

Milton Town Council Meeting
Milton Library, 121 Union Street, Upstairs Conference Room
Monday, February 1, 2010 7:00 p.m.

1. **PUBLIC PARTICIPATION portion was called to order by Mayor Post at 7:00 pm**

- a. Bob Blaney, 210 Chandler Street: The reason I'm here this evening, one of the reasons, Mr. Mayor, is that the Preserve on the Broadkill, LLC sent you December 10th of 2009 and as you know, Preserve on the Broadkill, LLC Phase I is pursuing the avenue of dedicating the streets to the Town of Milton which requires a deed issued by Preserve on the Broadkill, LLC to the Town of Milton. I reminded you a couple of times that I wanted you to respond to this letter. What we're asking for, when I say we, the LLC members, Mr. Milton Pureau and Barbara Lipizando and myself and now the Homeowner's Association's are interested in discussing with you and the powers that be what steps, real or imaginary we have to overcome to dedicate the streets to the Town of Milton. I'm proposing that we have some sort of meeting in the next month or so that we can get on the agenda for March 1st.

Mayor Post: That would be great. I know I think you are aware, and I've got to get that email to you, that our Engineer has numerous times outlined a correction of a drainage problem that needs to be fixed. I would say what you should do is send it to the Streets & Sidewalks Committee.

Bob Blaney: I understand. I would further add that I have discussed this with Leah Betts, the Chair of the Streets & Sidewalks Committee and it was my understanding that she had proposed that we be on the agenda this evening and that you had removed it from the agenda.

Mayor Post: Correct, because at your request.

Bob Blaney: Why do you assume that this was my request, I don't understand it.

Mayor Post: To remove it.

Bob Blaney: I don't understand that.

Mayor Post: You came into my antique shop and said you were not ready and asked me to remove it.

Bob Blaney: No, I was reminding you to respond to the letter.

Mayor Post: Yes, you did. Correct and I said that it was on the agenda and you said I don't want it on the agenda; I would like to have it removed.

Bob Blaney: I'm sorry, I don't recall that.

Mayor Post: So yes, it's correct.

Bob Blaney: Okay.

Mayor Post: That's correct and then I told you that most recently I had received an email from the Engineer...

Bob Blaney: From Bob Kerr.

Mayor Post: That outlined what he had told you in the past of what needed to be done at that time.

Bob Blaney: Okay.

Vice Mayor Betts: I put it on the agenda and I talked to Don, or Mayor Post and he said to take it off the agenda. I already had it on the Streets & Sidewalks as I told you this morning.

Bob Blaney: I understand.

Vice Mayor Betts: At the meeting, Mayor Post suggested that we remove it.

Bob Blaney: Mr. Mayor I would propose that after, hopefully we will see a thaw in this month.

Mayor Post: I think what had happened is when I asked them to remove it from the Council meeting agenda; they removed it from her agenda.

Vice Mayor Betts: No they did not, excuse me...

Mayor Post: Was it ever on your agenda?

Vice Mayor Betts: Yes it was on the agenda.

Mayor Post: Well I don't know how that ever happened. It had nothing to do with your agenda.

Vice Mayor Betts: Here it is. Agenda - Street dedication in Phase I of Preserve on the Broadkill – this item was tabled until spring by Mayor Post. You were at the meeting, the Streets & Sidewalks meeting.

Mayor Post: I was at the meeting?

Vice Mayor Betts: And that's what you said.

Bob Blaney: Mr. Mayor, I don't mean to discuss this at this time.

Mayor Post: Okay, that's fine.

Bob Blaney: The Chair of the Streets & Sidewalks Committee we've already discussed, assuming we're going to see a thaw this calendar month, you're going to come up there and I'm going to explain everything that's been going on; what repairs the Engineer's have already completed up there in Phase I and I would like to meet with other powers to be so that we can move this agenda forward and get on either the March or April agenda.

Mayor Post: I think also when you were in my shop I suggested that your Engineer get up with our Engineer, because our Engineer has not changed position as of like three weeks ago. You had corrected about 70 foot of the problem, I believe, and there's an additional 70 feet that you've been notified about three times, that has to be corrected, once or twice by our lawyer.

Bob Blaney: That's what we want to discuss

Mayor Post: That's what we need to discuss, so I think it would be good to have your Engineer there, our Engineer there when we do it.

Bob Blaney: Thank you very much.

Mayor Post: Thank you.

- b. Michael Clark, 311 Chestnut Street: I'm here on behalf of the Milton Chamber of Commerce basically to make an announcement. It will be in the newspaper. There have been invitations sent out. We, as we have done in the past, are going to sponsor a Candidates Forum on Saturday,

February 27th at 10:00 a.m. to run until 12:00 noon at the Firehouse. Mr. John K. of the Milton Chamber of Commerce, who has moderated in the past, will moderate again. To my knowledge all candidates have been invited and all plan to attend. That's all I have.

Mayor Post: Thank you.

- c. Joyce Cronin: I am a full-time resident at 107 Oysterman Drive, Wagamon's West Shore. I am here to ask about the status of the Letter of Credit that the Town of Milton pulled with the Bank of Wilmington Trust on behalf of Milton Properties for the completion of the infrastructure of Wagamon's West Shore. I know that this Letter of Credit expires in six business days.

