

Milton Town Council Meeting June 1, 2015 Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:40 PM on June 1, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Esthelda Parker-Selby, absent
Michael Cote, present
Sam Garde, present
Edward Kost, present
Marion Jones, 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. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Participation

Ed Kost; 230 Sun Dance Lane. The roads/(non-existing) sidewalks in Cannery Village are unsafe. To demonstrate, he cited the fact that he saw a woman pushing a baby carriage in Village Center Way on her way to the Community Building. On her way back to her home, she was required again to push her carriage in Village Center Way, but this time there was another woman pushing her own baby carriage in the other direction, but also in the street, because there are no sidewalks in that area of Cannery Village. His bottom line: have the developer put in sidewalks immediately. He opined that the Town should consider not issuing any more construction permits unless the developer starts to install sidewalks within 30 days.

Bob Howard; Chandler Street. He implored Town Council to find a way to make the mural on the south side of Irish Eyes happen. He commended Irish Eyes for doing a lot for the Community, including their willingness to offer their wall for a mural advertising Milton (not Irish Eyes).

Steve Crawford; Ridge Road. He told Council that the mural is no longer under the control of the Economic Development Committee (EDC). Donations are going through the Milton Community Foundation.

Ginny Weeks, Clifton Street. She opined that the Town was missing a potential source of revenue by not charging Dogfish Head (DFH) for the water they are extracting from their private well. She cited some statistics based on other breweries water usage, and urged Council to start charging DFH something, even if it was a small percentage of the rate charged to residential users. She also emphasized her opinion that DFH was not a villain for not paying.

Kathryn Greig; 326 Union Street. There were recent problems with watering the plants maintained by the Garden Club. Irrigation was shut off to the systems that water Governor's Walk, the Clock area, and the bridge. When Greg Wingo replied that he shut it off to fix a leak, Catherine requested that the Garden Club be notified in the future of any intentional shutdowns of the irrigation system. Catherine thanked Irish Eyes for allowing the Garden Club to use their water for the plants in the area. She also requested that the Garden Club be notified if/when the spigot at the back of the Police Station is locked. Captain Cornwell indicated that the spigot had been locked because Tidewater is now charging the Police Dep't for wastewater treatment, based on metered fresh water usage. He also commented that some people who use the Police Station spigot do not return the hose, and this becomes a safety hazard. However, bottom line: Garden Club is still welcome to use the spigot.

On another topic, Kathryn announced that the Garden Club has reached its goal for fund raising for the new clock. The clock has been ordered.

Nancy Trask, President of the Milton Garden Club (MGC). She reminded the residents that the flowers that the MGC maintains in Town are paid for by donations, including a donation from the Town. She thanked the Town for its support of the MGC's efforts, and said that she should be the contact point for the MGC. She asked that the garden/house tour in July be supported by the residents.

Jeff Dailey; Grist Mill Drive. Made the following points:

- MGC efforts add significantly to the beauty of the Town
- Water should be available (and free) to the MGC
- Congratulated the Town for the excellent appearance of the the newly painted Chandler Street water tower, including the new logo
- Questioned what the Town could do to compel Chestnut Properties to install sidewalks and pave the streets in Cannery Village, and urged the Council to find a way to do just that
- There is a rumor that the Town is contemplating paving the streets in Cannery Village and charging the home owners in that area. Solicitor Thompson indicated that that rumor was false.

Jim Welu; Cave Colony.

- Opined that Chapter 136 of the Milton Town Code applied only to houses built after October 2003.

- Opined that the Town should make recommendations to owners of homes/properties that become subject to condemnation in accordance with the provisions of Chapter 136 of the Town Code prior to demolishing the property.

Gwendolyn Jones: Atlantic Avenue. Questioned what the process will be for hiring a new Police Chief. She indicated that she had a problem with the past Chief, who disrespected her, and asked Capt Cornwell to read the entry on her Delaware Driver's License that indicates she is a female.

John Oates: 115 Arch Street. He asked for a clarification on the decision by the Mayor and Town Council not to take a position on the zoning change being requested by the Overbrook Town Center (OTC) developers. Mayor Jones replied that she and Council had not heard from a broad spectrum of the more than 2,500 Town residents, especially the younger residents, and others who do not routinely attend Town Council meetings. Councilman Garde concurred with Mayor Jones. Councilman Kanakos indicated that the League of Women Voters had asked many questions about the proposed zoning change, and had indicated they thought the wastewater was being connected to the Milton Wastewater Facility. Mayor Jones indicated that the plant in Milton does not have the capacity to handle that much additional wastewater. (Although not indicated during the meeting, it was later confirmed that Artesian, not Tidewater, would provide wastewater treatment for OTC.)

