

Milton Town Council Meeting June 20, 2016 Summary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on June 20, 2016 by Mayor Kanakos. 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, present
Charles Fleetwood, present
Michael Cote, present
Kevin Kelly, absent
Sam Garde, present
Seth Thompson, the Town Solicitor was also present

These Summary Minutes:

These summary minutes cover only the high points of the meeting, and shall be the final minutes when approved by the Mayor and Town Council. The discussions were recorded, and may be transcribed at a later date. The recording is available in Town Hall. Documents included in the Council Packet are not included as attachments to these summary minutes.

Public Participation:

John Booros, 115 Broad Street, made several comments, including:

- He and others like him want to be able to attend council, commission and committee meetings when issues of importance to them are being discussed.
- He indicated that he had gone to Town Hall to listen to the recording of the last Water Committee meeting, but opined that citizens should not have to do this to find out what is going at various commission, committee and board meetings.
- He opined that all meetings of Town Council, boards, commissions and committees should be conducted after normal working hours.

Jeff Dailey, 211 Grist Mill Drive, made several comments, including:

- He suggested that Mayor and Town Council look at potential future situations where the Town could possibly “get another black eye”, and take actions to avoid or minimize such damage.
- He opined that there is every reason to be totally transparent.

Requests for Removal of Items from the Consent Agenda

None.

Approval of the Consent Agenda

The consent agenda contained only one item which was the Project Coordinator's monthly report that was not completely included in the Council Packet for the last Town Council meeting. Councilman Fleetwood made a motion to approve the Consent Agenda as presented. Councilman Garde seconded, and the motion was unanimously approved.

Discussion and possible vote on items removed from the consent agenda

None.

Additions or Corrections to the Agenda

None.

Agenda Approval

A motion was made by Councilman Garde to approve the Contract included in the Council Packet as submitted. Vice Mayor Parker-Selby seconded, and the motion was unanimously approved.

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

a. Contract for Consulting Services in Town Manager Hiring.

A copy of the contract and the attachment that was missing during the last meeting were included in the Council Packet. All members of the Town Council, including those not on the Personnel Committee, had now had sufficient time to review the documents.

A motion was made by Councilman West to approve the contract as submitted. Councilman Cote seconded, and the motion was unanimously approved.

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

a. Je T'aime Restorations, LLC, owner of Merriweather subdivision, request for waiver of Town Code Chapter 188-23, Street Construction and maintenance

A copy of a letter from Schab & Barnett, PA, a law firm representing Lee Ann Wilkinson who, under the entity Je T'aime Restorations, LLC, owns the seven remaining lots and the rest of the Merriweather subdivision, was included in the Council Packet. The letter requested a waiver from the requirement to pave the streets in the subdivision. There was also a time line of significant events in the history of the Werriweather subdivision prepared by Project Coordinator Collier included in the Packet.

A vigorous discussion ensued, the highlights of which included:

- Councilman Garde indicated that he had read the letter and the relevant articles in the Town Code. He indicated that the Code Section 183-23 allows the Town to waive the requirement for paving in a subdivision for "good cause shown."
- Councilman Garde opined that the letter attached did not represent "good cause". He said there might be good cause, but that, in his opinion, the letter and its attachments did not make such a case.
- Mayor Kanakos cited a past letter from the Sussex County Soil Conservation District requesting that construction permits and certificates of occupancy not be issued until specific concerns were satisfactorily addressed.

- This subdivision has not been looked at technically since 2003, and many things have changed since the subdivision received its preliminary approval.
- The Town Code was modified in 2013 to include the requirement to pave in subdivision when the earlier of two milestones was achieved: selling or starting construction on 80% of the lots, or 5 years from the date of approval.
- The revision to the Code was effective on the date it was issued, with no provision to “grandfather” subdivisions such as Merriweather, which had already exceeded the 5 year requirement.
- Mayor & Town Council agreed that they should not take action until such time as the applicant had the opportunity to appear to address their concerns.

A motion was made by Councilman West to table this issue. Councilman Fleetwood seconded and the motion was unanimously approved.

b. Delaware Police Accreditation Commission, introduction and process

A document explaining the evolution of law enforcement accreditation was included in the Council Packet. Chief Longo was at the meeting and made the several points concerning accreditation, including:

- Accreditation would take the Milton Police Department (MPD) to the next level of professional performance and acceptance.
- He indicated that a law enforcement agency needed to pass 101 professional standards in order to become accredited in Delaware.
- There are currently only 4 Police Departments in the State of Delaware that have been accredited, and he wants the MPD to be the 5th.
- When asked if the MPD was ready to proceed with the process, he indicated in the affirmative. He indicated that a representative of the State’s agency that certifies accreditation had met with him and gone over policies that are in draft form and indicated where some things could be improved, and where some were already acceptable, but opined that MPD was indeed ready to proceed into the accreditation process.
- He requested permission to proceed with the accreditation process, including the \$100.00 (one hundred dollar) fee required by the State.

Councilman Fleetwood made a motion to approve the \$100 check and to allow MPD to proceed with the accreditation process. Councilman West seconded and the motion was unanimously approved.

c. Agendas and Meeting Times for all Boards, Commissions, and Committees

Several citizens had opined that all boards, commissions, and committees meet after normal working hours, including during Public Participation this evening. The issue started when the new Chairman of the Water Committee decided to hold routine meetings at 2:00 PM.

Councilman Garde, a member of the Water Committee, made several comments, including:

- The Water Committee had agreed to hold any meeting after normal working hours where water rates or any other item of importance to a significant numbers of citizens appeared on the Agenda.
- The Water Committee agreed to include in its routine meeting agendas an invitation to any citizen who had a question or comment on any agenda item to submit same to Town Hall up to 2 hours before any scheduled meeting. In addition, each agenda would have an item requiring discussion of any written question or comment received.
- The Town's Representative, the Supervisor of Public Works, is a very important person to have at Water Committee meetings, since he is the technical expert on the Town's system, and that he was most likely available during during normal working hours.
- The Freedom of Invitation Act, to the best of his knowledge, did not require that Water Committee meetings be conducted after normal working hours.
- The County Council holds all of its meetings at 2:00 PM.

Councilman Cote made several comments, including:

- He preferred holding Water Committee meetings after normal working hours.
- The Supervisor of the Public Works Dep't could be allowed either flex time or compensatory time to allow him to attend evening meetings.

Vice Mayor Parker-Selby suggested that the Water Committee might alternate between 2:00 PM and after normal working hours meetings.

Mayor Kanakos, supported by the Town Solicitor, indicated that the Mayor and Town Council could mandate that all boards, commissions and committees meet after normal working hours, but did not feel that such a course of action was appropriate at this time.

No votes were required or taken on this issue.

Executive Session

- A motion was made and seconded to go into Executive Session. The motion was unanimously approved.
- 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. No actions were required in the 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 as part of the Consent Agenda at the Town Council meeting held on March 3, 2017.

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