Mayor Post: We'll be bringing that up under the Town Manager's report.

Joyce Cronin: Okay.

Mayor Post: I think you'll be pleased where we are.

Joyce Cronin: Good.

- d. Jeff Daly, 211 Gristmill: These are basically two public service announcements. I was in Washington, DC recently and went to the Atlas Theater, which is not unlike our Milton Theater, an old movie house in the H Street Corridor, which is been wonderfully revitalized in about the last 15 or 20 years and the Atlas Theater is now a marvelous performing arts centers which space is just like our newly renovated library. For those of us who feel that the theater is the heartbeat of downtown Milton, it's nice that we have this space, but in years to come, maybe a lot of years, we will have grown and maybe we will find ourselves back in the Milton Theater and it might look like the Atlas Theater; completely renovated with all kinds of additions and space. So I just wanted to share that looking to the future. The other, this is again a public service announcement, one of my neighbors, I'm in the Cannery Village neighborhood, called to my attention that because Milton is perfectly situated, it's just far enough from the beach and just close enough to all of the good things that happen there, we have a lot of weekenders that own property here in Milton and this message is for the Chief and the Mayor and all of Council, as well as the different candidates and their campaigns; be leery of leaving literature in weekenders front doors clearly visible, because that's a sign that nobody is at home. So you know we're all working hard to get people registered to vote and we're canvassing for the different candidates, but be mindful of this because it really is a safety issue and I was appreciative of my neighbor calling that to my attention and I thought I could share it here. Thanks so much.

Mayor Post: Thank you.

- e. Joanne Mattioni, 309 Union Street: I just wanted to thank the Mayor and the Council for changing the venue from here to the library. I'm sure that everyone appreciates it. I know that there have been a lot of ongoing

complaints about having the Town Council Meeting in the Theater because of the mold issue and the sound and also the fact that when you go into Executive Session we have to be out on the street; so I'm sure that everybody here appreciates being in this new facility and I was just wondering why it took until the last Town Council meeting before the election to accomplish this.

Mayor Post: I'll tell you why. The person that runs the Milton Library, was not cooperating with the time or even giving us any specifics; she wouldn't even give the courtesy; we were getting ready to go to the County, since they oversee it; but she just, within two weeks; we have been pursuing this venue for 4 or 5 months, at least. We were pursuing the school prior to that. Now it came out that was a lot of additional cost that was going to be at the school; but it kind of surprised me too, within about I don't know, maybe, 30 days ago; but right about since we scheduled this that the administrator here at the Library finally did get back with us. First of all, it wasn't ready until about 5 months ago, I believe. It's not been utilized since it's been opened. There were some things that they still had to do to meet safety codes, so there was no coincidence; it was just the fact that if there was any coincidence, because we had no response from the administrator.

Joanne Mattioni: Okay, thank you.

- f. Gwendolyn Jones: You know that there are a number of complaints and things that I've been pursuing for a period of time and there just seems to be some disconnect as well demonstrated tonight, of some lack of communication between Town Hall and Town Council. I've already discussed it with one of the members earlier today and a lot of the stuff that I've brought up and sent in has not been made available to the Town Council. I'm not sure what the level of desired communication is, but I think it ought to be improved; and of course, being able to bring up one issue a month is hardly satisfactory when there are a number in progress. I just look forward to whoever is next in office to improving that situation.

Mayor Post: But the public participation forms really need to be filled out and completed here as somebody comes in and then they are handed here. It's the process we've done for years and I would assume that process will remain that way. That way it assures the persons here in the room, present, and then we would know and then we know the order we are taking them in.

Gwendolyn Jones: That really wasn't the issue. The issue was the complaints in the past had been filed with the Milton Town Hall and never been responded to. And for some reason the members of the Council had not been made aware of the number of complaints and issues that had been resolved. I did talk with somebody over the phone at Town Hall, as well as personally today, when I went to pay the municipal bills and both of them assured me that a) it was okay to send it via fax, and b) that it would be in tonight's participation.

Mayor Post: Which one is this one?

Vice Mayor Betts: It's the one that she's just complaining about is the answering of these complaints, all of them, there's a lot of them.

Mayor Post: The lawyer has reviewed the complaints and what the lawyer has found, the very lengthy one that you had wrote; I don't know the other ones, I would have to look at those; but there was a very lengthy one that was really not a complaint, it was just comments and statements. There was nothing in that to address. We had sent that lengthy write-up to our attorney, who gave an opinion that there was really nothing to reply to because it was kind of like you were giving your opinion on certain things; you were giving your beliefs; and that there was not something specifically that you were... The other complaints, I know you've had several filed with the Police Department and it's my understanding even at the Police Department they have responded; I don't think you've liked the answers; but I hate to say that I do believe that the Police Department has responded. I know what some of the issues are and I know that you have been given formal written recommendations on that, as well as verbal and I've given you some verbal ones over the phone. But I'll take a look to see if there are any specific ones that have not been addressed; because I'm very curious about that because I have the email from our attorney, as well.

