

Town of Milton
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**Milton Town Council Meeting
Monday, February 1, 2021
6:30 pm Regular Meeting**

1. Call to Order
2. Roll Call
 - Councilman Baty
 - Councilman Cote
 - Councilman Garde
 - Vice Mayor Kelly
 - Mayor Kanakos
 - Councilwoman Meredith-Absent
3. Additions or Corrections to the Agenda
4. Agenda Approval
 - Councilman Garde made a motion to approve the agenda as written; seconded by Councilman Baty. Motion carried 5-0.
5. Executive Session:
 - a. 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
 - b. 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

Councilman Garde made a motion to come out of executive session, seconded by Councilman Cote. Motion carried 5-0.

Councilman Garde made a motion to go into regular session, seconded by Vice Mayor Kelly. Motion carried 5-0.
6. Discussion and possible vote on Executive Session items- There were no items that required a vote.
7. Moment of Silence

8. Pledge of Allegiance to the Flag

9. Public Participation- No one requested to speak.

10. Requests for removal of items from the Consent Agenda
Councilman Garde removed the Town Manager's report from the consent agenda.

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

- a. Written Committee Reports
- b. Written Department Reports: Town Managers Report, including the Administrative, Project Coordinator, Police, Code Enforcement, and Public Works Department Reports
- c. Finance Report and Statement of Revenues and Expenditures for December 2020
- d. Minutes: January 4, 2021 and January 11, 2021

Councilman Garde made a motion to approve the consent agenda as amended and to accept written committee reports from the Historic Preservation Commission dated December 8, 2020, Planning and Zoning Commission dated December 15, 2020, and Planning and Zoning Commission dated December 19, 2020; seconded by Vice Mayor Kelly. Motion carried 5-0.

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

Councilman Garde felt the Town Manager's report had a lot of good information about what is going on in the town, he would like Mrs. Rogers to give the high points of her report.

Mrs. Rogers discussed the highlights of her monthly report.

Councilman Garde made a motion to approve the Town Manager's report dated January 26th; seconded by Vice Mayor Kelly. Motion carried 5-0.

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

There were no Old Business items on the agenda.

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

- a. Request from St. Johns Church related to an extension for sidewalk repair
Jerry Hudson spoke on behalf of St. Johns Church regarding the condition of the sidewalks and explained a repair of the sidewalks had been done using a water proof patching cement. There is a greater concern about the height of the value shutoff sticking up higher than the sidewalk causing a tripping hazard in front of the parking lot. The church is seeking an extension to complete the work by the end of the summer. Discussion was also held on the brick sidewalk next to the church.
Councilman Garde made a motion to grant a waiver as requested by the parish for the Episcopal Church of St John the Baptist with respect to sidewalks until August 31, 2021; seconded by Vice Mayor Kelly. Motion carried 5-0.
- b. Request from Denise Suthard related to an extension for sidewalk repair
Ms. Suthard was not in attendance. Mayor Kanakos read her request into the record. Discussion was held with Greg Wingo regarding the repair issues. Mrs. Suthard asked the Town to stop the \$25 per day fee charged by the Town during the pandemic; there was no request for a waiver. Town Staff has spoken to Ms. Suthard several times regarding the repairs and delays.
Councilman Garde made a motion to table the request without prejudice in order to develop a plan Ms. Suthard and the Town can agree to for fixing the sidewalk and at

that point address the penalty; seconded by Vice Mayor Kelly. Roll call vote. Motion carried 3-2. Mayor Kanakos and Councilman Baty opposed.

- c. Request from Fernmoor Homes at Heritage Creek on lot number changes on the master plat plan
Chris Pfeifer of GMB for Fernmoor Homes at Heritage Creek addressed Council asking to revise lot numbers in phases 1, 6 and 8 on the master plan in order to match the plat in those phases. Project Coordinator, Tom Quass informed Council Planning & Zoning has reviewed the request and recommends approval.
Councilman Garde made a motion to accept the revised master plan for the Heritage Creek subdivision as submitted in the memo from Tom Quass dated 1 February and the details supplied by GMB; motion seconded by Vice Mayor Kelly. Roll call vote. Motion carried 5-0.
- d. Recommendation from the Streets, Sidewalks, and Parks Committee on adding crosswalk striping at Lavinia Street/Mulberry Street, and Wharton Street/Chestnut Street/Atlantic Street
Discussion was held on stripping crosswalks on streets not owned by the Town. Greg Wingo informed Council there will need to be a signed maintenance agreement between DelDot and the Town to install the crosswalks. DelDot will not be responsible for any other markings or signage that will be the Town's responsibility. The Town would need to hire a contractor to paint the crosswalks.
Councilman Garde made a motion to allow the supervisor of Public Works and the Town Manager to enter into discussions that would result in stripping Lavinia and Mulberry Streets intersection and the Wharton Street/Chestnut Street/Atlantic Street intersection; seconded by Vice Mayor Kelly. Motion carried 5-0.
- e. Resolution 2021-005 to ratify the results of the January 16, 2021 Water System Improvements Referendum
Town Manager, Kristy Rogers explained the resolution lists the steps of the referendum and ratifies the results of the referendum election held on January 16, 2021. The resolution also allows Mayor Kanakos to sign the Delaware Drinking Water Revolving Fund Binding Commitment letter where upon project completion the Town will receive the 100% principle forgiveness. Once the signed letter is received and processed the Town may go out to bid for the project. Councilman Cote' requested the cost not to exceed \$1,670,000 be added to the third "Whereas" of the resolution.
Councilman Garde made a motion to approve resolution 2021-005 to ratify the results of the January 16, 2021 Water System Improvements Referendum with the modification to the third "Whereas" clause as discussed; seconded by Vice Mayor Kelly. Roll call vote. Motion carried 5-0.
- f. Request for contract extension related to Shipbuilders Water Treatment Facility
Dave Styles from Johnston Construction Company submitted a letter requesting a time extension due to a number of reasons such as permit issues, weather issues, building location issues and the delay in delivery of materials due to the pandemic. Discussion was held on the time of delivery and job completion deadlines. The well pump controls were added by a change order in November 2020. After installation of the well pump

controls completion should be by May 17th. Mrs. Rogers explained there are three contracts for this project. The well pump controls are a substantial part of the request for a contract extension, which would be an extension of approximately 49 days.

The Town Manager, Public Works Supervisor and Town engineer stated they were in agreement to allow the extension as requested. Comments from the contractor were unintelligible.

Councilman Garde made a motion to accept May 17th as the revised substantial completion date and an official change order to the contract; seconded by Vice Mayor Kelly. Roll call vote. Motion carried 5-0

15. Adjournment

Councilman Garde made a motion to adjourn; seconded by Vice Mayor Kelly. Motion carried 5-0.