



# MINUTES

## Milton Town Council

6:30 PM - Monday, October 4, 2021  
Milton Library, 121 Union Street, Milton

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### 1. CALL TO ORDER

Mayor Kanakos called the meeting to order.

### 2. ROLL CALL

Mayor Kanakos, Vice Mayor Garde, Councilman Baty, Councilman Collier, Councilwoman Revis-Plank, and Councilman Savage were in attendance. Councilwoman Meredith attended the executive session.

### 3. ADDITIONS OR CORRECTIONS TO THE AGENDA

### 4. AGENDA APPROVAL

Vice Mayor Garde made a motion to approve the agenda as submitted; Councilman Collier seconds the motion. Motion carried 7-0.

### 5. EXECUTIVE SESSION:

Vice Mayor Garde made a motion to go into executive session; Councilman Collier seconds the motion. Motion carried 7-0.

- a. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 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

Vice Mayor Garde made a motion to come out of the executive session; Councilman Collier seconds the motion. Motion carried 7-0. Councilwoman Meredith left the meeting.

Councilman Collier made a motion to go into the regular session; Vice Mayor Garde seconds the motion. Motion carried 6-0.

### 6. DISCUSSION AND POSSIBLE VOTE ON EXECUTIVE SESSION ITEMS

There were no items that required a vote.

**7. MOMENT OF SILENCE**

**8. PLEDGE OF ALLEGIANCE TO THE FLAG**

**9. PUBLIC HEARING: ORDINANCE 2021-007 TO AMEND TOWN CODE CHAPTER 220-21 REGARDING TO THE HISTORIC PRESERVATION OVERLAY DISTRICT**

Mr. Quass explained the proposed ordinance and the advisory report from the Historic Preservation Commission. No written comments were received. No one in attendance requested to speak.

Vice Mayor Garde made a motion to close the public hearing on Ordinance 2021-007 to amend Town Code Chapter 220-21 regarding the Historic Preservation Overlay District; Councilman Savage seconds the motion. Motion carried 6-0.

**10. PUBLIC PARTICIPATION**

Mary Quigley, 305 Federal Street. Thank you for putting up the speed signs on Federal and Union Streets. She also wanted to show her support for Councilwoman Meredith to be a member of the Streets, Sidewalks, and Parks Committee.

**11. REQUEST FOR REMOVAL OF ITEMS FROM THE CONSENT AGENDA**

Vice Mayor Garde requested to remove the Town Council minutes of September 13, 2021, and the executive session minutes of September 13, 2021.

Councilman Collier made a motion to approve the balance of the consent agenda. Councilwoman Lee Revis Plank seconds the motion. Motion carried 6-0.

**12. APPROVAL OF THE CONSENT AGENDA ON THE FOLLOWING ITEMS:**

- a. Written Committee Reports
- b. Planning and Zoning Minutes from 20 July 2021 reviewed and resubmitted.
- c. Finance Report and Statement of Revenue and Expenditures for August 2021
- f. Town Manager's Monthly Report - September 2021
- g. Admin Monthly Report
- h. Planning and Code Department Monthly Report
- i. Police Department Monthly Report
- j. Public Works

**13. DISCUSSION AND POSSIBLE VOTE ON ITEMS REMOVED FROM THE CONSENT AGENDA**

Council members made clerical corrections to the September 13, 2021, Town Council minutes. Vice Mayor Garde made a motion to approve the minutes with the amendments discussed; Councilman Collier seconds the motion. Motion carried 6-0.

**14. TOWN MANAGER'S REPORT**

Chief Harvey presented the police department's new police officer Casey Lewis to Mayor and Council.

Mrs. Rogers presented her report.

**15. OLD BUSINESS-- DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING ITEMS:**

- b. Advisory report on proposed changes to Chapter 220-21 Historic Preservation Overlay District of Town Code and Proposed Ordinance 2021-007 to amend Town Code Chapter 220-21 related to the Historic Preservation Overlay District

Vice Mayor Garde requested clerical corrections to the proposed ordinance to conform the duties of the Project Coordinator.

Vice Mayor Garde made a motion to approve Ordinance 2021-007 to amend Town Code Chapter 220-21 related to the Historic Preservation Overlay District with the amendments discussed; Councilwoman Revis-Planks seconds the motion. Roll call vote. Motion carried 6-0.

- c. Recommendation from the Streets, Sidewalks and Parks Committee for boat dock and boat slip upgrades

Streets, Sidewalks, and Parks Committee Chair John Bushey presented the committee's recommendations to Council. The upgrade could possibly increase the number of boat slips to 12 and may require dredging in the area.

Vice Mayor Garde made a motion for Mayor and Council to authorize the Town Manager to begin the procedure to locate funds for planning upgrades to the boat docks and boat slips; Councilman Savage seconds the motion. Motion carried 6-0.