Additions or Corrections to the Agenda

Amendments to delete items 14e (Police Chief hiring process) and 14g (Memorial Park Lighting Project and to include possible contract award) were brought forward.

Agenda Approval

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

Presentation and Approval of Minutes

Transcribed Minutes dated Dec 15, 2015.

- On page 3, item 8; change "Award of Accommodation" to "Award of Commendation".
- On page 5, 2/3's of the way down; Councilman Garde speaking: change "do you have a reading engineer" to "do you have a rigging engineer". Same paragraph, change "to review the reading plan" to "to review the rigging plan".
- On page 5, a little further down, Councilman Garde speaking: insert the "engineer" in the blank after "an equally well qualified.."
- On page 5, yet a little further down, Councilman Garde speaking: change "the documentation on the reads" to "the Documentation on the rigs".
- On page 8, 1/2 down the page, Dan Barbado speaking: change "That is incorrect. Sure" to "That is correct. Sure."
- On page 9, 1/3 of the way down, Councilman Garde speaking: change "but upon receipts" to "but upon receipt".
- On page 21 about 1/2 way down the page; Solicitor Thompson speaking: To clarify, insert the parenthetical word ("Roger") between "Mr." and "Thompson".

A motion was made, seconded and unanimously approved to approve the transcribed minutes of Dec 15, as amended.

Minutes of Meeting on January 15, 2015 (Not transcribed due to non-operation of the recording system during the meeting).

- On page 3, 1/4 of the way down; Mayor Jones speaking: Change spelling of "Christy" to "Kristy".
- On page 3, 1/4 of the way down; Mayor Jones speaking: Change spelling of "Goodenson" to "Goodinson".
- On page 4, the top line, change "380 2000" to "380,000".
- On page 4, second line at the top, The meaning of the phrase "significant an excellent change work at finding" is "significant change and reflects excellent work at finding".
- On page 4, last line: Change "to confirm the language" to "to conform the language."
- On page 6, 1/3 of the way down the page and in 2 other places, change "Goodenson" to "Goodinson".
- On page 6, at the bottom on the page, Councilman Cote speaking: change "counsel" to "council" in 2 places.

A motion was made, seconded and unanimously approved to approve the minutes of Jan 15, as amended.

Draft Preliminary Minutes of Meeting on May 6, 2015.

- On page 1, under Roll Call, change spelling of "Parker- Sleby" to "Parker-Selby"
- On page 1, 1/2 way down the page: Delete the "z" from the word "Hearingz"
- On page 3, 1/2 way down the page, Project Coordinator Collier speaking. After the bullet saying "The County Regulations require a 25 ft set-back from waterways", insert a parenthetical note "(This minute is correct, but the statement has been updated to indicate that the County requires a 50 ft buffer.)"
- On page 3, 3/4 of the way down, change "Councilman Kote" to "Councilman Cote".

A motion was made, seconded and unanimously approved to approve the draft preliminary minutes of May 6, as amended.

Draft Preliminary Minutes of Meeting on May 11, 2015.

- On page 2, 1/2 way down the page, insert a new bullet just above the currently last bullet to read: "Councilman Cote abstained from voting on the preliminary draft minutes of Apr 13 and Apr 20, since he was not present."
- On page 2, 1/2 way down the page, change the last bullet by inserting the words "by those voting" between ""approved" and "to accept".

A motion was made, seconded and unanimously approved to approve the draft preliminary minutes of May 11, as amended.

Draft Preliminary Minutes of Meeting on May 13, 2015.

- On page 1, 1/2 way down the page, put a space between "to" and "Chapter" in the title after "Public Hearing".
- On page 1, 2/3 of the way down, change the name of the speaker from "Sandra Dale" to "Sandra Dole".
- On page 1, third bullet with Ms Dole speaking, correct spelling of "Dale" to "Dole".

- On page 1, 3/4 of the way down, change the speaker's name from "Mary Ann Worthington" to "Marty Ann Warrington".

A motion was made, seconded and unanimously approved to approve the draft preliminary minutes of May 13, as amended.

Mayor's Report

The Mayor read a posting on social media that the town was following up on MGC's concern over availability of water. She thanked Mrs Trask for helping to straighten out the situation, and deflate the level of concern over potential lack of concern on the part of the Town Staff.

Discussion of Written Committee Reports

- The only Committee report in the Council package was from the Economic Development Committee
- Councilman Garde asked a question about the purpose of newly formed sustainability subcommittee.
- Bob Howard, Chair of the EDC, responded that the EDC planned to have at least preliminary suggestions to Mayor & Council by the end of the year regarding sustainability on a town-wide basis.
- Councilman Garde thanked the EDC for their foresightedness in forming the new subcommittee.

