

Town of Milton

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Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, September 9, 2019

4:00 PM Executive Session; 6:30 PM Regular Meeting

1. Call to Order at 4:00pm by Mayor Kanakos
2. Roll Call:
 - Councilman M. Cote'
 - Councilman S. Garde
 - Vice Mayor K. Kelly
 - Mayor T. Kanakos
 - Councilman R. Baty
 - Councilman E. West
3. Additions or corrections to the agenda - none
4. Agenda approval: Motion made by Councilman West to approve the agenda; second by ViceMayor Kelly. All in favor. Motion carried unanimously.
5. Executive Session
 - a. Discussion of the content of documents, excluded from the definition of "public record" in SS10002 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.
 - c. Preliminary Land Acquisition

Motion made by Vice Mayor Kelly to come out of Executive Session and move into Regular Session. Second by Councilman West. All approved. Motion carried unanimously.

6. Discussion and possible vote on Executive Session items.

Motion to agree to response (a) by Vice Mayor Kelly as discussed. Second by Councilman Cote. Roll call vote. Councilman West, No. Councilman Baty, No.

Councilman Cote', Yes. Councilman Garde Yes. VM Kelly, Yes, Mayor Kanakos, No. Tie vote. Motion failed.

Motion to agree to response (b) as discussed by Vice Mayor Kelly. Second by Councilman West. Roll call vote. Councilman West, Yes. Councilman Baty, Yes. Councilman Cote, No. Councilman Garde, No. VM Kelly, Yes. Mayor Kanakos, Yes. Motion passed.

7. Moment of Silence

8. Pledge of Allegiance

9. Donation to the Milton Fire Department

Vice Mayor Kelly presented a check to the Milton Fire Department in the amount of \$5,000 in honor of their dedication and commitment to the well-being of the Town. Representative from the Milton Fire Department thanked the Mayor and Council for their donation and looks forward to working with the Town of Milton.

10. Donation to the Milton Garden Club

Councilman West presented a check to the Milton Garden Club for all the wonderful work for the Town of Milton. Encouraged them to continue their fine work. Past President of the Garden Club thanked the Mayor and Council for their support. The members of the Garden Club get a lot of enjoyment from what they do. Mentioned an upcoming fundraiser on September 22, 2019, the Garden Tour. There are currently seven (7) gardens on the list including the new pollinator garden on display.

11. Public Participation

M. Coffaro, founder of the Sustainability Committee, handed out bags to Mayor and Council. The Committee has submitted a 53-page plan and would like to hear comments on the plan next month.

No other public participation but Town Manager K. Rogers noted that she received three written comments on the Streets, Sidewalks and Park Committee's recommendations. The comments were from several residents on Clifton St., John Potocki, and Jeffrey Seemans. Each council member received a copy. Councilman Garde asked that these three documents be included in the formal record.

12. Requests for removal of items from the Consent Agenda:

No requests for removal of items from the Consent Agenda

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

- a. Written Committee Reports
- b. Written Department Reports: Administrative, Code Enforcement, Police, Project Coordinator and Public Works
- c. Finance Report and Statement of Revenues and Expenditures
- d. Minutes: August 5, 2019

- e. Executive Session Minutes: July 22, August 5 and August 20, 2019.
14. Discussion and possible vote on the items removed from the Consent Agenda
Councilman Garde thanked the secretaries of the committees for their reports. He suggested that all secretaries who write the reports receive a small indoctrination by the FOIA coordinator who is Town Manager K. Rogers to ensure the reports are factual and comply with FOIA (Freedom of Information Act). He stated that two of the reports included today in the Consent Agenda may or may not completely comply with the requirements. Councilman Garde moved to accept minutes and approve the balance of the Consent Agenda. Second by Councilman West. All in favor. Motion carried unanimously.
15. Old Business – Discussion and possible vote on the following items;
- a. Fiscal Year 2020 Annual Budget and Fee Schedule
Budget revisions reduced the General Fund budget surplus to \$612 and reduced the Proprietary (Utility) Fund surplus to \$43,285. There are no revisions to the fee schedule currently. Councilman Garde acknowledged a recommendation that was made to Mayor and Council by Finance Committee to discuss the possibility of a 3% tax increase included in this draft budget. Public hearing needed to discuss. Councilman Garde moved for approval of the draft budget and draft fee schedule as presented. Second by Councilman West. All approved. Motion carried unanimously.
16. New Business – Discussion and possible vote on the following items:
- a. Recommendation from the Streets, Sidewalks and Parks Committee on the direction of travel, parking and one-way for the following streets: Hazzard Street, Manship Street, Sand Street, Church Street, Clifton Street and Poplar Street.

