

## **Milton Town Council Meeting September 14, 2015 Preliminary / Summary Minutes**

### **Call to Order**

The meeting was called to order in the Milton Public Library at 6:33 PM on September 14, 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, absent  
Esthelda Parker-Selby, present  
Michael Cote, present  
Sam Garde, 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 at a later date. 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.

### **Presentation of Donation to the Milton Fire Department**

A donation of \$2,500 was made from the Town of Milton General Fund to the Milton Fire Department (MFD). Mayor Jones emceed the donation and thanked the MFD for all they do in support of the welfare of the citizens of Milton. Johnny Hopkins, the President of the Milton Fire Department, thanked the Mayor & Town for the donation and for the excellent 9/11 remembrance in Milton Park.

### **Public Participation:**

Steve Crawford, 216 Ridge Road made several comments, including:

- The citizen - initiated project is off to a good start, having raised \$4,500 already.
- Mrs. Rogers has the new draft of the license agreement with Tom Jones (of Irish Eyes) ready for the Mayor and Town Council to approve.

Cliff Newlands, 110 Oysterman Drive made several comments, including:

- Opined that there would likely be a surplus in the FY2015 budget.
- Suggested that the Town use surplus or reserves in the savings accounts to pay for FY 2016 capital expenditures.

John Oates, 115 Arch Street made several comments, including:

- Reiterated Johnny Hopkins' appreciation to the Town for the 9/11 remembrance event.

- Thanked all participants, including the Milton Fire Dep't, the VFW of Milton, the Milton Police Dep't, and Mayor Jones, for the coordination and cooperation that made the 9/11 event a successful remembrance.
- Would like to see the Town "take point" on this and make a 9/11 event part of the Town's annual remembrances.
  - Mayor Jones publicly thanked Mr. Oakes for coming up with the idea and following through to help it come to fruition.

Jim Welu, 30263 East Mill Run made several comments, including:

- Commented that the Town Code required construction to start within 89 days of the issuance of a construction permit, and asked if there is a time limit on starting construction for large developments or subdivisions.
  - Project Coordinator Collier explained that Building Construction is governed by Chapter 85 of the Town Code, and that it states that unless substantial work has commenced within 90 days after the date of issuing, the permit shall become null & void.
  - Regarding Subdivision of Land, Mr. Collier cited that Chapter 188 applies. The currently applicable Chapter was updated in 2014, though much of the Chapter is dated back to 2009. Chapter 188 indicates that final approval for a subdivision shall expire within one year after the date of the approval by the Mayor and Town Council, unless substantial construction (defined as clearing the right-of-way, rough grading of the roads and drainage systems or storm water management facilities, and the erosion & sediment control measures in place) has commenced. However, an application for a subdivision filed prior to the adoption of this Chapter will be subject to the conditions of the previous ordinance.

Steve Larson, 204 Dorsey Lane made several comments, including:

- He was very happy with the diligence of Mayor & Council with respect to reducing the Town budget.
- He opined that Mayor & Council should not issue any further construction permits to Chestnut Properties until they fulfill their obligations regarding street paving and sidewalk construction.
- Opined that Cannery Village residents were not being supported by the Mayor & Council, in that the roads are still not paved and the sidewalks are not installed.
  - Mayor Jones replied that the Town had received a legal opinion a while ago, that if they had asked for a Summary Judgement against Chestnut Properties in Chancery Court, the chances were 50/50 that the Town would win. She felt that the costs to go to court with those odds, were not justified.
  - It was stated the new ordinance making paving mandatory five (5) years after approval of at 80% construction or purchase completion went into effect in April, 2013. It was opined by Councilman Cote that this ordinance would not apply if any approved phase of Cannery Village was at the 80% or higher completion at the time of adoption.

**Additions or Corrections to the Agenda:**

There were no additions or corrections to the Agenda brought forward. However, it was agreed to take New Business first, and Old Business second. In addition, it was agreed to take Items 14 b&c (Physical fitness equipment usage policy & Cannery Village punch list respectively) before item 14 a (FY 2016 budget & fee schedule.)

**Agenda Approval:**

A motion was made, seconded and unanimously approved to approve the Agenda as presented, but in the order agreed.