Department Reports: Administrative, Code Enforcement, Project Coordinator, Police, and Public Works

- Code Enforcement: please include the resolution of unresolved items in the next month's report.
- Re Project Coordinator Report: Planning & Zoning did not have sufficient detailed information to make a recommendation re setback or buffer from waterways.
- Re Police Report: Police cannot pull a truck over for going using disallowed roads unless and until the Truck goes through the entire Town and does not stop for a delivery.
- DelDot placed the signs with the prohibitions on trucks using the roads through Town.

Finance Report and Revenue/Expenditure Report

An unaudited Treasury April Monthly Report was included in the Council Package, prepared by the Town Staff, and attested to by the Treasurer of the Town Council, Mr. Michael Cote. There were a few questions asked and clarifications sought by various Council members; all of which were resolved satisfactorily during the discussions.

Old Business - Discussion and possible vote on the following items

- a. An Ordinance to create a new section entitled "Source Water Protection Area" within Chapter 220 of the "Zoning" Code (fourth reading) - Advisory report received from Planning and Zoning
 - An Advisory Report was included in the Council package.
 - A draft of a new ordinance was also included in the Council package.

- P&Z recommended making the Source Water Protection Ordinance a new Chapter in the Code, rather than including it in Chapter 220.
- Councilman Garde recommended several changes to the draft to “Miltonize” the draft. Specifically:
 - Delete the definition of “Good Ground-Water Recharge Potential Area” in Section 181-2.
 - Lower case “Without” in the definition of Hazardous Waste
 - In the definition of “Site Plan Approval” in Section 181-2, add “as outlined in the Milton Code Chapter 220.” at the end of the definition.
 - In the definition of “Source Water Protection Area” in Section 181-2, delete the word “Good”.
 - In Section 181-3, change the reference to the 200x Comprehensive Plan to the “next applicable Comprehensive Land Use Plan after the effective date of this Ordinance.”
 - In Section 181-5 C (1), change the reference at the end from “Section A9” to “Section 181-10”.
 - In Section 181-6Da. & b., change “a delineated wellhead area” and “a designated wellhead area” respectively to “an excellent ground water recharge potential area.”
 - In Section 181-7A, change the reference to the 200x Comprehensive Plan to the “next applicable Comprehensive Land Use Plan after the effective date of this Ordinance.”
 - In Section 181-7C, delete the words “good or” on the second line.
 - In Section 181-7Dc, delete the words “good or” on the first line.
 - In Section 181-10A , delete the words “Good and/or” on the second line.
 - In Section 181-10B, change the opening words “Commonly, the applicant offsets” to “The Applicant may offset”.
 - In Section 181-10C, change the opening words “A Delaware Registered Professional Engineer and/or Professional Geologist prepares an environmental assessment report, usually containing” to “When an EIAR is required, it shall be prepared by a Delaware Registered Professional Engineer and/or Professional Geologist and shall contain”.
 - In Section 181-10C7, delete the words “town, city, or county providing for monitoring and maintenance of the recharge system” to “the Town of Milton”.
 - In Section 181-11, delete the words “water and waste water department” in 2 places and substitute “Milton Public Works Department” in both places.
 - In Section 181-11, in the penultimate sentence, change the words “building department” to “Project Coordinator or his/her designee”.

A motion was made, seconded, and unanimously approved to table the draft in the Council Package, and have the Solicitor redline the recommended draft against the State’s draft.

New Business - Discussion and possible vote on the following items

- Request dated May 5, 2015 from Dogfish Properties, LLC to revise the current private well approval to supply water for manufacturing, as permitted in light industrial areas.
- A copy of a letter from Dogfish Head Properties requesting a change in the wording of their current well permit was included in the Council package.

- Nick Benz, CEO of Dogfish Properties, was present and provided the following information:
 - The current well is permitted for a rate of 400 gallons per minute, not to exceed 576,000 gallons per day.
 - DFH current use is approximately 10% of the permitted daily allowance.
 - DFH currently uses approximately 4 gallons of water to make 1 gallon of beer.
 - DFH has been spray irrigating their waste water.
 - DFH's new waste water treatment system will allow them to recycle approximately 60% of their waste water and reuse it in their processes, such as cleaning tanks and bottles, boiler water makeup, and cooling tower makeup.
 - This will cut the average to approximately 1.6 gallons of water from the well to make one gallon of beer.
 - DFH expects the new system to be on line by the end of June, but they are waiting for parts from one of their key suppliers, so it may take longer.
 - DFH is not requesting to add a quantity of water to their current permit
 - The current semantics of the permit allow the well only for brewing beer.
 - They now want to distill certain alcoholic beverages and request the permit semantics be changed to allow making of alcoholic beverages, rather than brewing or manufacturing.

