

Town of Milton
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Milton Town Council Meeting
Monday, September 10, 2018

1. Call to Order by Mayor Kanakos at 5:00 PM

2. Roll Call

Emory West
Rich Baty
Mike Cote
Sam Garde
Kevin Kelly
Ted Kanakos

3. Additions or Corrections to the Agenda - Preliminary and Final Land Acquisition removed from the agenda because no new information available for meeting.

4. Agenda Approval – Motion by Councilman West to adopt agenda as amended; second. All in favor; motion carried unanimously.

5. Executive Session – Motion made by Councilman Garde to enter Executive Session; second by ViceMayor Kelly. Motion carried unanimously.

- a. Strategy sessions, involving legal advice or opinion from an attorney-at-law, with the 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 the title where such discussion would disclose the contents of such documents.
- c. Personnel matters in which the names and abilities of an individual employee are discussed.
- d. Preliminary land acquisition.

Motion made by Councilman West to enter regular session; second by Councilman Garde. Motion carried unanimously.

6. Discussion and vote on Executive Session Items

Motion made by Councilman Garde to proceed with personnel actions discussed in Executive Session; second by Councilman West and all in favor. Motion carried unanimously.

7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Certificate of Appreciation presented by the Milton Police Department

Donors of K9's Zoey and Zena unable to attend meeting due to scheduling conflict. Chief Longo will extend appreciation to them from the Town. Both K9's were in attendance and introduced.

10. Proclamation for Constitution Week

Motion made by Councilman West to allow the Mayor to sign Sept. 17-23 as Constitution Week; second by Councilman Garde to accept. All in favor. Motion carried unanimously.

11. Public Participation

M. Coffaro, Chairman, Sustainability Committee, thanked Council for support. She will no longer be chair. New leadership in place. Committee working on a grant. Considering electric charging station.

B. McGrath – Thanked those who made the 9/11 memorial happen despite all the rain especially first responders, Council, firefighters and EMS. Noted that Councilman Kelly's remarks were particularly moving.

12. Requests for Removal of Items from the Consent Agenda

Motion made by Councilman West to accept the Consent Agenda; second by Councilman Cote. All in favor.

13. Approval of the Consent Agenda on the following items:

- a. Written Committee Reports
- b. Written Department Reports: Administrative, Code Enforcement, Police, Project Coordinator and Public Works
- c. Finance Report and Statement of Revenues and Expenditures
- d. Executive Session Minutes: August 6 and August 20, 2018

14. Discussion and possible vote on items removed from the Consent Agenda

15. Old Business – Discussion and possible vote on the following items:

- a. Fiscal Year 2019 Annual Budget and Fee Schedule
K. Rogers: Outlined the changes discussed on 8/6/2018 and 8/20/2018 to the original budget submitted in July 2018; i.e., possibility of renting or contracting a street cleaner, possibility of purchasing and renting a wood chipper, and supporting documentation for purchasing a water meter test bench. These choices would be funded from prior years' surplus. The 2019 budget needs to be adopted by September 30 as we begin our new year October 1.

Mayor Kanakos agreed to the more expensive test bench be in the budget, but not wood chipper. Thinks it is a great budget and indicates Town is operating within their means.

Councilman West proposed the more expensive test bench in budget but wait on the wood chipper and sweeper until 2020's budget to obtain more facts and figures. More economical to rent.

Motion made by Councilman West to accept proposal for more expensive test bench and delay wood chipper and street sweeper until 2010.

Town Solicitor clarified motion.

Motion second by Councilman Garde. Roll call vote. 2019 budget approved unanimously.

Discussion on Fee Schedule which is separate item.

K. Rogers For clarification, proposing to remove \$8,000 annexation fee and adopting a new annexation application fee of \$3,900 plus escrow of \$5,000 for professional services. The only other fee change is police staffing hourly rate from \$40 to \$50 and the quarterly trash fee from \$54 to \$56 per quarter.

Motion made by Councilman West to accept fee schedule changes to be adopted into 2019 budget; second by Councilman Garde for discussion.

Councilman Garde is waiting for flow chart to assure annexation fee process is in compliance with Town code. K. Rogers stated that document should be available next week. There was no intention to change the code or charter.

Councilman Garde suggested formation of an ad hoc committee to consider the community impact fee under various scenarios.

A motion made to immediately change the annexation fee from \$8,000 per acre to \$3,900 application fee starting with new fiscal year.