Gwendolyn Jones: Well I have the ones that I found; I had to make copies of; because the ones that had been filed mysteriously disappeared and never been responded to; and have been refilled and never addressed as well. The two responses I have within recent history, one was addressed to the siren from Mr. Phillips; and it really didn't mention anything specific about the siren, except mentioned about farming trucks.

Mayor Post: Are you talking about the fire siren on the fire tower? I recall you calling me once like at 3 in the morning to complain; you know we have no control with the fire; none whatsoever. That issue would have to be addressed with the fire department and I certainly would want it to be since this is a volunteer fire department; I would certainly want to be able to be woke up at night if my house was burning to make sure that somebody was going to come and put it out for me. I live pretty much right under the fire alarm, so I'm very well awake even when you called that night at 3 in the morning; I was awake because it wakes me every time. But it's a safety thing. That's a fire house... I believe it was sent down to you, to the Chief, I don't know if the Chief had addressed it or not; but I know other issues that have gone down to the Chief certainly has addressed with you and I don't really want to discuss some of them here, because I don't think this is the forum to discuss them; but I do know that they had been addressed and you were given directives of if you needed to move or pursue further with some of those issues, that you would need to go to the Attorney General's Office.

Gwendolyn Jones: That's true and I'm progressing with that. You know that the other ones that I had sent in...

Mayor Post: But Gwendolyn I have a three page one I know of that went to the Attorney; the Attorney reviewed it; because we were even not quite sure what you were requesting out of it and the Attorney reviewed it and she said you're really not requesting anything; you were giving your strong viewpoints on different issues and how they were handled and how they should be handled and why they weren't handled the way they were; but you never came out and you said, I want an answer specifically to this issue. Except some of the ones that have gone like the fire whistle, which we did send down to the Chief, I don't know if the Chief sent you a written...

Gwendolyn Jones: Yes, I have that.

Mayor Post: Okay, so the fire, let's take that one; the fire one; we have no control and again I would recommend no control over it, to be honest, because it's a volunteer fire company and they're not operated like a lot of places and if they don't hear that whistle, especially the ones that live in town, you know and it's very inconvenient for me; I hear it every time; but I'm thankful for the people that get up at 3 in the morning that address the problem; whether it's a fire or an accident; so I understand where you're coming from but I would like you very much to put things in and if you could do that specifically tomorrow, and bring it in to the Town Hall, I will make sure that those issues are addressed, but I need them detailed of exactly what you're looking for.

Gwendolyn Jones: Okay, and my original point remains that the number of complaints and things that have been filed with Town Hall, somehow aren't getting to Town Council for whatever reason; that was the disconnect that I'm bringing up tonight.

Mayor Post: Believe me the Council don't see any of the complaints, the personal complaints; they probably receive 700 of them a year of all different things; nor do we see all the complaints that the Police Chief receives; that's not our responsibility. Sometimes it's quite private matters and quite frankly, it's none of our business on some issues; especially when it comes to the Police Department.

Gwendolyn Jones: So it's a limitation of one complaint or one issue, I should say one issue brought before Council a month and one might only be able to address maybe at the most, twelve per year?

Mayor Post: Well we hope that things are addressed throughout the month; but I do know on the numerous occasions of the Chief, because he has discussed them with me on certain things that were; and especially when you came and I think you brought it up maybe two months ago; an issue that is a reoccurring issue; and even when you called me at home, I told you that it is out of our hands with the Town of Milton and the Milton Police Department that the only person that can resolve it at this place is the Attorney General's Office on that issue.

Gwendolyn Jones: Well, that particular issue, I think is really in question as to whether everything was filed within the letter of the law; but my complaint was whether Mr. Phillips exceeded the letter of the law in the

scope of his duties; and there was obviously a personal prejudice and bias involved in that pursuit.

Mayor Post: I certainly respect your concerns in that, but at the same time, I think that would be a question you would need to ask at the Attorney General's level.

Gwendolyn Jones: It's been posted, it's been already registered.

Mayor Post: Then I think you're going in the right direction and the other thing that you know, please, go home tonight or tomorrow and list them out, but something that can be put back as an answer. It can't be just a suggestion. We need something that we can respond to and I'd be glad to take a look at it.

Gwendolyn Jones: You give me a time and place and I'll bring the book.

Mayor Post: Okay, well I'll let you know.

C Hudson: Wendy, have you approached the President of the Volunteer Fire Company about the loudness of that fire alarm?

Gwendolyn Jones: Not personally, not yet, but I plan to.

C Hudson: It's Jack Hudson; he lives a half a block from you.

Gwendolyn Jones: Well I'll be happy to sit down to talk. I did talk to one of the fire police officers and discussed at length with him and I questioned why in this day of modern advances, like telephones and pagers and things like that; why something that it doesn't go off multiple 6 or 8 times a day; sometimes for minutes at a time; two times in a row; 3 or 3:30 in the morning it can't be replaced by things like pagers, cellphones, telephones and things like that.

C Hudson: Because some of the volunteer firemen live outside of town and they can't hear it.

Gwendolyn Jones: Well that's my point.