Several citizens, including Jeff Dailey, Ginny Weeks and Lorraine Wasserman opined that since the request was essentially a re-permitting activity that the Mayor & Council should consider charging DFH for the water.

At the end of the discussions, a motion was made, seconded and unanimously approved to change the wording for the DFH well permit from "brewing operations" to "making alcoholic beverages".

b. Citizen initiated Mural Art Project supported by the Milton Community Foundation.

- An opinion of Counsel was included in the Council package that indicated that the Mayor & Council could consider approving the mural as a municipal sign and effectively Town property, requiring an easement or license from Irish Eyes.
- The Project Coordinator prepared a background document that was included in the Council package.
- Tom Jones, owner of Irish Eyes was present and declared his approval to use the north wall of his establishment for the mural designed by Rogers' Sign Co.
- An easement on the adjacent property will be required to allow the Public Works Dep't to perform maintenance on the mural.
- Funding will go through the Milton Community Foundation.

At the end of the discussions, a motion was made, seconded and unanimously approved by those voting to approve moving forward with the licensing and easement. Councilman West recused himself from the vote, since he is the Chairmen of the Milton Community Foundation.

c. Rental Properties Inspection Checklist

- A revised checklist was included in the Council package, red-lined against the most recent draft. Mayor & Council went through each point on essentially a page-by-page basis.

- A motion was made, seconded, and unanimously approved, except as noted, at the end of the discussion of essentially each page, and resulted in the following changes to the draft presented:
 - On the first page listed as “Exterior”, under “Roofs”, add “,or vermin” after “roof drainage” on the first line.
 - On the first page listed as “Exterior”, under “Stairs and Porches”, add the word “rails” after the first word, “stairs”.
 - On the page listed as “Heating, Cooking and Refrigeration”, add “appliances and the maintenance thereof.” at the end of the note at the top of the page.
 - On the page listed as “Fire safety”, add a note at the top under the existing note and before the first box (“Direct exit”) as follows: “The Town of Milton recommends that every Residential Rental Unit be provided with a Carbon Monoxide (CO) detector where applicable.” The motion on this item was approved with 6 ayes and one nay from Councilman Garde.

d. Condemnation and/or demolition of 120 Hazzard Street

- A detailed history of the condemnation of the property was included in the Council package, prepared by Project Coordinator Collier.
- The owner of the property in question was present, and indicated that he had responded to each request made by the Code Enforcement Officer, but had just run out of time before a construction permit could be issued,
- The owner explained that he had a Professional Engineer assess the condition of the foundation in question, and opined that it was adequate to support the building proposed by the owner.
- The owner explained that he had obtained a letter from a competent person attesting to the energy requirements of the permit.
- The owner explained that he had originally submitted hand-drawn plans for a new house and an estimate, but had to hire a professional draftsman to complete the plans to satisfy a permit requirement.
- The owner abandoned his former plan to move an existing house onto the foundation, and now planned to build a new house on the exiting foundation.

At the end of the discussions, a motion was made, seconded and approved by a vote of 5 to 2 to have the Project Coordinator delay issuing the RFP for demolition for a period of sixty (60) days from the date of the meeting, to allow the owner more time to complete the requirements to have a construction permit issued. Mayor Jones and Councilman Cote voted “nay.”

e. Police Chief Hiring Process

This item was deleted from the agenda.

f. Technology and Social Media Usage and Media Communication Policy

A draft of a new Technology and Social Media Usage and Communications Policy was included in the Council package.

Captain Cornwell opined that the Police Dept should be allowed to continue their current policy re social media, as it has helped them gain understanding and acceptance in the

community. He cited a particular posting that led to the arrest of a suspect accused of a felony.

At the end of the discussions, a motion was made, seconded and unanimously approved to table approval of the Policy to allow the Solicitor to update the draft.

g. Memorial Park Lighting Project and to include possible contract award

This item was deleted from the agenda.

Executive Session

A motion was made, seconded and unanimously approved to go into executive session.

At the end of the Executive Session, a motion was made, seconded and unanimously approved to come out of Executive Session.

Discussion and possible vote on Executive Session items

A motion was made , seconded and unanimously approved to back into regular session.

No motions were required in regular session as a result of the Executive Session.

Adjournment

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

Approval

These minutes were approved at the Town Council meeting held on June 22, 2015.

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