Councilman Kelly asked if the process was taken where all residents were notified on each of those streets. Councilman West replied that contact was made and there were concerned citizens at the last meeting. Their concerns were noted and adopted. Some concerns were that there would be more traffic on the side streets with the increase of new people moving into Milton and some streets where it is not feasible to be 2-way. VM Kelly was interested in who was contacted to which Councilman West stated that not all of them, but at least three (3) from each street. The comments received were in favor and it will help alleviate congestion on the streets. VP Kelly asked if the contact was by mail and Mayor Kanakos asked if it should be done that way. Councilman West did not think so and stated that the comments received were positive.

Councilman Kelly would like notification by mail be sent to all residents on these streets. Councilman Cote' stated in one of the written responses received by Town Manager that seven (7) people do not seem to agree. Councilman West agreed to table until next meeting.

Councilman Garde pointed out that Church St. terminates at the school and the recommendation is to change the street to other direction. This may be a concern to drivers especially when picking up or dropping off students at the school. Would the school consider going the other way to be acceptable? There was discussion on the change of people lined up now facing the school and maybe another street could be used and the need to make the change clear to people. Also, the one-way towards the funeral home where people coming along Federal St. Councilman West stated that where they park enables the cars to get right into the processions. All of the items discussed were taken into consideration.

Councilman West moved to table the recommendation until next meeting. Second by Councilman Garde. All in favor. Motion carried unanimously.

- b. Ordinance 2019-007 to amend Chapter 170 entitle “Sewers” related to terminology, waives and enforcement
The Ordinance amends the Town Code’s chapter regarding sewers. Specifically, the ordinance clarifies various definitions considering the sale of the sewer system to Tidewater Environmental Services, Inc. Additionally, the ordinance expressly provides for waiver requests for private sewers or septic systems based on a showing of good cause. Any such waiver may include conditions and noncompliance with any condition will invalidate the waiver. The ordinance places enforcement responsibilities with the Town administration, under the direction of the Town Manager. Finally, as a result of the Town administration being charged with enforcing Chapter 170 and the permits issued thereunder, the ordinance revises the reconsideration process to appeal process, with an appellant having the ability to request that the Mayor and Council review the Town Manager’s decision.

Discussion: Councilman Garde pointed to Page 3, top line, regarding 30 days. 30 days is difficult and thought it should be within 60 days to give enough time and to comply with FOIA. Also delete Page 2 of the amendment, definition of Private Sewer controlled by Mayor and Council; remove “a”. This is a duplication.

Councilman Garde moved to approve ordinance to amend Chapter 170 of the Town Code, entitled “Sewers”, related to terminology, waives and enforcement with amendments as discussed. Second by VM Kelly. All approved. Motion carried unanimously.

- c. Proclamation for Constitution Week
Mayor Kanakos read the Proclamation. September 17, 2019, marks the 232nd Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention. He proclaimed the week of September 17 through 23, 2019 as Constitution Week. Councilman West

moved to approve. Second by VM Kelly. All in favor and motion carried unanimously.

- d. Resolution 2019-014 to support the Outdoor Recreation, Parks and Trails grant application related to Rails to Trails Phase II
Town Manager K Rogers applied to ORPT grant for lighting and the pre-application was accepted and the Town was encouraged to apply for grant funding. The ORPT grant was submitted on Friday, but a Resolution is needed to accompany the grant application. Councilman Garde reviewed the documents. They are complete and addresses all the requirements of the State. He moved to approve Resolution 2019-014. Second by Councilman West. Roll call vote. All approved. Motion carried.
- e. Request from Carla D'Onofrio for a sidewalk waiver related to 115 and 117 Collins Street.
Councilman West moved to approve with the stipulation that sidewalk would be installed when required. Second by Councilman Garde. All in favor. Motion carried unanimously.
- f. Final Land Acquisition 614 Federal Street for purposes of future water infrastructure
Motion by Councilman Garde to table this item (f) but after discussion with Town Solicitor and Councilman Cote', Councilman Garde changed the motion to approve the draft as discussed. Second by Vice Mayor Kelly. Roll call vote: All voted yes. Motion carried unanimously.

Councilman Garde stated that he is the Chairman Water Infrastructure Committee that made a recommendation to Mayor/Council to acquire the land for sale Federal St. that borders Rails to Trails and goes all the way back to the water line and does not include any houses or buildings in separate lots. The pole building behind and the abandoned buildings are excluded. Town engineer concluded that piece of property can be used for water infrastructure and comply with well head. There are some issues with wetlands in the back and flood plan that can be managed according to flood plan management program and it does look like it will provide what we need. According to the County engineer four (4) acres will fit within the water protection. There has been no determination what area will be appropriate for a well. Drilling a test well will ensure a source of water acceptable and in compliance with own procurement procedures. Seller has placed time limits. Deal conclude by 12/31/19 for tax purposes.

There may be the possibility tower at later date. Tower in back space is not excluded from the well head. Consideration land acquisition would fit a tower.

Motion to adjourn at 7:15 PM by Councilman West. Second by Councilman
Garde.

All in favor. Meeting adjourned