

Milton Town Council Meeting July 6, 2015 Preliminary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at 6:30 PM on July 6, 2015 by Mayor Jones. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

Roll Call:

Theodore Kanakos, present
Emory West, present
Estheda Parker-Selby, present
Michael Cote, absent
Sam Garde, present
Marion Jones, present
Seth Thompson, the Town Solicitor was also present

Councilman Ed Kost had submitted his resignation from Town Council effective June 27, 2014 for health-related reasons.

These Preliminary Minutes:

These preliminary minutes cover only the high points of the meeting. The discussions were recorded, and will be transcribed. The transcription will serve as the final minutes of the meeting. Documents included in the Council Package are not included as attachments to these preliminary minutes.

Public Participation

Judy Shandler; 202 Grist Mill Drive.

- Understood that the Town met with Chestnut Properties (CP) to discuss the Punchlist.
- Was pleased that the meeting took place.
- Was, nonetheless, nervous that CP is responsible for the next step, as they have not acted on the issues in the past.
- Handed out two documents indicating that the Town had adopted an ordinance requiring developers to complete paving of roads once 80% of a subdivision or phase is sold or built upon; or by the time five (5) years have passed since final approval, whichever occurs first.
 - The documents were (1) An excerpt from the Cape Gazette dated April 25, 2013, and (2) a reprint of Section 188-23 of the Town Code entitled "Street Construction and Maintenance." Copies of the documents are included as Attachments 1 & 2 to these Preliminary Minutes.

Steve Crawford; 215 Ridge Road.

- Planned a response to a recent Letter-to-the-Editor of the Cape Gazette regarding the Mural Project.

- The letter, from “a former mayor” of Milton, was misleading & factually incorrect on several points:
 - No tax-payer money has been allocated for the Project at this time.
 - Responsibility for the project had been moved from the Economic Development Committee to the general public to raise funds through the Milton Community Foundation.
 - The design was not “foisted” on the public, as the Milton Arts Guild and the Milton Historical Society both had representatives attend meetings and participate in the design process. In addition, valuable support was provided by one of the Town’s noted historians.

Cliff Newlands: 110 Oysterman Drive.

- Questioned why checks totaling approximately \$10,000 were issued to an outside law firm.
 - Town Solicitor responded that the fees were paid to defend a law suit brought against the Town (and/or a Town Employee), but could not be discussed further, as the litigation has not been resolved. The law firm was recommended to the Town by our insurance carrier.
- Would the Mayor & Town Council inform the public about the contract they voted on after the April 6th Executive Session.
 - Mrs. Rogers stated that she did not have the minutes (or her own notes) from that meeting, but would followup. The Mayor and Town Solicitor commented that it may have pertained to the hiring of an attorney to negotiate the Comcast Franchise Agreement. They further commented that strategy sessions involving positions in potential litigation would not be made public until resolution of such issues resulted in agreement.
- Asked about a previous Executive Session meeting with Mr. Draper.
 - Mayor and Town Solicitor responded that information would be made public when resolution of issues resulted in agreement.

No other members of the public came forward for the public participation portion of this meeting.

Additions or Corrections to the Agenda

There were no additions or corrections to the Agenda brought forward.

Agenda Approval

A motion was made, seconded and unanimously approved to approve the Agenda as presented.

Presentation and Approval of Minutes: Preliminary Minutes dated June 15, 2015.

- A discussion took place regarding whether it was acceptable to fill in blanks with the intention of the person speaking when the recording was undecipherable.
- Town Solicitor opined that it was ok.
- A Motion was made, seconded, and unanimously approved to approve the preliminary draft minutes of the June 15, 2015 meeting as presented.

