

**MILTON TOWN COUNCIL**  
**MONDAY, DECEMBER 5, 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 (6:30pm) by Mayor Kanakos**
- 2. Moment of silence was observed (6:30pm)**
- 3. Pledge of Allegiance to the Flag (6:30pm)**
- 4. Roll Call:**

Charles Fleetwood – Present  
Emory West – Present  
Stell Parker-Selby – Present  
Ted Kanakos – Present  
Kevin Kelly – Present  
James ‘Sam’ Garde – Present  
Michael Cote – Present

- 5. Public Hearing by Sussex County Community Development, regarding the Community Development Block Grant**

Brandie Nauman (Housing Coordinator and Fair Housing Compliance Officer with Sussex Counties Community Development and Housing Department) - Thank you to council for allowing the Public hearing they do it every year. Her office applies for and administers the Community Development Block Grant (CDBG). They apply for the funding on behalf of all the municipalities and rural communities in Sussex County. This funding comes from the US Housing and Urban Development and it is funneled through to Sussex and Kent County through the Delaware State Housing Authority (DSHA). And that's who they apply to. One of the requirements of the program is to hold a public hearing, which allows us to explain the program, provide an update and give the citizens and the elected officials an opportunity to provide feedback. Delaware State Housing Authority governs the program and lists the activities that are eligible for the funding. They have identified the eligible activities as; housing rehabilitation, sewer and water hookups, demolition of dangerous structures and infrastructure projects. All projects applied for must benefit individuals of low to moderate income. Infrastructure projects, which would be sidewalks, street improvements, sewer projects, does require a match from the local jurisdiction so that tends to require some planning a year or two in advance. Historically the large majority of the funding is used for owner occupied housing rehabilitation. Rehabs have included; roofing, doors, windows, electrical, plumbing upgrades, energy upgrades, handicap accessibility (ramps, walk in showers) Over the past 8 years Milton has received \$134,000.00 in CDBG funds, with that 10 households have been assisted. Received an allocation this year in the amount of \$70,000.00 and currently have 3 households under contract, one on Union Street, Waples Place and Route 16. Still have enough funding for 1-2 more projects for this fiscal year. Currently 15 households on the waiting list for the Town of Milton. If town is aware of anyone needing assistance please send into her office and they would be happy to get them into the program. Average rehab is about \$15,000.00-\$20,000.00. First come, first serve and as long as they do not owe taxes.

*Public Question-* Town is asking for sidewalk repairs is that something that could be covered.

*Brandie Nauman* – Typically when we do infrastructure projects it's coordinated through the town involves bidding.

*Public Question* – Well the town isn't doing anything for it.

*Brandie Nauman* – It's a very intensive process, there is bidding and it does require a match from the Town. 15% match and it does take a couple years.

*Councilman Kelly* – Does that also have to qualify under the maximum income restriction?

*Brandie Nauman* – Yes, but would have to ask about single residence. How that works is typically we would do a whole street and 51% of the homes would have to be low to moderate income houses.

*Councilman Fleetwood* – Would they in turn have to wait.

*Brandie Nauman* – I think they would have to apply separately because it's actually a separate pot of money, but again would have to ask for clarification.

## **6. Public Participation (6:46pm): -**

*Marion Jones* – Thank you for the opportunity to speak. Mr. Wingo and the Public Works Department the park looks very festive. In reference to agenda item 'Charter Review', even with the past administration and this administration's willingness to conduct their charter review meetings in a very welcoming manner, the public was able to participate at will, it was very transparent and a very good relationship with the public. I believe this kind of a change in its entirety deserves and warrants a true notice of a Public Hearing of what the public needs to look for. Noticed new to the Charter changes is a raise to the stipend for elected officials. I never felt that money should be a motivator or an elected office. After all it is public service and stipends should not be confused with supplemental income. Should be very careful of public perception, our Mayor and council is comprised totally of retirees these days.

Want to bring to Mayor's attention about some swirling rumors in town that I am rather concerned over, perhaps you and council are aware, some derogatory comments in the public in reference to personnel matters, which at this time I find particularly sensitive given your process I looking for the Town Manager. I think you just need to be aware they are out there. Last, every one go home and put a blue light in your window showing support for law enforcement.

