

**MILTON TOWN COUNCIL
WEDNESDAY, JANUARY 20, 2016, 6:30PM
MILTON LIBRARY, 121 UNION STREET**

The meeting was recorded; the below minutes are a summary of the agenda items.

- 1. Call to order (6:37pm) by Mayor Jones**
- 2. Moment of silence was observed (6:37pm)**
- 3. Pledge of Allegiance to the Flag (6:38pm)**
- 4. Roll Call:**
 - Ted Kanakos – Present
 - Kevin Kelly – Present
 - Marion Jones – Present
 - Michael Cote – Present
 - James ‘Sam’ Garde – Present
 - Stell Parker-Selby – Present
 - Emory West – Absent

- 5. Public Participation:** - No Public Participation

- 6. Requests for Removal of Items from the Consent Agenda (6:38pm)** – No requests for removal

- 7. Approval of the Consent Agenda:** Motion was made by Councilman Cote to approve the consent agenda; second by Councilwoman Parker-Selby. Motion carried unanimously.
 - a. Appointment of Election Officers**

- 8. Additions or Corrections to the Agenda:** No additions or Corrections

- 9. Agenda Approval:** Motion was made by Councilwoman Parker-Selby to approve the agenda; second by Councilman Garde. Motion carried unanimously.

- 10. Discussion and possible vote on items removed from the Consent Agenda** – No discussion

- 11. Old Business – Discussion and possible vote on the following items:**
 - a. Tasks assigned by Resolution 2015-021 requesting an expenditure plan for the Economic Development Committee**

Councilman Garde would like to review current expenditure process.
K. Rogers believes a year or two ago met with EDC, developed form currently used, requesting authorization of expenditures already approved in their budget. For example if EDC wanted to purchase advertising space in the Cape Gazette, and that was already approved in their budget, Mr. Howard or Mr. Crawford would fill out the form with an attached quote and the ad, he would also indicate that it was already approved in accordance for what budget line. She would sign and create the purchase order.
Councilman Garde just as an example if the current request for the Sustainability Sub-Committee, which has no detail, if council approved without detail, as long as it was within budget you would be required to approve it?

K. Rogers – yes I would be authorized to approve.

Councilman Cote questioned whether any member can make a request or only the chairs?

K. Rogers indicated the only requests she has received have come from Mr. Howard and Mr. Crawford, which are Chairman and Secretary, no other members have made requests.

Councilman Garde – Is it possible for council to approve on a line item basis and ask for more detail in another?

K. Rogers – the full budget amount per their detail has already been approved, that would be up to council to request additional information but there is already a place holder approved in the current fiscal year budget.

Councilman Garde – The EDC submitted request has 7 or 8 items, can we ask for more detail before any money is spent on the Christmas event and approve the rest?

K. Rogers – That is the request that was asked for in the resolution, council asked for detail on all the line items. What has been provided back was the expenditure plan which answers that question.

Seth Thompson – From a legal perspective, if the issue is whether the budget should be amended to have some sort of requirement, Council can do that, but has to be in the budget. The other element is, who is to judge when that contingency is met.

Councilman Garde makes a motion to approve document submitted to council on November 23, 2015 by Robert Howard, Chairman of the EDC, along with all the backup and notes for the expenditure plan of the budgeted \$6000.00. Second by Councilman Kanakos.

Mayor Jones – Remind council that many of the items were the reason it was sent back to them, but yet there's a motion to approve as written. Continuing Education by their own words is far underfunded.

Councilman Cote – Wasn't underfunded for one event?

Mayor Jones – For one event

Councilman Garde – It's underfunded for this one specific event it may not be underfunded for other events.

Councilman Cote – Should EDC want to reallocate funds they can make a formal request.

Councilman Garde – If required could add to the motion to approve with contingency.