C Hudson: I have noticed because I'm less than half a block from it, that it has gotten louder as they put new ones in; so perhaps if you would talk to Jack Hudson, he could help you with that.

Gwendolyn Jones: I would certainly be willing and interested to sit down and talk with him; but, you know twice within 5 minutes at 3:00 in the morning you think it is a little rough. For that one time it was on for close to 10 minutes straight.

Mayor Post: I do Wendy just want to point out in Chapter 11 through 14, Section 11-28 of the Charter, on exemptions, number d is audible signal devices which are employed as a warning or alarm signals in case of fire, collision or imminent danger are specifically exempt from the provisions of the article. Police sirens are specifically exempt, as well. I would certainly talk to Jack Hudson and possibly maybe he would relocate the alarm, as C Hudson; or turn it down; but the thing is all these alarms are for internal. I'm sure everyone else is notified by the devices that you say; but there are still plenty of people because I certainly see them going down my street that are answering those alarms. But try, it won't hurt, talk to Jack Hudson.

Gwendolyn Jones: Where would you recommend the best location and method of communicating with him at the fire station itself or at his home?

C Hudson: Call his house and make an appointment. Meet him and perhaps he would meet you downtown. He doesn't work at the Fire Hall. He has a job with the State. His phone number is 8078, so give him a call.

Gwendolyn Jones: Okay thank you, appreciate it.

Mayor Post: Thank you.

Mayor Post: We will now reclose the public participation portion of this meeting at 7:24 pm.

2. Call to Order of Milton Town Council Meeting called by Mayor Post at 7:24 p.m.
3. A Moment of Silence was led by Vice Mayor Betts.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Post

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| C Martin-Brown | Present |
| C Duby | Present |
| C Hudson | Present |
| Vice Mayor Betts | Present |
| Mayor Post | Present |
| C Prettyman | Absent |
| C Abraham | Absent |

6. Additions or Corrections and Approval of the Agenda

Mayor Post: Any additions or corrections to the agenda?

Vice Mayor Betts: I would like to move under Old Business, the consideration and possible vote regarding the vacancy of the Town Solicitor; I would like to move it down at the end for the Executive Session, please.

C Martin-Brown: Second.

Mayor Post: We have a motion and a second, any questions? All in favor say aye. Opposed. Motion carried. Discussion and possible vote on a minor subdivision application, changing two lots into three lots, located at 301 and 303 Walnut Street, Parcel Nos. 2-35-20.08-57.00 and 57.02.

C Martin-Brown: Mr. Mayor, may I make a point of intervention?

Mayor Post: Oh my goodness, I tell you, I am having a bad... I shoveled snow last night and my back is killing me.

C Martin-Brown: I withdraw my point of intervention.

Mayor Post: We're going to start all over again.

C Martin-Brown: I make a motion to approve the agenda.

C Duby: Second.

Mayor Post: Any questions to the motion? All in favor say aye. Opposed. Motion carried.

7. Presentation and Approval of Minutes for January 4, 2010.

C Doby: I move for approval of the minutes.

Vice Mayor Betts: Second.

Mayor Post: Any question to the motion? All in favor say "aye". Opposed. Motion carried.

8. Approval of Written Committee Reports

C Doby: I make a motion to accept and approve the committee reports that have been submitted to us, as written.

C Martin-Brown: Second

Mayor Post: Any question to the motion? All in favor say "aye". Opposed. Motion carried.

9. Town Manager's Report

Mayor Post is reporting in George Dickerson's absence: I'm just going to report on a couple of things here this evening. The one thing is the Rails to Trails, the deed has been recorded and the town now owns the property of Phase I of Rails to Trails. They will provide an update once the report has been received by the town for Phases II and III.

Vice Mayor Betts: Is that for Federal Street.

Mayor Post: That's through the first phase is Federal to Chestnut; so that is now town property and that phase is 100% complete and now falls under the town. Utility billings have been mailed out. Tax billings have been mailed out. The town is waiting on updated information from the Property Tax Associates regarding the ones that went through the reassessment process of the appeal and then that will be recorded and sent out to those property owners reflecting any changes. Wagamon's West Shores – as a matter of fact, it just happened today, but there's a letter that is going to be going out to Wagamon's West Shores regarding the Letter of Credit, which has been extended. I wanted to see if I had a copy of it, because everyone was supposed to get a copy of that, as well, for the record. Really, it just came through today. I wanted a copy of that for the Council, but I don't see it now. The Council was supposed to have it. As far as that is concerned, the Wilmington Trust Company's Performance Bond will now has been extended until September 30, 2010 so that should give us ample time for the developer to get... It's for the same amount; there's no reduction and it's been extended. Like I said... and we have it. I don't know... I thought I had it. I asked him to have a copy; but I will make sure that the Council gets a copy put in their packet. We just got it and that's why we're... I think it either came in today or late Friday.

[Unidentified Speaker]: Is it now a Performance Bond, because it was a Letter of Credit?

Mayor Post: It's always a Performance Bond. What they have to post is a Performance Bond to meet the performances of the development. So no matter

what they call it, it is still a Performance Bond, because that is how it comes under our ordinance; so it is a Performance Bond. But it is for the same amount.

