

## **Milton Town Council Meeting June 6, 2016 Summary Minutes**

### **Call to Order**

The meeting was called to order in the Milton Public Library at approximately 6:30 PM on June 6, 2016 by Mayor Kanakos. A moment of silence was then observed, followed by the pledge of allegiance to the flag.

### **Roll Call:**

Charles Fleetwood, present  
Emory West, present  
Esthelda Parker-Selby, present  
Michael Cote, present  
Kevin Kelly, present  
Sam Garde, present  
Theodore Kanakos, 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:**

Steve Crawford, 216 Ridge Road, made several comments, including:

- The mural on the side of Irish Eyes has been completed and needs only a clear coat for protection prior to being dedicated to the Town.

Jim Wagner, 409 Federal Street, made several comments, including:

- The Town sent out more than one hundred notices to citizens regarding sidewalk repair, citing the Town's ordinance that requires owners to maintain sidewalks in front of their houses.
- He opined that State Law requires the State to maintain roads and associated sidewalks in the case of State roads.
- He stated that Federal Street is a State Road and opined that he was, therefore, not responsible for sidewalk repairs.
  - The Town Solicitor cited out Town Charter that provides, in part, that maintenance of any sidewalk adjacent to private property is the responsibility of the private property owner.
  - The Milton Town Clerk indicated that the Town Code made the Town responsible only from curb to curb for Town streets.
  - The Town Solicitor agreed to research the situation more thoroughly.

Nancy Trask, 101 Mill Pond Avenue, made several comments, including:

- As the President of the Milton Garden Club, she requested that the Town officially take ownership of the tree well fences.

Lisa Sumstein, Director of the Milton Chamber of Commerce, made several comments, including:

- As the Director of the Milton Chamber of Commerce, she thanked the Town and the vendors for making the recent Horseshoe Crab Festival such a big success.
- She singled out Lt. Harvey of the Milton Police and Greg Wingo, Milton's Supervisor of Public Works, for their contributions to its success.
- She indicated that an estimated 800 folks attended the first "Truckin' Tuesday" last year in Milton, many of whom were not from the incorporated limits of the Town of Milton.
- She indicated that we were the first Sussex County community to hold such an event.
- There will be a total of 6 Truckin' Tuesday events this year.
- The Chamber does not charge the vendors to participate, and requested that the Town waive its fees for vendor participation.
- She indicated that several vendors had balked at the concept of paying license fees, and indicated to her that they might not come this year if fees were applied.

Denise Suthard, Union St., made several comments, including:

- She opined that home owners on State roads should not be held responsible for sidewalks in front of their homes.
- She indicated that in years past, a fund existed within the Town to assist residents in paying for sidewalk repairs, and requested Mayor and Town Council to look into that concept could be re-instituted.

Fred Munsert, Milton Theatre Operations, made several comments, including:

- He recommended that the Town not charge a license fee for Truckin' Tuesday vendors, or perhaps institute an event fee at a lower rate for occasional participation.

#### **Requests for Removal of Items from the Consent Agenda:**

- Councilman Garde requested that the Project Coordinator report be removed from Item 7b.
- Vice Mayor Parker-Selby requested that the Code Enforcement report be removed from item 7b.
- Councilman Cote requested that item 7c, Finance Report be removed from the Consent Agenda.
- Councilman Garde then made a motion to approve the balance of the Consent Agenda. Councilman Cote seconded, and the motion was passed unanimously.

#### **Discussion and possible vote on items removed from the Consent Agenda:**

- Vice Mayor Parker-Selby opined that too many Tall Grass complaints were being issued in that recent rainy weather contributed to both tall grass growth and an inability to cut it. She suggested that the Town be more considerate in this regard.
- Councilman Garde then made a motion to approve the Code Enforcement Report as submitted. Councilman Kelly seconded, and the motion was passed unanimously.

- Councilman Garde made a motion to table the Project Coordinator Report until the missing page 2 was submitted. Councilman Kelly seconded, and the motion was passed unanimously.
- Councilman Cote made a few comments on the Financial Report and indicated that the Town has current surpluses in the general and utility accounts.
- Councilman Fleetwood then made a motion to approve the Finance Report as submitted. Councilman West seconded, and the motion was passed unanimously.

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

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

#### **Agenda Approval:**

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

#### **Presentation of the Water Committee Report by Chairman Jack Bushey:**

- Mr. Bushey made several comments, including:
  - A presentation was made at the last Water Committee meeting by Richard Duncan from the Delaware Rural Water Association. He indicated that grant funding might be available for a new well, but cautioned not to use future growth as a reason for needing the new well.
  - He reported that the Water Committee, by unanimous vote on May 11, 2016 authorized him to come before Mayor & Town Council to request that \$10,000 be budgeted for engineering and planning services related to site studies for potential sites for a new well, but was informed by the Town Clerk that the approved fiscal year budget already had funds approved for Engineering and planning services.
  - He handed out minutes from the April Water Committee meeting, having thought that they were to have been included in the Council Packet.

