

## **Milton Town Council Meeting April 20, 2015 Preliminary Minutes**

### **Call to Order**

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on April 20, 2015. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

### **Roll Call:**

Sam Garde, present  
Esthelda Parker-Selby, present  
Edward Kost, present  
Theodore Kanakos, present  
Marion Jones, present  
Michael Cote was not present  
Emory West was not present  
Seth Thompson, the Town Solicitor was also present

### **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.

### **Public Participation**

Don Mazzeo: 113 Aisle lane. Re permanent home emergency generators:

- There is merit in requiring a permit
- Re noise: either comply with existing noise statute or perhaps waive it entirely, since these are intended for use only when publicly supplied power is not available.
- 10 KW generators, the most common size, cannot take care of all the loads in an average home. Such a generator can only take care of emergency loads such as refrigerators, range, lights, etc.
- Most folks routinely test their generators between 10 AM & 4 PM.
- Our fire siren exceeds the noise code, but we allow it because it only sounds in an emergency, and only for a very limited time period.
- The suggested change to the Ordinance is caused by one complaint only, and that doesn't seem to require such action.

Jeff Dailey; 211 Grist Mill Drive: concern for eliminating 50 ft set-back from the Charter in respect of waterways. What is the process? Mr. Thompson replied:

- It doesn't belong in the Charter
- It does belong in the zoning code
- It is a requirement until the Charter amendment is approved by the legislature and signed into law by the Governor

- Since there is no specific reference in the current code to a set-back from waterways, the Town will have to decide what to do about requiring such a set-back

Cliff Newlands, Oysterman Drive:

- There are 7 KW emergency generators
- In Heritage Creek, the backyard may be closer to the nearest neighbor than the side yard
- What caused the water to be blue a few days ago?

### **Additions or Corrections to the Agenda**

No comments were made to amend the Agenda as presented.

### **Agenda Approval**

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

### **Presentation and Approval of Minutes: 10-06-14**

Messrs Kanakos, Kost & Garde abstained from voting since they were not members during that meeting. Mr. Garde, however, noted that the paragraph on page 33 referring to his statement regarding Finish Line Car Wash was OK with him. A motion was made, seconded and unanimously approved by the remaining members to approve the minutes of the 10-06-14 meeting.

### **Old Business**

#### **An Ordinance to amend Town Code Chapter 85, "Building Construction" (Sections 5, 11, 19, and 26) - Second Reading**

- Mayor Jones asked Mr. Collier about the one year validity period for a construction permit, and how that is being enforced. Mr. Collier responded that he had established a spread sheet and put dates on an Outlook calendar in order to followup on the requirements of the Code. Mr. Collier said that he asks the Code Enforcement Officer to visit the properties when the permits are about to expire to ensure that the Code is being complied with.
- Councilman Garde asked if the license referred in the draft section 85-5D included expertise in asbestos. Mr. Collier replied in the affirmative.
- Councilwoman Parker-Selby questioned the use of the term "misdemeanor" in section 85-19B. The Council agreed that the language was harsher than necessary, and Mr. Thompson offered the phrase "violation of this Chapter" as a possible update.

At the end of Council discussions, Councilman Garde made a motion to approve the changes the Town Code Chapter 85, Sections 5, 11, 19 and 26, with the update recommended by Mr. Thompson at the end of 85-19B. Councilwoman Parker-Selby seconded the motion, and the Council unanimously agreed.

#### **An Ordinance to amend Town Code Chapter 148, "Noise", Section 6 - Second Reading**

- Councilwoman Parker-Selby stated that she believed we don't need this amendment since the generators are only used in an emergency. She also objected to the requirement for a permit since that normally required a fee to be paid, and she

believed a citizen should not have to pay a fee for a device to be used in an emergency.

- Councilman Kanakos questioned Mr. Collier whether there had been other noise complaints about the testing of emergency generators. Mr. Collier replied in the negative since his taking over the position of Project Coordinator. Councilman Kanakos then stated that since the amendment was the result of a single complaint, he thought this was a very thin basis for amending the Code.
- Councilman Kost questioned Mr. Collier whether we should require the owner to comply with the manufacturer's installation recommendations. Mr. Collier and other members of the Council opined that it was unnecessary for the Town to make such a requirement.
- Councilman Kanakos inquired about making a blanket exception to the code for emergency generators.
- Councilman Garde stated that there had been other complaints about noise before Mr. Collier took his present position, and that there were other potential noise sources in the Town. Councilman Garde indicated that he was against changes granting any specific exceptions to the Town Code Noise Ordinance. He also opined that since testing generators was currently being considered a noise from small power equipment that is used intermittently, the Code allowed 74 dbA for such testing under section 148-5A(2) of the Code.

At the end of Council discussions, a motion made and seconded to table the amendment to Town Code Chapter 148, "Noise", in order to allow the Town Staff to do more research on what other towns in the vicinity have in their respective codes re permits and noise compliance for emergency home generators. The motion was unanimously approved.

### **New Business**

#### **Appointment to Board of Adjustment**

The Mayor suggested the following appointment:

- Board of Adjustment - Mr. Brian Dolan

A motion was made, seconded and unanimously approved to approve the appointment.

#### **Resolution Appointing Members to a Land Acquisition Committee of the Town and Requesting Recommendations on Potential Sites for Future Water Infrastructure**

A draft of Resolution 2015 - 008 appointing members to a Land Acquisition Committee of the Town and requesting recommendations on potential sites for future water infrastructure was included in the Council Package. After discussions to clarify that the purpose of the Committee was limited to investigating sites for future water infrastructure, and to confirm that the Committee was not empowered to enter into any contractual relationships on behalf of the Town, a motion was made, seconded and unanimously approved as follows:

- In paragraph 1 of the draft resolution, the Committee is to be called the "Water Infrastructure Land Acquisition Committee"
- The Chairman shall be Councilman Garde
- The Committee shall provide a written report to the Mayor and Town Council no later than August 3, 2015

- The members appointed are:
  - Councilman James Garde
  - Daniel Wellbourn
  - PD Camenisch
  - Gregory Wingo

#### Resolution 2015 - 009 Requesting an Advisory Report on the Town of Milton's Park Policies from the Parks & Recreation Committee

A draft of Resolution 2015 - 009 Requesting an advisory report on the Town of Milton's park policies from the Parks and Recreation Committee was included in the Council Package. After discussions to clarify that the Parks & Recreation Committee was being requested to review specifically and solely the Park Use Policy and associated Request Form and to determine if any revisions are recommended in order to promote safe orderly use of the Town's parks, a motion was made, seconded and unanimously approved as follows:

- The Chairman of the Committee, rather than the Project Coordinator as included in the draft, shall facilitate the Committee's meetings
- The Committee is to provide a written advisory report to the mayor and Town Council no later than June 15, 2015.

#### **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**

No motions were made or seconded regarding items discussed in the Executive Session.

#### **Approval**

These minutes were approved at the Town Council meeting held on May 11, 2015.

#### **Adjournment**

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

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