Councilman Kelly – Don't think there's a need to review any closer

Mayor Jones – All in favor, motion carried unanimously.

b. Resolution 2015-024 Relating to Town Council's Support of Tidewater Environmental Services, Inc.'s Application to the Delaware Water Pollution Control and Drinking Water State Revolving Fund (6:49pm)

Seth Thompson – Tidewater sent the Notice of Intent, actual application is not due until the end of February. There were questions on the Notice of Intent, such as why the population served is only 1700 as opposed to 2500 for Milton alone. Sent request for information to compare the current GDP to what is being proposed and to let us know about the overall capacity change based on any efficiencies. Why the project is not a "Green Infrastructure Project" or "Water Efficiency" or "Environmentally Innovative Project". Whether rates factored in any loan forgiveness and why the water project site attached to the back only seems to indicate the current plan.

Councilman Garde – Wants last item clarified, title indicates replacement but when read through wasn't sure if it is an attempt to upgrade the existing. Wants to be sure

this is an application to build a new facility on a new site because the dates listed to meet the requirements may cause doubt whether it's for new plant or not.

Seth Thompson – Will get the answer, they have not provided any information yet.

12. New Business – Discussion and possible vote on the following items: (6:54pm)

- a. William B. Askew, is requesting a minor subdivision for the property known as 403 Pine Street also known as Lots 5, 20, 21 and 22 of Section C, Conwell's Addition further identified by Sussex County Tax Map and Parcel #2-35-14.16-07.00**

Councilman Garde – this is just a request for subdivision of a single property into three (3) properties?

Mayor Jones – That is correct

Councilman Garde – it includes the obligation to remove a framed garage on the property.

Mayor Jones – That is correct

Councilman Garde – How do we know that's going to be enforced if this request is approved?

Seth Thompson – In terms of the process, code provides subdivision process. Minor subdivision vs. major subdivision, referral to P & Z and then comes back to council.

Councilman Garde – Removal of the garage is superfluous and not of concern to the council and would become part of the review of the Planning and Zoning Commission.

Seth Thompson – Correct

Mayor Jones – What is the process if this property already has a variance, where does council sit in that line, three separate groups who will look at this; Board of Adjustment, Council, and P & Z, if Council sends this forward for a minor subdivision. Variance is already attached to this land, does this often come first?

Seth Thompson – It has to. If they apply for the subdivision, it would not get forwarded to P & Z because they don't meet the requirements.

Mayor Jones – Question to Mr. Collier, rather than continuing very small nonconforming lots in that neighborhood if we could have negotiated for this property to be split into two (2) conforming lots.

John Collier – The irregular shape of the parcel did not permit it to be divided into two (2) conforming lots. Would have fallen short on frontage and square footage requirements.

Mayor Jones – Any other questions or comments?

Seth Thompson – Just to be clear, this is the stage where council forwards the application to the P & Z Commission and you will see it again after.

Motion made by Councilman Garde to forward application from William B Askew for 403 Pine St., to the Planning and Zoning Commission for their review and recommendation back to Council. Second by Councilwoman Parker-Selby. Motion carried unanimously.

- b. An application from Robert G. Blayney and Elizabeth A. Zando for partition 210 Chandler Street further identified by Sussex County Tax Map and Parcel #235-14.00-131.01 (7:00pm)**

Mayor Jones – Does council have any questions

Councilman Garde – Would like Town Solicitor to review the requirements of the process in this case since it is different and we do not have to send it back to Planning and Zoning, can you please give the reasoning behind that?

Seth Thompson – Taking one (1) lot and making it into two (2), Town Code does not require that to be sent to Planning and Zoning. Section 188-28 - that can happen at council level, Town Council will need to be sure that all requirements of the subdivision chapter and the zoning chapter are met.

Mayor Jones – Mr. Collier, you have made it very clear that the applicants have met all the requirements of the Milton Town Code required by 188-28, Partitioning.

Mr. Collier – That's correct

Councilman Garde – Since I haven't reviewed 188-28 we are relying on you John, can you give us more than just a "yes" that they have complied. Any history of the discussions, frontage, acreage, etc....