[Unidentified Speaker]: Is that from Wilmington Trust?

Vice Mayor Betts: Yes.

Mayor Post: Yes.

[Unidentified Speaker]: To the Town of Milton.

Mayor Post: Yes. Well that's my assumption. The thing is, is that it's the same bond with an extension from Wilmington Trust for that particular bond, exactly as it is, to September 30th expiration date. You'll be glad to view it. Its public information and anybody can review it and we have just received it and Wilmington Trust has backed it.

Joyce Cronin: It's not a Letter of Credit?

Mayor Post: It's a Letter of Credit, but it serves as a Performance of Bond; because that Letter of Credit is applied to the Performance of those things listed that are required to be done no matter what development; and there are certain things that fall under that and you can look under that under our ordinances; which is not just sidewalks; there's many things; there's wet ponds; and there's been things that have been added to that, that must be in accordance to regulations.

C Duby: I think technically what it is, is a Letter of Credit backed by a Performance Bond from a contract.

Mayor Post: But again, that will be made public. I asked for copies of it tonight, and I do not see any in my packet; but we do have it. And then also, I just wanted to go on record that we had it brought to our attention, of course we knew about it; another house that was being built by Stover's out there; and I'm sure that people that are aware and I know the newspaper did or is doing an article, I believe The Wave is, on that Stover's did go bankrupt and so it had been brought to our attention with the basement that had been dug out there and I know a couple of the people that are residing out there are very concerned about whether kids fall in it or what have you. We found it as a safety risk; so what we did do is pay for someone to come in and back fill it; it did cost the town \$2,100 and we will be liening that lot for the \$2,100. But we did take action on that and we just want people to be aware of that. Yes, it was something that was not in the budget, but we have found that it was an emergency situation that was a health risk to the people but we will be proceeding once we get our new attorney to place a lien on that parcel. Did you have a question on that?

Vice Mayor Betts: No. Did you have any other things?

Mayor Post: The only other thing I wanted to say, was that the other hand down; I wish he was here, but this is the Shipbuilder's one, a letter that will be going out, as well, with Shipbuilder's and this has been a long drawn-out process; and again, not coincidental, with either one of these; you never know when the stars are going to align, so it's the same way with us meeting here tonight; it has nothing with coincidence, it happens when everything falls into place. We had to with Shipbuilder's for those people that are not aware, we had 3 easements or right-of-ways that we needed to get to be able to resolve this flooding issue; and it seemed to be that we got one a year; so it took us three years to get all of them. Personally I had been on the phone really after that last one; the issue with the last one where the

prior attorney, not our last attorney; but the one before that had not completed one of the easements; which was a very serious easement; which I can't even understand why he did not address it at the same time because he did not get an easement for the streets in the area where we are going to be running the drainage through what's called Holly Lake; and he assumed because we would be taking on that street. Well the streets weren't going to be adopted for years; so we needed that easement; so when we went to put that through, the drainage; we were going to start the project; we found out that we were missing that one easement. So after about 4 or 5 months we have got that easement. I had been on the phone with Charlie Turner a lot, who is the owner of that land, but I did talk to Christiana Excavating and I can only go on what they've told me; is that Christiana Excavating; we signed the document on Friday and faxed it to them; so they told me if we faxed it, they would start immediately; well when they mean immediately they would get it on their docket because they have a lot of projects. But he has guaranteed me that work will start out there at Shipbuilders regarding this flooding issue; it will start within the next three weeks; he has promised me that. Then from the three weeks, he thinks it will be completed, depending upon weather and frozen ground; he'll be able to finish it within four weeks; so we're talking about a two month span at Shipbuilder's and hopefully this will alleviate this issue out there.

Vice Mayor Betts: Mayor Post, I talked with Bob Burns last week and as of Thursday or Friday, he talked with me that they did not have that easement but he said as soon as it was signed, the copy in their hands, then Christiana would start working, weather permitting.

Mayor Post: I signed it Friday and we faxed it up there.

Vice Mayor Betts: I didn't know about that until tonight.

Mayor Post: Well that's the handouts for tonight. We're in the insurance renewal at this point. The current carrier is Conner Strong. It says, please review this information and get back to me with any questions or comments by the close of business day on Friday, February 5th. The other thing would be with regard to the Attorney and just again, he was going to do a reminder that the Milton Municipal Election, 2010 announcement, Saturday, March 6, 2010, Polls Open 8:00 am to 6:00 pm. Election deadlines – all deadlines are at 4:30 p.m. unless noted. Register to vote is Friday, February 5, 2010. File an affidavit is Friday, March 5, 2010 at noon. Obtain Absentee Ballot by mail is February 1, 2010 to March 1, 2010. Obtain Absentee Ballot after March 1, 2010 – registered voters must come to Town Hall to pick up. That is it with the Town Manager's Report.

C DUBY: Mr. Mayor, I just have a question, this insurance information that you handed out. Are these two competing entities or are these two entities that handle different parts of our insurance? I'm not sure what this is.

Mayor Post: I've just seen this tonight, so it's news to me.