**Presentation and Approval of Minutes: Transcribed Minutes dated March 2, 2015, March 9, 2015 & March 16, 2015; Preliminary Minutes dated August 3, 2015, August 17, 2015; Executive Session Minutes dated August 3, 2015 & August 17, 2015:**

**Re: Transcribed minutes dated March 2, 2015:**

- On page 15 of the transcribed minutes for 3/5, near the bottom of the page, Councilman Garde requested a change from "Mrs" to "Mr." re Barry Goodinson.
- On page 35 of the transcribed minutes for 3/5, near the bottom of the page, Councilman Garde speaking, change the word "tend" to "intend" regarding his intention to recuse himself.
- On page 38 of the transcribed minutes for 3/5, about 2/3 of the way down the page, Mrs Rogers speaking, insert the word "not" between "would" and "be" on the third line of her comment.
- On page 39 of the transcribed minutes for 3/5, near the middle of the page, Councilman Garde speaking, change "2016" to "2015" on the second line of his comment.
- Vice Mayor Parker-Selby commented that the transcribed minutes are too lengthy and contain multiple errors. She suggested that the Council hire or appoint someone to take minutes and produce a summary of the important points of the meeting in order to produce better and more readable minutes.
- A motion was made and seconded to approve the transcribed minutes of March 2, 2015 as amended. The vote to approve was 3 to 1, with Vice Mayor Parker-Selby voting in the negative, and Councilman Kanakos recusing himself, because he was not on Council in March 2015.

**Re: Transcribed minutes dated March 9, 2015:**

- On page 12 of the transcribed minutes for 3/9, near the top of the page, Councilman Garde speaking, change the word "whetted" to "wedded" on the last line of his comment.
- A motion was made and seconded to approve the transcribed minutes of March 9, 2015 as amended. The vote to approve was 3 to 1, with Vice Mayor Parker-Selby voting in the negative, Councilman Kanakos recusing himself, because he was not on Council in March 2015.

Re: Transcribed minutes dated March 16, 2015:

- No comments were made on the transcribed minutes dated 3/16. A motion was made and seconded to approve the transcribed minutes of March 16, 2015 as presented. The vote to approve was 2 to 1, with Vice Mayor Parker-Selby voting in the negative, Councilman Kanakos recusing himself, because he was not on Council in March 2015, and Councilman Garde not voting because he did not attend the meeting.

Re: Preliminary Minutes dated August 3, 2015:

- No comments were made on the Preliminary Minutes dated 8/3. A motion was made and seconded to approve the Preliminary Minutes of August 3, 2015 as presented. The vote to approve was 3 to 1, with Councilman Cote not voting because he did not attend the meeting.

Re: Preliminary Minutes dated August 17, 2015:

- On page 2, near the bottom, change "Bruce Beatty" (in red) to "Rich Baty."
- On page 3, near the top, change "Elliot Wayland" to "Elliot Whalen."
- On page 4, near the bottom, change "Leo Cosby, 134 East xxx Way" (in red) to "Unknown Resident".
- Under Public Participation, near the very bottom of page 5, in the last bullet, change "with home owners" to "among themselves".
- On page 7, in five places throughout the page, change "Assistant Mayor Parker-Selby" to "Vice Mayor Parker-Selby".
- A motion was made and seconded to approve the Preliminary Minutes of August 17, 2015 as amended. The motion was unanimously approved.

Mayor's Report:

- The Mayor had received an e-mail from John Sayre, who will separate from the US Air Force next year. He indicated that he & his wife are actively seeking a place to call home, plant roots, and raise their two young children. He stated that he will keep Milton "on our radar throughout this year as we narrow our search." A copy of the e-mail is included as Attachment 2 to these minutes.
- The Mayor had received a communication from the Delaware Bicycle Council (DBC) who offered to help make Milton more bicycle friendly. She turned the communication over to Mrs Rogers for followup.
- DBC may be able to help with funds for a feasibility study re bicycling in Milton.
- The Mayor had received an e-mail from a local realtor indicating that Milton is a place where people want to live. The realtor indicated that "as agents, we love to show clients the community of Milton." This e-mail, together with the one from Mr Sayre, dispelled the rumor that realtors were avoiding showing homes in Milton.
- Vice Mayor Parker-Selby concurred with the e-mails referenced in the Mayor's Report. She indicated that she had followed up with realtors who confirmed that Milton is a "coming town" and that Milton is not being turned away from clients interested in southern Sussex County.

### **Discussion of Written Committee Reports:**

The only written committee report included in the Council package was from the Economic Development Committee. A few comments were made including:

- Councilman Garde inquired if a final location had been approved for the Governor's Walk sign.
  - Response: The Parks & Recreation Committee reported that the approved plan is use the alley between Irish Eyes & the Mercantile.
- Re sustainability: Bob Howard made several comments, including:
  - EDC is taking a 30,000 ft type approach to sustainability.
  - EDC is working with a definition of "sustainability."
  - EDC is looking into what can improve sustainability at the Government, business and individual levels.
  - EDC is looking for input from individuals with experience in this area.
- Dr. Michela Coffaro made additional comments, including:
  - EDC is trying to tackle a very complex issue.
  - She indicated that we all treasure each other and our environment, and should try to protect same.
- Re Streets & Sidewalks: it was confirmed that the Town owns the trees along Union & Federal Streets.

