

Milton Town Council Meeting March 21, 2016 Summary Minutes

Call to Order

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on March 21, 2016 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, absent
Esthelda Parker-Selby, present
Michael Cote, present
Kevin Kelly, absent
Sam Garde, present
Marion Jones, present

These Preliminary Minutes:

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

Public Participation:

Julia Morris (Smith), made several comments, including:

- She has been here for 2 years and never said a word during our public meetings up until tonight.
- When she first drove through Milton, the appearance of flowers in abundance made a very positive impression on her.
- She is disappointed that the situation with the Milton Garden Club (MGC) cannot be resolved amicably, and urged Mayor & Council and the MGC to do so.
- She recommended an enclosure to remove the trash receptacles along Governor's Walk from view.
- She commented that the parking lot at Bodies is frequently not picked up and recommended removing the outdoor trash receptacles from view.

Catherine Grieg, 320 Union Street, made several comments, including:

- MGC has been active beautifying Milton for 16 years.
- Many hundreds of hours by many volunteers each year have gone into MGC's activities, all for the good of Milton.
- She and three other members of MGC attended the Streets and Sidewalks Committee (S&SC) meeting last week and were treated rudely in their collective opinion.
- Contrary to what S&SC opined, Mrs Grieg opined that there was a letter from George Dickerson, former Town Manager, granting permission to install the tree well fences.

- She opined that, contrary to the opinions of some townspeople, there is room to walk side-by-side on Milton sidewalks.
- The tree well fences were designed and installed to eliminate for the most part the potential hazard of car doors bumping into the tree well fences when opening.
- One member of S&SC called property owners and told them that they owned the tree well fences and were responsible for them.
- Mayor and Town Council have alienated a group that were the hardest working volunteers in the Town, by not resolving the issue of tree well fences.
- She indicated that she would not volunteer any more time while the issue remains unresolved.
- She indicated that MGC had collected more than 200 signatures on a petition asking that the trees and tree well fences not be destroyed.

Don Post, 311 Behringer Avenue, made several comments, including:

- He opined that the issue of the tree well fences has become a disgrace.
- He indicated that he once fell on a sidewalk in Milton, but not due to the tree well fences.
- He opined that the Town owns the tree well fences, as well as the hanging planters.
- The trees in Town are not the wrong kind of trees for Milton.
- When the trees were topped, that was a mistake; all they needed was to be trimmed.
- He called for a member of the S&SC to be removed as a result of the calls he made that are alluded to above.
- He reiterated his opinion that the Town is in great need of a Town Manager.
- He opined that the MGC does not own anything, that MGC gives all of the flowers and containers to the Town, whether that is in writing or not.

Bob Frazier, 227 Summer Walk Blvd, made several comments, including:

- He is a member of the S&SC.
- He opined that the footprint of the tree wells is too large, and that the tree well fences are too short.
- He opined that other towns he has visited have streetscapes with trees and ways to protect them that are at the same time safe and esthetically pleasing.

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

- He opined that Milton has become expert at “blackening both eyes.”
- He indicated that our last Treasurer had a list of the the capital equipment owned by the Town and suggested that the Town Clerk check such list for the tree well fences.
- He opined that the Town owns the tree well fences and wanted everyone to know that.

Lorraine Wasserman, 244 West Shore Drive, made several comments, including:

- She fell as a result of tripping over a tree well fence in another town and was awarded a substantial sum of money by the Town’s insurance company to pay her medical and other expenses.
- She opined that the tree well fences are not a safety hazard, and are the opposite.

Ginny Weeks, 119 Clifton Street, made several comments, including:

- She attended the S&SC meeting referenced earlier, and concurred that members of MGC were treated rudely.
- She opined that a member of S&SC erroneously provided “legal advice” regarding ownership of the tree well fences.
- She opined that the morale in Town was at the lowest point she could remember.
- She opined that the Downtown area was no longer as beautiful as it usually is since MGC stopped working.
- She opined that Mayor & Town Council needed to control the situation and that it would be a terrible legacy to leave the Town in its current situation.

Requests for Removal of Items from the Consent Agenda:

There were requests.

Approval of the Consent Agenda:

A motion was made by Councilman Garde to approve the Consent Agenda. Councilman Cote seconded and the motion was unanimously approved.

Additions or Corrections to the Agenda:

There were no suggestions for additions or corrections to the (Amended) Agenda.

Agenda Approval:

A motion was made by Councilman Cote to approve the (Amended) Agenda as submitted. Councilman Garde seconded, and the motion was unanimously approved.

Discussion and Possible Vote on Items Removed from the Consent Agenda:

No items were removed, so no vote was required.

Old Business - Discussion and possible vote on the following items:

a. Resolution 2015-024 Relating to Town Council’s Support of Tidewater Environmental Services, Inc.’s Application to the Delaware Water Pollution Control and Drinking Water State Revolving Fund.

A motion was made by Councilman Cote to table Resolution 2015-024 to allow time for the Mayor and Town Council to review the document, since it had been received only an hour and a half prior to the meeting. In addition, the exhibits were not included with the document included in the Council Packet. Vice mayor Parker-Selby seconded and the motion was unanimously approved.

b. Delaware Bayshore Byway Program.

- There is currently a “glut” of Federal funding for this and similar programs.
- Milton is being asked to get involved in planning for possible acceptance into the Bayshore Byway Program
 - What are the management Rules for the Byway?
 - What are the steps involved in identifying Intrinsic Qualities (IQs)?
 - Who might want to participate in “Byway Bucks”?
- There are many potential benefits in participating in the program, including:
 - Increased traffic through Town;

- More State & Federal funding for a Corridor Management Plan;
 - Potential funding for a “streetscape” program;
 - Providing a “seat at the table” for feedback from people using the Byway; and
 - Potential for facilitating the “rails-to-trails” program.
- It was suggested that Mayor & Town Council hold a workshop relating to the possible participation by Milton in the Program.

New Business - Discussion and possible vote on the following items:

a. Downtown Tree-well Fences.

- Several citizens were allowed to speak at this juncture in the meeting:
 - Steve Crawford indicated confusion with respect to Municipal Tort Immunity and its applicability to the current situation.
 - Catherine Grieg indicated that the Town contributed \$3,500.00 to the MGC for the purpose of obtaining and installing the tree well fences. She also indicated that many citizens remembered that the Town had previously approved installation of the tree well fences.
 - Leah Betts was the Chair of the S&SC at the time of installation of the tree well fences and opined that the MGC had donated the fences at that time to the Town, even though such donation was not documented.
 - Nancy Trask opined that a true risk assessment could be done regarding the safety of the tree well fences. She also reiterated that she had read a letter into the record in December regarding the MGC reaction to perceived Town reaction to the notification of a possible law suit for reimbursement of medical expense by a citizen who allegedly had tripped on a tree well fence.
 - Councilman Garde questioned the safety of removing the tree well fences, citing the condition in front of the Wine Knot and adjacent stores after removing the fences and not grading the soils in the tree wells.
- Mayor Jones made it clear that the Town had not suggested a concept of removing the trees. She had only opined that an inspection of the trees by an arborist would be prudent for the Town.
- Mayor and Town Council agreed that a letter would be forthcoming announcing to the MGC and appropriate property owners of the Town’s intention to assume ownership of the tree well fences from the date of the letter forward (but not retroactively.)

Executive Session

- A motion was made by Councilman Garde to go into Executive Session. Vice mayor Parker-Selby seconded. The motion was unanimously approved.
- At the end of the Executive Session, a motion was made by Councilman Garde, seconded by Councilman Kanakos 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. None of the items discussed in Executive Session required a vote in the regular 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