John Collier – In a partitioning, you have to meet the minimum height, width and bulk requirements. This meets it in the proposed lot has exceeded the minimum street frontage of 75' and the minimum depth requirement of 100' and far exceeds the 10,000 Sqft requirement in an R1 zoning district.

Seth Thompson – Defined partitioning; not creating new street, just creating two lots out of one and not an extension of town facilities.

Motion made by Councilwoman Parker-Selby to approve the application, second by Councilman Kelly. Motion carried unanimously.

c. Economic Development Committee recommendation of contacting the Lewes/Rehoboth Water Taxi for expansion id services to Milton (7:05pm)

Mayor Jones – To K. Rogers, while speaking with EDC earlier this evening, not everyone here in the audience was here to understand where the process is with the Town.

K. Rogers – Mr. Wingo, Public Works Supervisor, was contacted this summer by the gentleman who runs the water taxi between Lewes and Rehoboth Beach. Where it currently stands is, the owner was to get back to the Town on the cost to accommodate the Water Taxi, potentially speaking if they were to use one of the boat slips here at the Park, they would need to remove a couple pilings due to the size of the boats or install a floating dock to unload and load their customers. To my knowledge, Mr. Wingo has not received that information from the owner of the Water Taxi, but we look forward to working with the EDC and bringing that information back to the Town Council for consideration.

Mayor Jones – as you can see from the packet some of the questions have already been asked.

Elizabeth Zando – Couple concerns, where the dock will be located and what kind of audio projections would be heard.

K. Rogers – Cannot speak to the audio but location would be here at Memorial Park.

Seth Thompson – There is a noise ordinance as well.

Councilman Garde – What action is expected or what action can be voted on.

Mayor Jones – To K. Rogers, can town reach back out to the owner for more information.

Councilman Cote – First step to get information

Councilman Kelly – Someone from the Bayshore Byways from the State happened to stop by the Milton Historical Society and addressed issue of Water Taxi.

Councilwoman Parker-Selby – What is our role on this

Mayor Jones – Is council behind this project? Believes council is but need to gather more information before it gets turned over to a committee. EDC should hold off and town needs to seek this information.

K. Rogers – Would you like Mr. Wingo to follow up?

Councilman Garde – Need to have Mr. Wingo continue follow-up

d. Schedule workshops to continue Town Charter review and proposed amendments (7:17pm)

Mayor Jones – Need to start back on Town Charter review, suggested dates 2/4/16 at 6:30pm Charter Review, 2/11/16, possibly 2/24/16 and 3/2/16 if necessary.

13. Executive Session: (7:29pm) Motion made by Councilman Cote to enter executive session and second by Councilwoman Parker-Selby.

- a. Strategy sessions, involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
- b. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion would disclose the contents of such documents
- c. Personnel matters in which the names, competency and abilities of individual employees or students are discussed
- d. Discussion of individual citizens' qualifications to hold a job

14. Discussion and possible vote on Executive Session items

Motion made by Councilman Kanakos to return to regular session, second by Councilman Kelly. Motion carried unanimously.

Councilman Garde made a motion with respect to item 1 that was discussed in Executive session, that the follow up letter that was discussed be prepared and issued. Second by Councilman Cote. Motion Carried Unanimously.

Councilman Garde with respect to item 2a, motion to approve the document under consideration with only the clarifications suggested during those discussions. Second by Councilman Cote. Motion Carried Unanimously.

Councilman Garde with respect to the second document considered, 2b that the recommendations made by the Solicitor be incorporated and sent to the parties involved, second by Councilman Kelly. Motion Carried Unanimously.

Councilman Garde with respect to item 3, motion made to deny request submitted, second by Councilman Cote. Councilman Kelly question if a letter will be drafted, Mayor Jones responded with a yes a letter will be drafted as discussed. Councilwoman Parker-Selby abstained. Motion carried.

15. Adjournment:

Motion to adjourn made by Councilman Cote, second by Councilwoman Parker-Selby.
Motion Carried Unanimously.