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

The reports were reviewed by Mayor & Council; comments included:

- Project Coordinator report: Councilman Kanakos asked if any complaints had been received from renters since the issuance of the new regulations. Project Coordinator Collier responded that no complaints had been received as of the date of the meeting.
- Police Report: the Mayor & resident Ken Kaye both recommended moving the speed indicator by Heritage Creek out of the turn-lane. It was recommended that DELDOT be contacted with this suggestion.
- Public Works Report: A spelling correction was noted to be made in the Water Department report, changing "silk fence" to "silt fence."

### **Finance Report and Revenue/Expenditure Report:**

An unaudited Treasury July 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.

### **New Business - Discussion and Possible Vote on the Following Items:**

#### **a. Appointment to Town Council**

Mayor Jones made several comments, including:

- Councilman West had asked that any interested individuals submit letters expressing their interest in filling the vacant seat.
- Mayor Jones indicated that she had received three (3) such letters.

- Mayor Jones brought forth the name of Kevin Kelly to take the seat vacated by former Councilman Kost. A motion was made & seconded to approve Mr. Kelly for the position. A roll call vote was taken with the following results:
  - Councilman Kanakos: Yes
  - Vice Mayor Parker-Selby: Yes
  - Councilman Cote: Yes
  - Councilman Garde: Yes
  - Mayor Jones: Yes
  - The vote was unanimous and Mr. Kelly was approved for the position.

b. Request from Joseph and Jody White for partial waiver of sidewalk at 302 Collins Street, further identified as map and parcel 235-20.08-59.00.

- This is the new construction going up in the Merriwether development
- The streets, lots lights, etc. are currently owned by the Bank of Delmarva.
- Councilman Garde made a motion to table the request due to insufficient information; Councilman Cote seconded, and the motion was unanimously approved.

c. Resolution 2015-017 regarding the Town manager Hiring Process

- One change was requested in the draft Resolution, changing the title of "THE UNDERSIGNED" from "Mayor" to "Secretary."
- Councilman Garde made a motion to approve the Resolution as amended; Vice Mayor Parker-Selby seconded, and the motion was unanimously approved.

**Old Business: Discussion and Possible Vote on the Following Items:**

a. Fiscal Year 2016 Budget and Fee Schedule:

This item was taken up out of order at the end of the regular meeting. Discussions included:

- The Water Department appears to have a number of hydrants in inventory at the maintenance shop, and was requested to use FY 2015 (not FY 2016) funds to purchase the remaining number of hydrants needed to continue their replacement plan.
- There is no trailer at the Police Department for possible use by the Public Works Department.
- Raise water rents (line item 20-03-450-4600) from \$490,000 to \$520,000 to bring it in line with FY 2015 actuals.
- Raise trash collection fees (line item 20-03-350-4600) from \$289,000 to \$292,000 to bring it in line with FY 2015 actuals.
- Change the Town Manager salary, (shown with yellow highlight, but with no line item number) and corresponding payroll taxes, pension and benefits (line items 01-200-5140, 01-200-5145, 01-200-5150, 01-200-5160, 01-200-5170, 20-450-5140, 20-450-5145, 20-450-5150, and 20-450-5160) split between Admin & Water Departments back to 80/20, and decrease the amount for FY 2016 to indicate that the position would only be filled for 9 months, not 12.
- Add a new expenditure to the Admin Dep't for the FY 2016 9/11 Ceremony: \$150.00
- Decrease Code Dep't supplies (line item 01-650-5280) from \$2,400 to \$2,200.



- Change the Police Chief salary, (shown with yellow highlight, but with no line item number) and corresponding payroll taxes, pension and benefits (line items 01-300-5140, 01-300-5145, 01-300-5150, and t01-300-5160) to indicate that the position would only be filled for 10 months, not 12.
- Increase Trash Disposal service (line item 20-350-5410) from \$279,000 to \$282,000.

b. Physical Fitness Equipment Usage Policy (Police Department)

A revised draft Police Department Policy and a Release & Indemnity Agreement were included in the Council package. However, no opinion had been offered regarding the applicability of our insurance or the potential for liability accruing to the Town as a result of a potential accident to someone using the equipment. Therefore, Councilman Garde made a motion to table this item; Councilman Kanakos seconded, and the motion was unanimously approved.

c. Cannery Village punch list, development standards, and subdivision and site plan approvals:

There was a discussion of this item that included the following:

- The Town had been in discussions with Chestnut Properties to try to move the situation along.
- A "de minimis" list had been carved out of the original lengthy list, and the Mayor & Council were unsure of its status in the current discussions. Focus should be on the non-de minimis items.
- No motion was made or vote taken on the next steps in the process.

**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 go into Regular Session.

A motion was made, seconded and unanimously approved to approve the minutes of the Executive Sessions of August 3, 2015 as presented & August 17, 2017 as amended.

**Adjournment**

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

**Approval**

These minutes were approved at the Town Council meeting held on November 16, 2015.

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