C DUBY: What does he say about it in his report?

Mayor Post: All it says is in that report, that's why you'll need to contact him. Handouts contain information from two insurance brokers; current carrier is Conner Strong, so there are two different insurance.

C DUBY: So this is a competing bid.

Mayor Post: There's a competing one there, plus the one that we use. The one that we use is Connor Strong.

C DUBY: So we're to let him know whether we think a change is necessary. Do we have to take a vote on that or are we just making recommendations to him?

Mayor Post: By February 5th. I'm not aware of that. I don't recall in the past where it's in the budget, so I don't think we vote on it, unless it exceeds the budget.

C DUBY: If we're being given a choice between two providers, then obviously we have to make a decision. Is he out all this week?

Mayor Post: He worked today but he could not be here this evening.

C DUBY: Maybe it could be requested that he do an email to us tomorrow letting us know exactly what he wants from this. Because if we need to read it over and essentially vote or give him a recommendation then we need to know a little more then what's in that report.

Mayor Post: And if we're going to have to make a recommendation between the two then we're going to have to vote.

Vice Mayor Betts: I think that's the purpose of having the two.

C DUBY: Yeah, that's what I mean; but we don't have an opportunity to vote by the 5th and my understanding is that we can't vote by email.

Mayor Post: Also I'm going to ask him, if we're going to have two, why didn't we have a third one? We might as well have a third one. But I don't think there are a lot of these insurance companies that do towns and that could be the problem; I'd have to ask him on that one.

C DUBY: I think we all got something; at least I did; I assume every member of Council did from this Delaware Founder's Trust and I actually flagged it to ask him whether we use them or not, so I assume we have time on this if there is a vote required, that we can do it in March; but we just need more information from him; if he could just email us.

Mayor Post: Let me look it over.

Vice Mayor Betts: Do you need a motion?

Mayor Post: No.

10. Town Audit Report

Tom Sombar: Good evening. Hopefully everyone's got a copy of the dark blue covered Audit Report. I will ask you to turn to Page 4. We'll briefly go through the report and then certainly be open to any questions; either during the period going through the report or afterwards. Page 4 is the Summary Form of the Statement of Net Assets of the Town and for the year ending 9/30/09 it was \$6.6 million; it was \$7.6 million at the same point last year; so it was a decline of a little over a \$1 million in Total Assets. Liabilities, fortunately, declined from \$1.7 to a little less than \$1.3 million; a decline of about \$439,000. The Net Assets declined from \$5.9 million to a little less than \$5.4 million; or a decline of \$570,000. Turning over to the next page, or Page 6, this is the Statement of Changes in Net Assets. In a little bit easier format, again very summarized, and we'll be getting into more detail later, but the Total Revenue for the Town was \$2.9 million compared to \$2.7 million the year before; although there were significant declines in transfer tax revenue and building permits; the grant income was significantly

more, particularly for the grants received for the Rails to Trails. That kind of distorts things because it does reflect an increase in Total Revenue from the \$2.7 to the \$2.9 million. On the expense side, expenses were just short of \$3.5 million at \$3.492 compared to \$3.184 the year before; an increase of \$308,000; and again there were significant costs associated with the Parks and Recs for the Rails to Trails Program. Net changes in assets bottom line is \$570,000 loss compared to about \$507,000 the year before. And that's a \$63,000 greater loss compared to the two years. I would like to go to Page 14; this is just more detail of the first statement and this is what's known as the full accrual basis where assets are depreciated and not expensed when paid; and all liabilities are reflected. Again, I think one of the key things here, although it is not fully evident is reflecting cash of \$2.6 million; and that isn't on this statement; but at this point last year it was \$3.5 million and the total assets again were \$7.6. It's kind of difficult to understand this statement because it is not a comparative form. So let's go to Page 45; 45 is a statement just of the General Fund; but it does reflect comparative data for the three prior years; I think this is kind of useful, particularly when talk about cash. This is Page 45; that it was a bit higher in 2007, \$3.5, and it dropped to \$2.7 last year and a little over \$2 this year. But also liabilities are actually a little higher this year because it's reflecting the monies due to Tidewater. So that kind of distorts the liability side; but also the decline in the total fund equity; it's still more than it was in 2006; but in 2007 that's when the transfer with the sale of the sewer plant and the consolidation of some of those monies raised the fund balance up and so it's declined in 2008 and declined in 2009; but it still reflects a significant amount in the reserve fund; which is a positive thing. Let's turn over to Page 46, this is the Statement of Revenues and Expenses for the General Fund; lots of detail here; you're finally getting to the statement where there is a lot of detail and lot of information that may be of some value. In looking at Page 46, you can see particularly under the Taxes and Assessment Revenue, the Transfer Tax; it was over almost \$1.1 million in 2006; dropped about \$800,000 in 2007; less than \$600,000 in 2008 and this year it was \$218,000. That's a big, big drop. But this is symptomatic of almost every town in the County; it's been a big revenue generator for the Town of Milton and other towns; but you can really see the severe impact that has on you budgeting, cash flow, when you have been experiencing such good cash flow and then it significantly declines and also it is sort of symptomatic of that also in that group of expenses is the building permits. \$172,000 in 2006; \$388,000 in 2007; \$208,000 in 2008; and \$135,000 in 2009 are reflective of the slowdown in the economy, and particularly regarding real estate. Inter-governmental grants is a little distortive because it has the Rails to Trails grant in there; that's much higher than any prior year; fines and court costs are a little bit down; no more than 2006 but certainly less than 2008 and 2007. Other Revenue is up for the year in spite of interest income being about \$16,000 less than the year before; but it does overall reflect an increase in Total Revenue compared to the three prior years. Moving down to the Expenses, Street Department is significantly less than the prior years; again this is the funds basis where capital expenditures are an expense and not depreciated; but certainly a lot less. The Police Department going over to Page 48 was less in 2009, then it was in 2008 and 2007, in spite of legal expenses.