K. Rogers: In terms of annexation, bringing in unimproved land does not immediately provide an effect on the Town. But, there is upon presentation of a subdivision application. The code already provides the right to call for feasibility study and can be done for direct impact on Oct. 2, 2018 if there is such an application. Fee for any annexation application is due the day of application. We may continue to use the services of KCI to further explore community impact fee or possibly working groups or ad hoc committee.

Town Solicitor: Charter differentiates between working groups and ad hoc committees. Committees must be all residents.

Councilman Garde re-emphasized his previous points concerning feasibility study from the developer or applicant. Would like to see a policy in place on what needs to be considered. A feasibility study request can fill in a lot of holes.

Roll call vote on motion made to accept fee schedule changes to be adopted into 2019 budget passed unanimously.

16. New Business: Discussion and possible vote on the following items:

- a. Request, including fee waiver, from Loblolly LLC to partition tax/map/parcel 235-21.00-44.07, containing approximately 20 acres on Sam Lucas Road south of Cave Neck Road, with 10 acres subject to transfer to the Town.

Town Solicitor shared history of Loblolly 86 acres annexed into town. Partition needed to create lot lines so parcels have their own tax number. Town receives 10 acres. The next agenda item would be to divide the 10 acres into two 5-acre parcels; one 5-acre parcel for the Town and a 5-acre parcel for Tidewater. Under the amendment to the agreement, we have

some timeframes that are coming up. Tidewater is moving forward. Town will get the property back on the river.

Motion made by Councilman West to approve agenda item 16a to include the fee waiver; second by Councilman Garde.

Roll Call vote: Motion passed unanimously.

b. Request from the Town of Milton as equitable owner to partition lands currently a part of tax/map/parcel 235-21.00-44.07, on Sam Lucas Road south of Cave Neck Road, with 5 acres subject to transfer to Tidewater Environmental Services, Inc., and 5 acres retained by Town.

Motion made by Councilman West to grant request on agenda item 16b to transfer 5 acres to Tidewater and 5 acres to stay in the Town.

Town Solicitor clarified the motion.

Motion second by Councilman Garde. Roll call vote. Motion passed unanimously

Mayor Kanakos asked Tidewater representative for schedule.

Jerry Esposito, President of Tidewater: First is settlement on the property. A check has already been sent to the Town for first part of the agreement. Design will be completed in the next 4 to 6 months. Expects the construction and bid process to take between 12 and 18 months. Online goal would be to about this time in 2020. There is an 18-month trigger subject to certain conditions once we take ownership of the property. Part of it is government approvals. Six months after plant online, old plant will be demolished.

Regarding when rates apply, Tidewater intends to file while under construction and the effective date would be when the new plant is online. It is the Public Service Commission decision.

Councilman Garde posed question regarding purity of the effluent.

Tidewater responded it will meet the strictest standards of the State of Delaware. Nitrogen, Phosphorous, all the traditional stuff. This is state-of-the-art plant. People will come visit this plant. It is going to be much better than the current discharge which meets the permit. But that permit expires and that is why we must get this done. Start now. New permit is much more stringent.

c. Resolution 2018-011: Approving the issuance of (1) A general obligation bond up to \$395,000 principal amount to fund the principal amount to fund the Shipbuilders Well and Treatment Facility Project, to the Delaware Department of Health and Social Services, Drinking Water State Revolving Fund, as registered owner; Setting forth the form and details of the bonds; determining that the bonds will be sold by private sale and authorizing execution of financing agreements in connection with each series of bonds; Pledging the full faith, credit and taxing power of the Town for the bonds; and Authorizing other necessary action.

Motion made by Councilman West to adopt resolution; second by ViceMayor Kelly.

Councilman Garde was not certain of the intent with respect to repayment of interest during the construction period and principal during post-construction period. Town Solicitor explained that debt service may encompass the administrative fee. Debt service is the amount you owe on the debt. Sometimes just interest in the beginning and when we are required to amortize. Subsection C clarifies it.

The plan is for debt service fee to be added to the water bill. That is the fund that will be used to repay this debt. If unable to make that payment using your water fund, you are going to use your taxing power to collect enough money.

Councilman Garde asked that the motion be modified to exclude approval; Not prepared to vote on the resolution.

Motion was withdrawn by Councilman West and tabled until next Council meeting.

17. Adjournment

Motion to Adjourn by Councilman West; second by Councilman Garde. – 7:31 PM