

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

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

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

- A. **John Collier**, Coulter Street, thanked the Council members who terms expire this month. He presented a petition to Mayor-elect Don Post signed by town residents asking the Council to allow him (John Collier) to fill the vacant Council seat due to the fact he was the third highest vote holder at the recent municipal election.
- B. **Kathryn Greig**, Union Street, congratulated the Council-elect and the outgoing council. Mrs. Greig announced May 20<sup>th</sup> would be the annual Spring Clean Up and Planting Day in preparation for the June 3<sup>rd</sup> Garden Tour. Tickets to the tour will be available April 6<sup>th</sup>.
- C. **Ann Yarbrough** addressed Council in regards to expanding the historic district by 2007. She gave an overview of a proposal from the University of Delaware to complete the project. She asked Council to place the project cost of \$32,600.00 in the 2007 budget.
- D. **Dick Greig**, Union Street, congratulated the new council members and thanked the outgoing members for their hard work. He announced the Charter Revision Committee would be meeting on April 4<sup>th</sup> 7:00 p.m. at the Cannery Village Office Building.
- E. **Mr. Greig** said an option for Council was to have an election to appoint a member to the vacant council seat. He stated the public picked the top three people for Council and felt the third highest vote holder should take office.
- F. **Ginny Weeks**- thanked Mayor Bushey for all he has done. He has been nothing but gracious to her and her family. She supports Ronda Melson for the vacant council seat. She felt Ronda works in a quiet, steady and unselfish manner. She read a brief statement on why she supported Ms. Melson.
- G. **Ronda Melson**, 111 Chandler Street, addressed Mayor and Council and read a statement seeking support for the vacant council seat. She listed her accomplishments and expressed her desire to see those projects through to completion.
- H. **James Welu**, 420 Cedar Street, thanked outgoing Council members and congratulated the new members. He expressed concern as agenda items are addressed; he would like to see public respond with their comments during the discussion. He also asked Mayor and Council to respond to the public's concerns.
- I. **Donna Gordon**, informed Mayor and Council the Catsnippers program has spay/neutered 187 cats. Recently the Friend for Responsible Pets gave the program a grant for \$1,000.00. Sussex County Council gave a grant \$3,000.00 to help control the cat colony located in the park and the old sewer building. Since

the annual review of the program is approaching, Catsnippers asked Council to allow the organization to continue their work.

J. **Mary Hudson**, Union Street, thanked Mayor Bushey for his service and congratulated the new Mayor and Council members. She asked Mayor and Council to consider the voice of the people and elect John Collier to the vacant council seat.

K. **Leah Betts**, Magnolia Street, thanked Mayor Bushey for his years of service. She presented him with a plaque and gifts from Council. As a token of appreciation, the Council meeting was briefly delayed so everyone in attendance could join Mayor Bushey and Council for cake and refreshments in honor of his service.

L. Councilwoman Betts made a **motion** to delay the meeting for the reception for Mayor Bushey, second by Councilwoman Melson.

Aye, Motion carried.

Councilman Prettyman made a **motion** to reconvene the meeting seconded by Councilman Dvornick

Aye, Motion carried.

Mayor Bushey called the regular Council meeting to order.

Councilwoman Betts offered a moment of silence and asked for a special prayer for Mayor Bushey and Mayor elect Don Post.

The Pledge of Allegiance followed the moment of silence.

Newly elected Mayor Post, Councilman Noble Prettyman and Councilman Ed Harris were sworn into office.

Mayor Post called roll.

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

Others Present: Stephanie Coulbourne  
Bill Phillips, Chief of Police  
Allen Atkins, Maintenance Supervisor  
Tim Willard, Town Attorney  
Bob Kerr, Cabe Associates

## **Presentation and Approval of Minutes – March 6, 2006**

Councilman Dvornick made a **motion** to accept the minutes in written form. Councilman Prettyman seconds the motion.

Aye, Motion carried.

### **Committee Reports**

Sewer & Water – No report.

Streets & Sidewalks – Councilwoman Betts reported she sent a letter to Delmarva Power and Light in regards to the streetlights in Wagamons West Shore. There has not been a response to date.

Personnel/Pension – Councilman Dvornick reported interviews had been held to fill the position of Finance Director. An executive session will be needed after the meeting.

Parks & Recreation – No report.

Economic Development – No report.

Planning & Zoning – Chairwoman Linda Rogers gave a brief overview of the last Planning and Zoning meeting.