Administrative Department is also significantly less this year and other years; but then again there have been a lot of capital expenditures in previous years. So that also is less in prior years. Go over to the Code Enforcer on Page 49, that's also less than other years at \$226,000 and then we go to Parks and Recs and it's just blown out of the water with that Rails to Trails expense of \$523,000; so that's a really large cost. Moving over to Page 50, then we get into the General Government, that's also less than the prior years and that's in spite of the extra money that was expended for the property assessments; that usually runs about \$20,000 a year for the maintenance of those records, but the total cost as you can see here was \$107,000; so there was that; but even so General Government was below prior years; so the total for the General Fund in expenditures was \$2.6 million; \$663,000 and subtracting that from the Revenue produces a loss also for the General Fund of \$583,000. But in some sense it's less than 2008 and less than 2007. The only thing is there wasn't a transfer in of money from the proprietary fund, as there has been the last three years and there still was a significant debt service, which is the \$451,000 number. So subtracting out the debt service expenditures, it shows a loss of \$918,000 for the General Fund, which, again, is more than last year and of course, there were earnings in 2007 and 2006 year. Let's turn over to Page 54; this gets into the first statement on the Proprietary Funds. We did include the trash fund this year and try to restate the numbers to include that; because in prior years it was in the General Fund; and the Proprietary Fund had \$2.3 million in assets compared to \$2.6 the prior year; but also there is some cash erosion there too; almost \$750,000 in cash; \$747,000 to be more exact and it dropped down to \$378,000; but the good news here is the debt is less; it's been running close to \$1 million or over \$1 million and at September 30th it dropped down to \$613,000; so there is a slight decline in the fund equity from \$1.751 million to \$1.705 million; so not a lot of decline there in the Proprietary Fund. Moving over to Pages 55 and 56, this is the Revenue and Expense Statement for the Proprietary Fund and you can see here as far as Operating Revenue it was an increase over 2008; particularly in service charges and so we took in about \$690,000 in water and trash, compared to \$593,000; still less than 2007 and 2008. As far as Expenses, it turned out to be \$674,000 or actually, \$673,940 and that is less than the year before; in fact all the last three years, it's less; even though some Expenses were more. Turning over to Page 56, there is actually a positive income from the Proprietary Fund of \$16,484 vs. losses in the three previous years; but the big difference here is there were a lot less impact fees and grant income and interest income in 2009, compared to the other years, so there was less non-operating income; so the bottom line is the \$71,000 net income before transfers compared \$57,000 the prior year and \$365,000 in 2007 and a little over \$1 million in 2006. Of course, there were transfers out this year of \$116,000, so actually the Proprietary Fund ended up with a loss of \$45,624 compared to \$665,000 positive in 2008. There was a big loss in 2007, that's when the sewer plant was sold and a pretty good income in 2006. I would like to backtrack to cover the last two statements starting with the statements on Page 38 and 39, this is the Budget to Actual for the General Fund, it's kind of enlightening. You can particularly see where the real estate tax revenue didn't meet budget or the transfer tax didn't meet budget and of course, building permits were also below

*The Council minutes provided are a summation of the meeting to be used for informational purposes only. An official copy of the meeting can be obtained through Town Hall located at 115 Federal Street by filling out a FOIA Request and paying any cost associated with the request