Mayor's Report

- The Milton Garden Club's annual garden tour will take place on Saturday between 9:00 AM and 3:00 PM. All are encouraged to participate.
- The new town clock will be unveiled on Sunday, July 26 at a celebration starting at 2:00 PM. A reception will follow. The Mayor praised the Garden Club for their initiative, planning, fund raising and ultimate success in making the clock a reality.
- Wanted to establish a date for the next open forum, since August would be approximately 3 months from the last such meeting. No date could be agreed during the meeting, though a suggestion was made to delay until September, as the last weeks of the summer are very busy for Council members as well as members of the public.
- Mayor Jones briefed that she, Seth Thompson & Kristy Rogers had attended a meeting with CP on June 23. They made comments including:
 - Dedication of the lanes requires a process required by the Town Code, but that process should not interfere with CP's obligations to address other punchlist items.
 - CP was requested to put together their plans and proposals for how and when they plan to make the improvements required to complete the punchlist.
- Additional public participation was allowed during the discussion of the meeting with CP and the status of the Cannery Village punchlist update.
 - Mary Schwanky asked if CP was given a date to present their response. She asked if CP agreed to pave before the coming winter. She also asked what was the final number of residences CP planned since they sold approximately 40 acres to Dogfish Head.
 - Councilman Garde opined that the Town, i.e., Mayor & Council, had the right to know what CP's finalization plan is, now that they have sold the acreage to Dogfish Head.
 - Councilman West opined that the situation never should have been allowed to get this far, and that it should have been nipped in the bud. He informed Council that he had warned the situation might evolve to the present condition before he was on Council.
 - Rich Miller of Grist Mill Drive informed the meeting that the number of residences originally approved was 538. He included that the HOA in Cannery is currently run by CP. He also opined that the Ombudsman process currently in effect under State law is a process between homeowners and developers and does not include municipalities.

Discussion of Written Committee Reports

Economic Development Committee.

- The only Committee report in the Council package was from the Economic Development Committee.
- Michela Coffaro informed that she would have a "sustainability" table at the Garden Club's Garden Tour.
- There was a discussion of who owns and is responsible for the trees & garden fencing along Union & Federal Streets. Councilman Kost had opined in the EDC report that these were the responsibility of the property owners. He also questioned whether it

made sense for the Advisory Subcommittee to meet with stakeholders to discuss the issue.

- The Parks & Recreation Committee report for May-June 2015 was handed out at the meeting.

Department Reports

The Council Package contained reports from the following:

- Administrative Dept. June Monthly Report, prepared by Mrs. Rogers.
- Code Enforcement June Monthly Report, prepared by Mike Trotta.
- Project Coordinator Monthly Report, prepared by John Collier, covering the period 5/27/15 until 6/29/15.
- Police Dept. Report May Monthly Report, prepared by Captain Cornwell.
- Public Works June Monthly Report, prepared by Greg Wingo.

There were a few comments, questions and clarifications sought by various Council members; and responses by Town staff, including the following:

- Councilman Garde thanked Mr. Trotta (and Mr. Collier) for including in the report actions taken to resolve issues that were not resolved in the last month's report.
- Capt. Cornwell informed that Brandon Howell, age 23, of Milton, who was wanted on charges that included 3 felonies and 2 misdemeanors, had been apprehended and placed in an authorized Delaware correctional institution.
- Capt Cornwell agreed that the time sheet for Lt Harvey was missing some information.

Finance Report and Revenue/Expenditure Report

An unaudited Treasury June Monthly Report was included in the Council Package, prepared by the Town Staff, and attested to by the Treasurer of the Town Council, Mr. Michael Cote. There were a few questions asked and clarifications sought by various Council members; all of which were resolved satisfactorily during the discussions.

Old Business: Discussion and Possible Vote on the Following:

a. Citizen Initiated Mural Art Project supported by the Milton Community Foundation - Easement and license relating to the Project.

- The license for the mural was signed by the cognizant parties, i.e., Ballybunion, LLC and the Town of Milton.
- A revised draft of a Maintenance Easement was included in the Council package. It included corrected dimensions to conform to the recommendations by the Public Works Department, as well as limits on the purpose of the Easement.
- At the end of discussions, a motion was made, seconded, and unanimously approved by those voting to approve the draft easement as presented. Councilman West recused himself from the vote because he is the president of the Milton Community Fund that is collecting the money for the Project.

b. Request from Casa San Francisco (CSF) relating to the removal of the existing structure.