*Mayor Kanakos* – Couple announcements; Town parade this Wednesday, Holly Festival this Saturday and house tour. Town Hall will be open from 2:30-6:30 for folks to come for cookies and cider.

*Councilman Fleetwood* – On the 17<sup>th</sup> there will be a Concert at Goshen Church, sponsored by a private business, it's free admission but they will take a good will offering. 7pm on the 17<sup>th</sup>

## **7. Requests for Removal of Items from the Consent Agenda (6:53pm) – Councilman Garde requests items d and e be removed. The two resolutions.**

## **8. Approval of the Consent Agenda: Motion by Councilman Fleetwood to accept Consent Agenda with the exception of d and e. Second by Councilman West. All in favor. None opposed.**

*Councilman Garde* would like Kevin to speak on a few items in the Chief's report.

*Councilman Kelly* – Get a monthly report from the Police Department, this particular report Mr. Garde and I and probably most of council had the same reaction. Trends are in terms of major crimes tracking report are extraordinary. Major crimes are down in every category. Motor vehicle violations we aggressively dealing with those kinds of problems and successfully doing

so. Outreach by the Police Department lead by Chief Longo not only in terms of the uniformed job as part of their requirement but in terms of juvenile outreach, where staff members signed up as big brothers and big sister to work with kids in the community. Should be very proud of our police department in this town.

*Seth Thompson* – During this time of year with increased gatherings and parties and council and committee members gathering there should not be a quorum and discussing any town business at these gatherings. You can get together just not talk about town business.

**a. Written Committee Reports**

**b. Written Department Reports: Administrative, Code Enforcement, Project Coordinator, Police, and Public Works**

**c. Finance Report and Statement of Revenues and Expenditures**

**d. Resolution 2016-015 Community Development Block Grant Program**

**e. Resolution 2016-016 Citizen Participation Certificate of Assurance (Attachment E) Endorsing Project to be Submitted to the Delaware State Housing Authority for Funding from the U.S. Department of Housing and Urban Development**

**9. Discussion and Possible vote on items removed from the Consent Agenda**

*Councilman Garde* – Consent Agenda item d, pretty straight forward, just ask that in the ‘now there for be it resolved’ paragraph on the 3<sup>rd</sup> line should be ensure.

*Councilman Kelly* – Resolution 2016-016 should be ‘here by’ instead of ‘her by’

*Seth Thompson* – Resolution 2016-016 need correct resolution number in the certifications and the date.

*Councilman Garde* – Resolution 2016-016 the number 0 in both places where a number is inserted, don’t believe zero is correct. Certification talks about the 4<sup>th</sup> day in January 2016, that can’t be right. Ask in the 2<sup>nd</sup> ‘whereas’ clause not sure how to read that.

*K. Rogers* – Zero is currently correct. The Town has not submitted an application but it we want to hold and work on an application in the next two (2) months as Brandie has indicated the deadline is in February.

*Councilman Garde* – Still confused because Brandie indicated that we have 3 applications approved and another 15 pending. How does that fit in properly with the number zero?

*K. Rogers* – Those are not Town budgeted projects.

*Seth Thompson* – So the projects that are in the works are individual projects and not Town funded projects.

*K. Rogers* – That is correct.

*Councilman Garde* – So would this resolution be for FY17, which is our current fiscal year and the State’s current fiscal year.

*K. Rogers* – My understanding is that this is for FY18 that begins July 1, 2017 and the deadline is February.

*Councilman Garde* – Can we remove the zero and put in TBD?

*K. Rogers* - No. Then we should just table until we can determine an amount.

Motion by Councilman Fleetwood to accept Resolution 2016-015 with change from insure to ensure. Second by Councilman West. No further discussion. 6 in favor. 1 opposed.

Motion by Councilman Fleetwood to accept Resolution 2016-016 with amendment to correction ‘her by’ to ‘here by’, corrected date and resolution number in the certification. Second by Councilman West. No further discussion. 5 in favor. 2 opposed.

**10. Additions or Corrections to the Agenda (7:06pm):** No additions or corrections to the Agenda.

**11. Agenda Approval (7:06pm):** Motion to approve the agenda by Councilman Garde as submitted. Second by Councilwoman Parker-Selby. No discussion. All in favor. None opposed.