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

##### a. Police Department Physical Fitness Equipment Usage Policy.

A motion was made by Councilman Fleetwood to approve the draft Police Department Physical Fitness Equipment Usage Policy and single Waiver and Indemnification attachment as presented. Councilman West seconded, and the motion was passed unanimously.

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

##### a. Request from the Garden Club relating to ownership of downtown planters and cradles

A motion was made by Councilman Fleetwood for the Town to take ownership of the downtown planters and cradles as of June 6, 2016. Councilman West seconded, and the motion was passed unanimously. Mayor & Town Council made it clear that this action by them was not retroactive to any earlier date.

##### b. Business license fees, fiscal year 2016 fee schedule

- There was a brisk discussion of business licenses in general and more specifically as such licenses related to vendors attending Truckin' Tuesday.
- Mayor Kanakos indicated that he had made contact with 24 communities in Sussex County and that they all charged licensing fees for many business categories including food trucks.
- Mayor Kanakos made the point that we require business licenses for all of the restaurants in Town, and from the Ice Cream truck(s) that come into Milton Park. He opined that Truckin' Tuesday vendors fell into the same category, and should have to pay the license fee.
- Town Solicitor Thompson opined that the Town Code did require license fees from food trucks.
- Councilman Garde expressed sympathy with the vendors, who are an asset for Milton, but that he usually concluded that enforcement of the Town code was generally more important than not enforcing it, whatever the reason.
- Vice Mayor Parker-Selby indicated that we did not charge a business license fee last year, and opined that it would be unfair to start charging this year.
- Councilman Kelly suggested that Mayor & Town Council might want to consider a short term solution for this year, and longer term solution at a later date.
- A motion was made by Councilman Fleetwood for the Town to suspend the licensing fee for Truckin' Tuesday vendors sponsored by the non-profit Chamber of Commerce for this fiscal year. Councilman Kelly seconded, and a roll call vote was called with the following results:
  - Councilman Fleetwood: No
  - Councilman West: No
  - Vice mayor Parker-Selby: Yes
  - Councilman Cote: No
  - Councilman Garde: No
  - Mayor Kanakos: No
  - The motion failed.
- Councilman Fleetwood suggested that the matter be turned over to the Charter and Ordinance Committee.
- Mayor Kanakos indicated that this would be only one of many potential changes to the Town Code that would be referred to the Committee by a detailed Resolution to be prepared at some later date.

c. Town Manager Job Description:

Draft #3 of the Job Description was discussed. Several changes were discussed, including:

- Change "majority of the members of the Milton Town Council" on the second line of the Summary to read "majority of the Mayor and Town Council".
- Add "in cooperation with Department Heads" at the end Item 4 under Additional Responsibilities / Requirements.
- Delete "may be considered" from the last sentence of the Education / Qualifications section in the draft as presented, and add "will be given extra consideration."
- Add a note at the end of the Education / Qualifications section to reference that the Applicant must pass a criminal background check.

- A motion was made by Councilman Fleetwood to approve the draft Job Description for Milton Town Manager with all of the amendments discussed. Councilman West seconded, and the motion was passed unanimously.

d. Contract for Consulting Services in Town Manager Hiring

Mayor Kanakos indicated that he wanted to ensure that all Town Council members, not only those on the Personnel Committee, had sufficient time to review the draft contract in detail. Councilman Cote noted that the proposal by Novak referred to in the scope of services section of the draft contract was not included in the Council Packet documents.

A motion was made by Councilman Garde to table the draft contract as included in the Council packet. Councilman Cote seconded and the motion was unanimously approved.

e. Ordinance 2016-003 to amend Town Code Chapter 59, entitled Alcoholic Beverages

A vigorous discuss ensued about the draft included in the Council Packet. Solicitor Thompson explained that the draft was prepared with input from Chief Longo and Councilman Fleetwood; and that it was intended to allow organizations or permitted parties to serve wine and beer in Memorial Park and Mill Park. Councilman Garde opined that the issue should be brought in front of a larger cross section of the citizens of Milton before such a serious change was made.

The following changes were recommended to the draft included in the Council Packet:

- In Clause 59-2B, delete the words “conducted at a church building or other house of worship”.
- In Clause 59-4A, insert “within the corporate limits of the Town of Milton” on the second line between “...in any public place” and “other than ...”
- In Chapter 54-4B, insert the words “without first” on the fourth line between “..for the special event” and “receiving a copy...”

Councilman Fleetwood made a motion to approve Ordinance 2016-003, with the chages outlined above. Councilman West seconded and a roll call vote was called with the following results:

Councilman Fleetwood: No  
Councilman West: Yes  
Vice Mayor Parker-Selby: Yes  
Councilman Cote: Yes  
Councilman Garde: No  
Councilman Kelly: No  
Mayor Kanakos: No

The motion failed 4 to 3.

f. Revision to the Park Request Form and Park Policies

The current edition of the Park Use Policies and Park Request Form were included in the Council Packet to remind the Mayor and Town Council of the impact that changes to the Alcoholic Beverage Ordinance discussed above would be reflected in Park policies. No action was required or taken.

### **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 Fleetwood 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 April 3, 2017.

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