Milton Development Corporation – Councilwoman Betts reported a good turnout on the latest show.

Board of Adjustment – Chairman John Collier gave a brief overview of the last meeting

Finance/Risk Management – No to report.

Land Acquisition – Councilman Dvornick reported there has been communication with three property owners. An executive session will be needed to address the issues further.

### **WRITTEN REPORTS**

Maintenance Report – Councilman Dvornick made a **motion** to accept the report in written form. Councilwoman Betts second the motion.

Aye, Motion carried.

Code Enforcer Report – Councilman Prettyman made a **motion** to approve the report as written, seconded by Councilman Dvornick.

Aye, Motion carried.

Police Department Report – Councilwoman Betts made a motion to approve the report as written, seconded by Councilman Prettyman.

Aye, Motion carried.

Chief Phillips gave Council a report on the repair needed to one section of the roof at Town Hall. The item will be placed under new business.

Councilman Harris asked Chief Phillips about dogs running loose and owners not cleaning up after their animals. He also asked the Chief to look into placing a *No Littering* sign on Front Street. A letter will be sent to Del Dot for the sign placement.

## Correspondence

Councilman Harris read correspondence into record:

- a) Sussex County Association of Towns will hold its next meeting on April 5<sup>th</sup>.
- b) Delaware Division of Parks and Recreation announced matching grant assistance from the Delaware Land and Water Conservation Trust Fund.
- c) Atlantic Land Development stating the streets in Chestnut Crossing is open to the public and the Town should add the streets to their annual Municipal Street Aid report.
- d) Donald Cook Voth, Atlantic Street, asking for new water pipes to his property.
- e) John Collier, Coulter Street stating his interest in filling the vacant council seat.
- f) Tina Thourgood, Spruce Street, letter of support for John Collier to fill the vacant Council seat.
- g) Janet Turner, Union Street, letter of support for Ronda Melson to fill the vacant council seat.
- h) Judith and Don Fisher, letter of support for Ronda Melson to fill the vacant council seat.

## UNFINISHED BUSINESS

**Town Survey-** Due to difficulties with the projector, this item will be tabled until the May meeting.

**Heritage Creek-** Jeff Clark from Land Tech addressed Mayor and Council seeking final site plan approval for Phase I and Phase II. Detailed books were presented to Council on the project.

Councilman Dvornick, Councilman Frey and Councilwoman Betts felt the book was an excellent presentation.

Councilman Harris felt he did not have enough time to review the material and would like to look over the Master plan.

Mr. Clark answered questions from Council regarding the development entrance, right-of-ways, sidewalk connections and the commercial area of the project.

Councilman Dvornick made a **motion** to accept the material as presented. Councilman Prettyman seconds the motion.

Bob Kerr, Cabe Assoc. stated a report had not yet been received from DNREC on the sewer gravity. He stated Delmarva Power might require the electric boxes in the alleyways be moved to the front yards. Other than those issues, Mr. Kerr was comfortable with the project. He suggested the project be given the OK to start with the first 50 units while waiting in final reports from various agencies.

Council voted unanimously to accept the final site plan for Heritage Creek Phase I and Phase II.

Aye, Motion carried.

**Wastewater Treatment Plant Update-** Charlie O'Donnell from George, Miles and Buhr, gave a brief update on the progress of the design build. A certain amount of time has been lost due to the reconfiguration of the plant since the large developments have withdrawn their annexation requests and needing to know the location of the new plant. The design build package is 30% to 50% done. The structural design is 30% done and he will be meeting with Allen Atkins to make sure Allen is comfortable with the controls. The plant has the capacity to be expanded or have a sister plant.

**Chestnut Properties, LLC/Cannery Village-** The applicant has asked the item to be moved from the agenda.

**Wagamons West Shore-** Councilwoman Betts gave her report on the lighting issue under the Streets/Sidewalk Committee report.

**Annexation-** Councilman Frey made a motion to accept Ordinance 3B as written. Mr. Willard was concerned there needs to be a rational basis of the fee imposed and what expenses the fee covers. Councilman Dvornick suggested using the cost benefit analyze to revisit the fee on an annual basis. Mr. Willard would need to confer with Mr. Kerr if a subsection was to be added. Councilwoman Betts would like clarification if the cost was per home or unit.

Councilman Dvornick made a **motion** to discuss the issue during a Council workshop. Councilwoman Betts second the motion.

Aye, Motion Carried 5-1.

Councilman Frey opposed the motion.