**12. Old Business – Discussion and possible vote on the following item (7:06pm):**

**a. Update on revisions to the Charter of the Town of Milton**

*Mayor Kanakos* – Seven (7) major changes to Charter; Election process – have 30 days to register prior to election, use to be 60 days. Annexation item –Special Review Process Board consisting of two (2) council members and one (1) from P and Z, Police Patrol area has been expanded to include a mile around the town, pay for council, Board of Health – disbanded current members but left as a may have committee not a shall have, Assessments – no reason to have assessments on a regular basis (10years). Ask Mrs. Rogers if she had any comments on Marion Jones comments about public participation. Mrs. Rogers had no comments.

*Councilman Cote* – On assessments when he read it appeared that would have an assessment every 10 tens

*Seth Thompson* – Not required but may have an assessment but not within the first 10 years.

*Councilman Garde* – Section 25a ‘In the event the Town uses a Town Assessor’ and talks about reports. That report may or may not be required depending if use a Town Assessor.

*Seth Thompson* – If this passes just going back to what was intended by the State, giving towns the ability to use an assessor if they choose.

*Councilman Garde* - Rescinds comment now has better understanding after the discussion.

*Mayor Kanakos* – Mrs. Rogers you sent an email today that we are having tax appeals?

*K. Rogers* – Yes, today I posted the notices that we are currently in the tax appeal/property values appeal process. Applications are now being accepted at Town Hall until 5pm on January 3, 2017. Tax appeal hearing will be Wednesday, January 18, 2017

*Councilman West* – Mr. Solicitor, when does the county assess? When building permit issued or when the project is complete.

*Seth Thompson* – Couple of highlights to mention; Territorial limits are going to change if the Charter passes would change from the meets and bounds in here to recording maps, which is what most towns do. Currently have a \$5,000.00 threshold and anything over you have to competitively bid, that’s a rather low threshold, Charter has it set up where between \$5,00.00 and \$25,000.00 you can solicit three (3) bids, which I think realistically that’s a pretty good option.

*Councilman Cote (7:21pm)* – Section 11, when read that it says ‘Yeas’ and ‘Nays’ taken in a roll call vote, shall be taken upon the passage of every ordinance and resolution. So the two resolution we just passed we should have taken a role call vote.

*Seth Thompson* – You are correct that is how the Charter reads.

*Councilman Cote* – Page 9, Elections – removing voters section, did I miss that.

*Seth Thompson* – It’s stated at the end of that section.

*Councilman Garde* – How about we change it to “Where there is a valid reason to believe that a person is no longer a duly qualified elector such as; death or relocation.

*Seth Thompson* – That works.

*Councilwoman Parker-Selby* – In the event there is a felony charge that if they do certain things they were able to vote again, am I entirely wrong?

*Seth Thompson* – That’s dealing with State elections.

*Councilman Cote (7:27pm)* – Page 10, paragraph M

Discuss on when a council member seat is considered vacated, council is elected, appointed, when not enough people file for seats that are available. How a vacancy is filled and voted on.

*Robert Moore* – lives outside of Milton, Question but not about voting and qualifications and disqualifications. Section 22 paragraph A, you guys hit on that a few minutes ago but didn’t stay on it very long. Didn’t come prepared to address council, limits and ordinances or the Town and the Laws State of Delaware. I live out of Town and don’t believe that the Town ordinances should be enforced on somebody who does not live in the Town of Milton. Now I can site numerous examples. Now police responding to incidents outside of town, everybody wants that.

*Chief Longo* – Its more so to enforce motor vehicle law.

*Councilman Garde* – Language borrowed from another town charter. Just a matter of rewording. Will not enforce town ordinances if you don’t live in town.

*Seth Thompson (7:43pm)*– Structurally what we do; the sentence should read ‘The police force shall preserve peace and order and shall compel obedience within the Town limits to the ordinances of the Town and the Laws of the State of Delaware.’, so we are leaving that sentence the way it currently is in your charter and then we need to have another sentence that says that the police force shall also preserve peace and order and compel obedience with the Laws of the State of Delaware within one (1) mile outside of set limits. I think we just need to do two (2) sentences so that its clear.

