

Milton Town Council Meeting April 27, 2015 Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on April 27, 2015 by the Vice Mayor. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Edward Kost, present
Michael Cote, present
Sam Garde, present
Esthelda Parker-Selby, present
Marion Jones was not present
Seth Thompson, the Town Solicitor was also present

These Preliminary Minutes:

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting.

Public Participation

John Bushey: If the 50 ft set-back from waterways is eliminated from the Charter, and replaced by a 25 ft. set-back in the Town Code, will the total required set-back include the new 25 ft. plus the old set-backs required by the existing Code? He also commented that he felt that the recommended 1% of assessed value recommended in the Charter change was too large an increase.

Council members responded that no decision has been made as to the recommended set-back to be included in the Code update.

The discussion expanded to review the process of granting a Variance under the current Charter requirement and after the Charter and Code are modified. The Town Solicitor and Council members agreed that under the current Charter, no provisions exist for granting a Variance from the 50 ft. requirement. If the Charter is changed to delete the requirement, and a new requirement is included in the Code, the process would be for a Petitioner to petition the Board of Adjustment for a Variance. The BofA could then either grant the variance or reject it. The appeal process by the Petitioner after a rejection would be through the court system.

There was a discussion that included:

- The State law re ownership allows property owners to own the land bordering waterways down to the low water mark
- DNREC has cognizance over waterways to the high water mark
- The Town Charter, and to-be proposed Code modification, provide a set-back from the high water mark

- The Sussex County set-back requirement from waterways is 25 ft.

Mr. Bushey summarized his comments to agree with the elimination of the set-back from the Charter, to include a set-back in a Code revision, and recommended a 25 ft. set-back for the Code revision.

Jeff Dailey, 211 Grist Mill Drive: his comments included:

- Thanks to the Vice Mayor and Council for discussing the set-back from waterways
- What is the status of the possible expansion of the Tidewater wastewater treatment facility in the Town?
- Is the status of Chapter 18 of the recommended modification to the Town Charter re Town Manager vs. Town Administrator open or closed?
 - The Town Solicitor and members of Council indicated that the situation had not been decided as of this meeting. Councilman Garde explained that it had been agreed at an earlier meeting to leave the decision open, but to go through the balance of the draft changes to the Charter using the Town Administrator language in order to facilitate completion of the review.

Jim Welu: his comments included:

- Recommended a moment of silence or some other specific remembrance of Noble Prettyman, a valuable and important member of the community who recently passed away
- What is the "penalty" for Town Council members who routinely do not show up?

Cliff Newlands, Oysterman Drive: his comments included:

- One percent (1%) of total assessed value is too much of an increase from a sum of \$1,000,000, since 1% would result in an amount of approximately \$4,000,000. He recommended that the increase be limited to one half of one percent (1/2%).
- If we go to the County assessment, we do away with the Town-wide assessment, which was done to remedy inequities in the County assessment. He emphasized that the principal reason for the re-assessment in 2009 was to put the whole town assessment on an even and equitable basis
- The Town Assessor has been under Contract for a long time, even to the time when the Town used the County assessment, and that we might not save as much money as we think if we adopt the County assessments.
- The wording in the draft Resolution was incorrect with respect to the amount due the Town for transfer tax.
 - The Town Solicitor replied that he believed the language was correct
 - The Town Solicitor, Council Members and Mr. Newlands all agreed that the language needed to reflect that the Town was due one and one half percent (1.5%) in transfer taxes

Additions or Corrections to the Agenda

A motion was made, seconded and approved unanimously to amend the Agenda in order to consider item 9 (New Business) before item 8 (Charter Workshop)

Agenda Approval

A motion was made, seconded and unanimously approved to approve the Agenda as amended.

New Business

Discussion and possible vote on Resolution 2015-010 A RESOLUTION TO REQUEST AN AMENDMENT OF THE TOWN CHATER OF THE TOWN OF MILTON RELATING TO ITS ENUMERATED POWERS

Councilman Kanakos questioned the process, considering the fact that a public hearing has been scheduled for May 6, 2015 to present the subject recommended amendment of the Charter. After discussions among Council members, a motion was made, seconded and unanimously approved to table voting on the Resolution until after the public hearing, and to include in the Agenda for that meeting that the Council could possibly vote on the Resolution, after due consideration of input from the citizens.

Workshop style discussion regarding proposed amendments to the Town Charter

The portion of the meeting dedicated to changes in the Town Charter was conducted, as in the past, allowing members of the public to make comments as the various subjects were discussed by the Mayor & Town Council.

The Mayor and Town Council resumed going through the Town Charter, and the changes recommended by the Charter and Ordinance Committee, on a line-by-line basis, starting with Section 28. As in the past meetings regarding Charter changes, these preliminary minutes will not reflect the specific subjects or discussions held during this meeting. When all the meetings on Charter changes are completed, and the Mayor & Town Council agree on the content of the Charter to be submitted formally at a Town-wide public hearing on the subject, the agreed draft changes will be published in advance of such public hearing. The initial review of all Chapters of the Charter for recommended changes was completed during the meeting.

Approval

These minutes were approved at the Town Council meeting held on May 11, 2015.

Adjournment

A motion was made, seconded and unanimously approved to adjourn.

Very Respectfully submitted,
James C. ("Sam") Garde,
Secretary of the Town Council