- d. Adoption of Construction Manual as referenced in Town Code 188-15

Councilman Collier made a motion to table as Mr. Wingo was not present to explain the document and answer questions from Council; Councilwoman Revis-Plank seconds the motion. Motion carried 6-0.

Vice Mayor Garde noted he had a number of questions and comments regarding the manual and suggested a workshop between Council, Town staff, and the Town Engineer regarding the proposed changes.

**16. NEW BUSINESS- DISCUSSION AND POSSIBLE VOTE ON THE FOLLOWING ITEMS:**

- a. Request from Kyle Pohorely to partition 116 Bay Avenue further identified by Tax Map and Parcel number 235-14.15-140.00

Mr. Quass presented the application and stated it meets the requirements of the code. Discussion was held on the sale of the property to the new owner.

Councilman Collier made a motion to approve the partitioning as it meets the standards; Councilwoman Revis-Plank seconds the motion. Motion carried 6-0.

- b.** Duffield Associates, LLC on behalf of the Route 16 Five Property, LLC, request a 90 day extension of the date required to record the partitioning of Tax Map Parcel No. 235-14.15-67.00.

Mr. Thompson explained Chapter 188-28 allows for an extension of up to 90 days for good cause shown. James Taylor from Duffield and Associates presented the request to Council.

Vice Mayor Garde made a motion to extend until the closing date of January 8, 2022, to give the developer a chance to resolve open issues, passing judgment as a good cause. Councilman Collier seconds the motion. Motion carried 6-0.

Mr. Taylor stated in regards to the tree located on the corner of the property; since it is currently on the property line and with the shared use path required by Del Dot there is not enough space to save the tree. He also informed Tesla has stated there is no interest at this time to install charging stations as there is not enough demand in the area.

- c.** Savini Complete Construction Inc., on behalf of Richard Siess and Steve Xander, request a waiver to install sidewalks and curbs for the property located at 111 Tilney Street, further identified by Tax Map Parcel number 235-14.19-71.01.

Mr. Quass presented the request to Council. This is a corner property where the applicant would be required to install sidewalks on Reed Street and Tilney Street. Discussion was held on when Council should prioritize the installation of sidewalks and the future use of the building.

Councilman Collier made a motion to approve the request for a sidewalk waiver with the condition if the Council deems the installation of sidewalks necessary in the future, the property owner will need to install the sidewalks as required; Councilman Baty seconds the motion. Motion carried. 5-1. Councilwoman Revis-Plank opposed.

- d.** Request from James Albanese for the street closure of N. Spinnaker Lane on October 30, 2021 from 12:00-4:00 pm

The applicant was not in attendance. Chief Harvey stated the police department will be short-staffed that afternoon considering the other events in town at the same time. There is no indication the applicant has received approval from the neighboring properties or where the food trucks would be parked. Council did not have enough information from the applicant to approve.

Vice Mayor Garde made a motion to authorize the Town Manager to make a decision on the request after considering safety, security, sound, nuisances to neighboring properties, and if there will be food trucks would their presence impede or not impede on EMS/Fire. Councilman Baty seconds the motion. Motion carried 6-0.

- e.** Ordinance 2021-009 to extend a no parking area on Behringer Avenue

Mayor Kanakos explained the proposed ordinance.

Councilman Collier made a motion to approve Ordinance 2021-009 to extend a no parking area on Behringer Avenue with the removal of the lines in the draft document; Councilwoman Revis-Plank seconds the motion. Roll call vote. Motion carried 6-0.

- f. Resolution 2021-016 to ratify the adoption of the fiscal year 2022 fee schedule

Mrs Rogers explained the resolution.

Vice Mayor Garde made a motion to approve Resolution 2021-016 to ratify the adoption of the fiscal year 2022 fee schedule; Councilman Baty seconds the motion. Roll Call vote. Motion carried 6-0.

- h. Appointment to the Water Committee

Vice Mayor Garde made a motion to approve George Cardwell's appointment to the Water Committee; Councilman Baty seconds the motion. Motion carried 6-0.

- i. Appointment to the Streets, Sidewalks and Parks Committee

Councilwoman Revis-Plank made a motion to approve Councilman Collier's appointment to the Streets, Sidewalks, and Parks Committee; Vice Mayor Garde seconds the motion. Motion carried 5-0-1. Councilman Collier abstained.

- j. Mr. Larry Collette, 202 West Shore Drive addressed Council stating he has had privacy and security problems with people on the walking trail behind his home. The contractors have dug up the lawn he spends a lot of money on. Pedestrians are walking into his yard and curbing their dogs on his lawn. He has signs up and has received hate mail including pictures. People are on the trail very early in the morning and congregate on the side of his property which drives his dogs crazy. His wife also had a scare early in the morning with an individual from the trail entering their property. He asked Council to look into these issues.

## 17. ADJOURNMENT

Vice Mayor Garde made a motion to adjourn; Councilman Baty seconds the motion. Motion carried 6-0.