*Councilman Fleetwood (7:45pm)* – Let me interject something real quick here.....You guys have been working on this for a while. At the last public meeting, we had specifically on the charter changes, there was a motion made and passed to adopt the changes as presented after we went through all these changes fourteen (14) times or whatever it was. It passed, why are we sitting here tonight arguing about what it says now? As far as I am concerned that ship has sailed.

*Councilman Garde* – My understanding was that it would be back on the table tonight in the clean version, I have a number of comments but they are all editorial because when you erase all the cross outs and deletes you get a bunch of stuff and see a few things that didn’t come out exactly right, like double periods and spacing that is in correct.

*Councilman Fleetwood* - Before we go too much further, just as a point of order Seth, we did make a motion and it passed to adopt the charter as presented with the changes that we made that evening, if we are going to make new one’s tonight what’s going to happen to that?

*Seth Thompson (7:47pm)* If anything it’s going to be a motion to reconsider. Which can be made by anybody.

Motion by Councilman Fleetwood to reconsider the Charter. Second by Councilman Garde. 6 in favor. 1 opposed.

*Councilman Fleetwood* – I do expect you guys to vote on it tonight I think has been like 3 or 4 years, it's time to give it a rest, if you are ever going to get it there.

*Mayor Kanakos (7:48pm)* I am surprised that after all the time spent on it to come up with this at the very end is surprising to me.

*Councilman Cote (7:50pm)* – Page 17 paragraph g, section 18, more informational for me. This paragraph requires that the Town Manager or Designee to render to the Mayor and Town Council at regular monthly meeting, each and every month a true accurate detail account of all monies received and collected by the Town Manager or Designee in the performance of their duties. Is this anticipated to be a different report than the one that is already provided, because we get a statement or revenue and expenditures and in my opinion that's sufficient.

*Mayor Kanakos* – I think what we have is acceptable.

*Councilman Garde (7:52pm)* – I think if you want to tweak that language to make it clearer. You could say The Town Manager or Designee shall render, take out to the Mayor and Town Council at the monthly meeting, add provide to the Treasurer and the Treasurer provides to the Mayor and Town Council.

*Councilman Cote* – Page 18, paragraph I12, section 18, should say as 'purchasing agent' not agents. Page 22, section 25 – Assessment of Taxes. It has to do with timing, if its within 120 and could be 1 day it's fine. Page 23, section 26, paragraph A this has to do with the budget process, if the budget gets done first then it's part of the budget, it says the Mayor and Town Council do it but the Town Manager has already done it as part of the budget. We get to look at it as a group and approve the budget but it seems like a separate process maybe it's incorporated process in terms of the budget.

*Councilman Garde (7:56pm)* – The reason for receiving this revised is to make sure that the mill rate is correct, that is the intent reviewing the annual evaluation and assessment of taxes.

*Councilman Cote* – Page 28, section 28, paragraph b, no later than the regular of the Mayor and Town Council in July.

*Councilman Garde* – We verified that at the last open meeting whether it should be July or August and it was July.

*Councilman Cote* – Section 28 again, c1 and 3, which are both on page 29 of the clean version. We have a detailed estimate of the cost of conducting each department and then we have an itemized statement of the Town's Chart of Accounts.

*Councilman Garde* – What is the proposed change?

*Seth Thompson* – Is it to leave number 3 the way it is currently?

*Councilman Cote (8:02pm)* – Just take other out of number 3 and you probably don't need number 1. Section 29, paragraph 8 first line, page 30, is there a technical definition of pure water.

*Greg Wingo*- Potable water

*Councilman Cote*- Page 32, section 29, paragraph 15 – direct regulating control, not sure if want to say planning or planting because it refers to the trees.

*Councilman Fleetwood* – I would say planning.

*Councilman Cote* – Maybe we should just say both.

*Mayor Kanakos* – Do both just put planting in there.

*Councilman Cote* – Page 36, section 29, paragraph 38, it’s about borrowing money, this seems to allow the Mayor and Council to borrow up to \$500,000.00 without a referendum.

*Seth Thompson* – Correct

*Councilman Cote* – And that’s different than it used to be?