- CSF had earlier sent a letter asking for relief of the obligation to move the house.
- Mayor Jones informed that CSF had withdrawn their request and now planned to move the house as required by the relevant written Agreement.

c. Status of 112 Federal Street.

- Written recommendations by the Town Clerk, the Project Coordinator and the Public Works Supervisor were included in the Council Package. Salient points and recommendations included:
 - In order to occupy the building, structural elements will need to be reinforced as well as bringing the building into ADA compliance.
 - Use as a Police Department headquarters. (Grant funding might be available for some renovations in this case.)
 - Use as an office for the Chamber of Commerce.
 - Use as a Town Hall annex for the staff of the Code Department.
 - Sell the property
 - Rent it out as a residence or as a business.
 - Use as a meeting hall.

New Business - Discussion and Possible Vote on the Following Items

a. Appointment to Parks & Recreation Committee

- Due to the resignation of Kathryn Greigs from the Committee, there is a vacancy.
- Mayor Jones recommended that the vacancy be filled by Mary Kay Williams of 203 Arch Street following completion of her Ethics Form.
- A motion was made, seconded and unanimously approved to approve the appointment.

b. Request from Ellen Passman for a conditional use as a Bed & Breakfast, at the property located at 305 Federal Street also identified as tax map and parcel 235-20.07-103.00.

- A note summarizing the actions and recommendations of the Planning and Zoning Commission prepared by the Project Coordinator was included in the Council package. The salient point was "Ms Passman appeared on behalf of her application and satisfactorily met all of the requirements stated in Chapter 76, Bed and Breakfast, and Chapter 220, Zoning (section 220-89), Procedures for Conditional Uses of the Town of Milton."
- Councilman Garde said that he had attended the P&Z meeting where this request was recommended for approval. At that meeting, P&Z members indicated that Ms Passman had submitted all the documents and fulfilled all of the statutory requirements for a conditional use.
- A roll-call vote was made to grant a conditional use as a Bed & Breakfast at 305 Federal Street with the following results.
 - Councilman Kanakos: Yes
 - Councilman West: Yes
 - Councilwoman Parker-Selby: yes
 - Councilman Garde: yes
 - Mayor Jones: yes

c. Task Order relating to the Comprehensive Plan

- A draft task order prepared by Penoni Associates was included in the Council package. It had a detailed scope and cost estimate in addition to the assumptions on which they were based for the participation of their Planning experts in our Comp Plan development.

- Don Mazzeo, a member of P&Z who attended the meeting, opined that the current draft was approximately 30% complete.
 - P&Z had not seen the draft task order, and so could not comment on the contents.
 - Penoni does excellent map work.
 - There are other firms that do municipal planning, and have helped other communities develop Comprehensive Plans.
 - The Mayor and Council agreed to give copies of the draft task order to P&Z and ask them for a recommendation on the course to complete the Comp Plan.
- d. Resolution to adopt amendments to the fiscal year 2015 fee schedule.
- A copy of Resolution 2015 - 016, "To Adopt a Revised Fee Schedule", and an updated fee schedule were included in the Council package.
 - After clarification that the relevant fee schedule was applicable for the period 10/1/2014 until 9/30/2015, a roll-call vote was made with the following results.
 - Councilman Kanakos: Yes
 - Councilman West: Yes
 - Councilwoman Parker-Selby: yes
 - Councilman Garde: yes
 - Mayor Jones: yes

Executive Session

A motion was made, seconded and unanimously approved to go into executive session. 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 back into regular session. No motions were required in regular session as a result of the Executive Session.

Approval

These minutes were approved at the Town Council meeting held on August 3, 2015.

Adjournment

A motion was made, seconded and unanimously approved to adjourn.

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