A workshop will be held April 20, 2006 at 7:00 p.m.

**North Milton Response-** Mayor Post wanted to clarify the new sewer plant would be purchased at the Town's cost not the developer's cost. He also noted a completed annexation agreement had not been received from the developer.

Councilman Dvornick made a **motion** to send a letter to the developer clarifying those issues. Councilman Harris seconds the motion.

Aye, Motion carried.

## **NEW BUSINESS**

### **Appointment of Committees-**

Mayor Post read the names of the committees. Councilman Frey made a **motion** to approve the list seconded by Councilwoman Betts. Councilman Prettyman questioned the appointment to several committees and would like to discuss the issue with the Mayor before accepting the appointments.

Councilman Frey and Councilwoman Betts **amended the motion** to accept the list as a draft copy. The issues will be discussed and the list approved at a later date.

Aye, Motion carried

**Vacant Council Seat-** Councilman Frey made a **motion** to appoint Ronda Melson to the vacant Council seat. Councilwoman Betts second the motion. Mayor Post took a roll call vote on the issue.

**Councilman Frey-** Yes, from President down to small town Mayor, the Mayor puts on his people not his enemies.

**Councilman Harris-** Yes, Ronda has shown herself to be dedicated and a team worker.

**Councilman Dvornick-** No, he believes the voters spoke very clear at the last election.

**Councilman Prettyman-** No, he lives we live in a democracy and he feels the voters have come out and said they want John Collier to fill the seat. He feels that as Council they should accept the outcome. He gives his wholehearted support for John Collier.

**Councilwoman Betts-** Yes, She has worked with Ronda and feels she shows a lot of enthusiasm. On the Water and Sewer Committee, Personnel Committee, she has always

been willing and has been behind the scenes on a lot of issues. Ronda is a worker. She felt the votes were very split.

Mayor Post- Yes, This process that been done for the last three years, it was not the highest vote getter that was appointed to the vacancy. He also votes for Councilwoman Melson because she can bring more unity to this Council which is greatly needed at this time.

Motion carried 4-2. Ronda Melson was sworn in to fill the vacant council seat.

**Recoding of Charter and Ordinances-**Councilman Dvornick made a **motion** the town contacts and gets proposals from various coding services. Councilman Frey seconds the motion. Mr. Willard gave general information to Council on the service and what it covers.

Aye, Motion carried.

John Collier asked to speak and congratulated Councilwoman Melson on her appointment and thanked the council for voting for what the thought was in the best interest for the Town of Milton. There were no hard feelings on his part with one exception, the comment was uncalled for.

**Town Hall Roof Repair-** Councilman Dvornick made a **motion** to approve the roof repair not to exceed \$6,700.00, with the funds taken from the transfer tax account. Councilman Harris seconds the motion. Councilwoman Betts asked to have the repairs done as soon as possible.

Aye, Motion carried.

Councilman Dvornick made a **motion** to go into executive session, seconded by Councilman Frey.

Aye, Motion carried.

Councilman Prettyman provided copies of *Livable Neighborhood* to council members.

Joan Martin-Brown stated even though the presentation of the design for the new sewer treatment plant showed a reduction in the discharge into the Broadkill River, there is still concern about the water quality. She hoped part of the specs for the design of the plant would ideally find a way to remove the Broadkill River as a recipient of waste.

Councilman Harris stated as chair of the Parks and Recreation committee he would be sending notices to those who serve on the committee so the group can start addressing some of these issues.

Mayor and Council went into Executive Session.

Councilman Dvornick made a **motion** to come out of Executive Session at 10:16 p.m., seconded by Councilman Harris.

Aye, Motion carried.

Councilman Dvornick made a **motion** to have the current Personnel Committee members contact the new committee members to discuss the personnel matter brought up during Executive Session. Councilman Frey seconds the motion.

Aye, Motion carried

Councilman Dvornick made a **motion** the new sewer committee and land acquisition committee begin negotiations with the property owner discussed during Executive Session, seconded by Councilman Harris.

Aye, Motion carried

Councilman Dvornick made a **motion**, in light of the letter submitted by the current town solicitor, begin a process to locate and hire a new town solicitor. Councilwoman Betts second the motion with much regret.

Aye, Motion carried

Councilman Dvornick made a **motion** to adjourn the meeting. Councilwoman Betts seconds the motion.

Aye, Motion carried.

Meeting adjourned.

Respectfully submitted,

Stephanie Coulbourne