the drafting of some type of ordinance dealing with annual well permit fees for private wells utilized within the Town of Milton, Councilman Harris seconds it. All in favor, "Aye". Motion carried.

Ratification vote on Town Clerk: Councilwoman Betts makes a motion to approve, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

Sidewalk Ordinance: John Brady read into the record the second reading. Councilwoman Betts makes a motion to approve, Councilman Prettyman seconds it. All in favor, "Aye". Motion carried.

Budget: Councilman Prettyman makes a motion to look at the budget closer and would like it tabled, Councilman Dvornick seconds it. Councilman Prettyman would like the meeting scheduled at the Mariner Middle School on September 15, 2006. John Brady stated that the most recent schedule of assets needs to be part of the budget to make it complete.

Mayor Post asks for a roll call vote: Councilman Dvornick "Aye"
Councilman Harris "Aye"
Councilman Frey "Aye"
Councilman Prettyman "Aye"
Councilwoman Melson "Aye"
Councilwoman Betts "Aye"
Mayor Post "Aye"

Motion carried.

Conditional Use of 309 Union Street: Mayor Post read through the recommended approval from Planning and Zoning with conditions. Councilman Dvornick asks if additional conditions could be applied, John Brady states that yes but there has to be specific reasons and rational. Councilwoman Melson makes a motion to approve, Councilman Harris seconds it. Councilman Dvornick would like the condition added that any signage shall comply with the signage regulations as outlined in the R-1 district and has a question regarding parking. Councilman Harris makes the comment that as a member of the Economic Development Committee they have been fighting to get businesses in this town for a long time. All in favor, "Aye". Motion carried.

Proclamation for National Wildlife Refuge: Councilman Dvornick read the proclamation into record. Councilman Harris makes a motion to sign, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

Councilman Dvornick made a motion to hold a special meeting on Friday, September 15, 2006, at 7 p.m. in order to finalize the fiscal year budget and to introduce a resolution for borrowing. The Resolution for borrowing will be held on or before October 28, 2006, from 12 p.m. through 6 p.m. and will include all property owners. Councilman Pretty seconds the motion. All in favor, "Aye". Motion carried.

Councilman Frey makes a motion to accept the contract for the Town Manager with the changes discussed in closed session. John Brady suggests that Council tables the contract and add it to the September 15, 2006, agenda. Councilman Frey withdraws his motion. Councilman Betts makes a motion to adhere to the Town Solicitor and table the contract, Councilman Dvornick seconds it. All in favor, "Aye". Motion carried.

Councilman Dvornick makes a motion to adjourn, Councilwoman Betts seconds it.

Adjournment 10:17 p.m.

Respectfully submitted,

Stephanie Coulbourne
Town Clerk