*Seth Thompson* – No, the amounts the same.

*Councilman Cote* – Then that’s fine. Page 42, section 33 section b right before section 34, Power to Borrow Money and Issue Bonds, the bond and indebtedness. My thought would total indebtedness.

*Councilman Garde* – If you go back to page 35, article 32 says ‘in no event shall the Towns indebtedness exceed 5% of the aggregate’. Should be able to cross reference.

*Councilman Kelly* – Can you do bonded and nonbonded indebtedness shall not at any time exceed 5%.

*Councilman Cote* – Last one goes back to Page 28, section 28 where we talk about July vs August and I think the preparer of the budget would prefer August.

*Councilman Garde* – That won’t give us 60 days until the meeting is on the 2<sup>nd</sup> of August. I prefer that it be a requirement that you schedule a second meeting in July.

*Councilman Garde* – Take regular meeting out change to a meeting. Page 9 we substituted with ‘such as’, is that right? Page 13, right above ‘Duties of the Mayor’, you have item 7 as the last paragraph, that’s in correct it should be right after 6. Page 14, section 15c, the third line of second paragraph, something is missing. I added such forms shall be. Page 15, section 16b, we have a redundant word, remove second may on line 3 in b near the top. Top of page 16 third line down remove letter ‘l’ after word town needs to come out. Page 20 section 21, fourth line down of a has two (2) periods remove one (1). Page 21, section 23 Annual Audit fourth line down has two (2) periods only needs one (1). Section 23 third line up, can’t read what it is but should be a period. Above section 23 paragraph 22c the word after The Milton Police Department we need a period there. Page 34, 26 at the top, section 28, ‘To levy taxes’, should be period after parenthesis and take out of the current assets because that was part of the percentage.....Of the current assessed value, through to Town of Milton needs to come out. Page 35, item 34 semicolon need to be after town. Page 38 in the middle, within 20, days got deleted, needs to be added back in. Page 41, item 5 word referendum is in red needs to go to black.

*Councilman Kelly* – Page 21, section a and b underlined but section c has no underline for consistency needs to be underlined and remove period.

*Robert Moore (8:24pm)* - I live outside of Milton, page 21, section 22, think what you need to do strike to the ordinances of the town and simply have the laws of the State of Delaware.

*Seth Thompson* – Our ordinances are a separate body of law.

*Robert Moore* – I know but I live outside of town.

*Seth Thompson* – We are going to do two different sentences.

Role Call vote:

Councilman Cote – yes

Councilman Garde – yes

Councilman Kelly – yes

Councilwoman Parker-Selby – abstained

Councilman West - yes

Councilman Fleetwood – yes  
Mayor Kanakos – yes  
6 – 0 -1

**13. New Business – Discussion and possible vote on the following items: (8:34pm)**

**a. Resolution 2016-014 to request revisions to the Charter for the Town of Milton**  
*Councilman Garde need to correct date.*

**b. Ordinance 2016-011 to amend the Town Code, Chapter 209, entitled “Vehicles and Traffic”, relating to parking on Magnolia Street**

Motion by Councilman West to adopt resolution. Second by Councilman Fleetwood.  
Roll Call Vote: All yes none opposed

*Mayor Kanakos* – Maybe can add to next agenda because I have gotten a number of phone calls on Clifton Street, which is a two-way street, if one person parks the wrong way it literally blocks the street. We are having some construction there and cars have gone half way up and literally have to back down. Maybe no parking on either side of the street and possibly make it a one-way street.

*Councilman Fleetwood* – The one-ay has come up before the problem is with AME Church. As far as somebody blocking the street, I think they need to call the Chief and have them go out there and move it.

**14. Executive Session: (8:37pm) Motion to go into Executive Session by Councilman West.**

Second by Councilwoman Parker-Selby. All in favor. None opposed

- 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.** Personnel matters in which the names and abilities of individual employees are discussed
- c.** 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

**15. Discussion and possible vote on Executive Session items – (9:43pm) Recording not on when motion made to return**

Motion by Councilman Garde to adopt Option A. Second by Councilman Kelly. Roll Call Vote – All yes.

**16. Adjournment: (9:44pm) Motion to adjourn by Councilman Garde. Second by Councilman Kelly**