budget; but the Rails to Trails was not anticipated or planned for in the budget; that's considerably above budget and it contributes to the Total Revenue being \$418,000 over budget. Moving down to the Street Department, it's under budget by nearly \$7,700. The Police Department is over budget but taking out legal expenses they wouldn't be over budget. Admin Department is under budget by almost \$13,000 and Code Enforcement is under budget on Page 41 by \$20,000. Parks and Rec is way over budget due to Rails to Trails and some capital expenditures. Moving on to Page 42 the General Expenditures are \$92,000 over budget, partly due to the property assessment not being fully budgeted; so expenditures are \$713,000 over budget and resolving in \$300,000 of shortfall as far as your revenues over expenditures to budget and a lot of that again is due to the lower taxes including building permits, the higher legal fees and then the cost for the reassessment. The last statement is buried on Page 43. This is the Proprietary Fund Budget to Actual – Operating Revenue is actually \$20,376 under budget; other than the other income, everything is under budget, or under realized, rather. For the Water Department – it's over budget and mostly that is due to the depreciation not being budgeted for or the interest. The Landfill Fees looks like its pretty close to what was budgeted and you were budgeting \$86,856 for operating income and it came in at \$16,000, which was \$70,000 below budget and the Non-Operating Revenues you budgeted \$121,200 and that came in at \$54,000, just a little shortfall there, so overall it came out \$137,000 under budget as to what you were hoping to find out or expect, as far as the Proprietary Fund. Very, very quick my overview here; certainly there are a lot of questions you could ask; the town compared to other towns is in good standing; certainly compared to the town I was at about two weeks ago; you're in very good shape and that town, and the reason I mention it is that town is very similar to Milton as far as the water and sewer plant, they have nearly \$11 million in debt and I can see that happening here; of course, nobody had a way of anticipating what it would cost had the town not sold the sewer plant and then gone out for a bond issue it would have been exceedingly expensive. If it would have been a perfect world, if you hadn't done it and the town grew tremendously, but reality is there has been a significant slowdown is what happened to the other municipality and they're frankly struggling, so I think Milton has been very conservative in their spending when it comes to their future planning and certainly their reserves maybe aren't what you would love them to be; but they are still very adequate to go forward; so I think you are certainly in very sound financial condition and it's just a real difficult time. All you have to do is pick up the Cape Gazette and hear about the troubles that other towns are having and just this past week in Rehoboth with their difficulties and you know, they are not one of my other clients; the City of Lewes is, but Rehoboth isn't and they are struggling with their expenditures exceeding their budget in relation to their income; so its just a real tough time because of the economic downturn as far as collecting, particularly the building permits and transfer taxes. Any questions, whatsoever?

C Hudson: You mentioned another town with an \$11 million deficit; was that because they still owned their own sewer plant?

Tom Sombar: Yes and the problem is when you borrow money, the bonding agency wants you to raise revenue to cover the cost of the bond; even though most of their

debt is the state revolving fund and it's a really low interest rate; but it's just that they over built with the intention that the town was going to grow; which would incur a lot of impact fees and so forth to the town; and it hasn't grown.

C Hudson: But eventually it could.

Tom Sombar: It will and they're in a good position for when it does grow they have the infrastructure in place; but meanwhile they are being strangled with this very significant debt; and basically having maybe a third of the reserve that the Town of Milton has and imagine if you have five times or six times the debt and only a third of the reserve.

C Hudson: We don't have the debt, but then we don't have the incentive to encourage the builders to annex into our town either; as we would if we were a town that has its own sewer plant.

Tom Sombar: But that's an extremely expensive proposition and it would require the town to take on some exceedingly significant amount of debt.

Mayor Post: But at the same thing, nice thing is that they upgraded, obviously the reports that we were always provided in the past about the current sewer plant were false, because I've been meeting with Tidewater and they've invested about maybe \$500,000; I don't know how much they put into that sewer plant; but they have large capacity still on this existing sewer plant; even though we were told five years ago that we couldn't put ten more houses on it when I sat on Council; what's interesting is that Tidewater has made the proper improvements and at the same time we need to remember we were going to increase the rates; all of our sewer rates five years ago were going to be put in place to start covering the proposal of a new sewer plant. We will have a new sewer plant that will certainly hold any growth that we could possibly want and as soon as we receive that land, that will be transferred to Tidewater, which will be another profit of \$1 million to the Town of Milton, because we don't talk about; which I don't quite understand; we're sometimes I think in reports they should reflect on the books of cash that's owed to us, I mean there's; I know of an impact fee, if it ever goes through as far as on the Dr. White property, we're owed \$498,000 from up there on the Dr. White parcel upon ever final site plan review on that parcel; also, with this transaction sale of the Sam Lucas parcel to Tidewater, even though it will be over a payment period, currently on the books and I'd have to look, Tidewater still owes us quite a few million dollars.

Tom Sombar: They draw attention to things, but these are difficult contingencies.

Mayor Post: It's a shame and also it provides a good record to show us who owes us what in the future. The sewer plant is almost like our current water system; and just to bring on another bleak thing, is that, yes, growth is wonderful, but you know as our recent water report shows, we're going to need a new water tower, very soon; and its \$1 million. Who's going to pick up that cost? These are things that we have to think about and we have to plan for the future.

Tom Sombar: And there's less State and Federal aid out there to assist the town.

C Hudson: It wasn't the capacity of the sewer plant; it was biological oxygen demand that we were reaching a peak on. Thank you.

C DUBY: I have a question, Mr. Sombar. I'm just looking quickly at the document entitled "Communication of Significant Deficiencies and Other Matters." It looks

to me with just a quick review that basically the only things you're pointing out are processes we need to put into place that we haven't done; but there's nothing beyond that.

Tom Sombar: I think it's important to keep in mind that during the audit we were very dependent upon governments in the sense that we can't determine the appropriateness of certain spending and determine the appropriateness any overtime. It's up to the strong leadership in the government, whether its Council, or the Administrative Staff to review those costs; stay on top of those costs and we can say whether they are spent the way they should be spent; whether the approvals are in place and really our focus is mainly on are the appropriate individuals reviewing the transactions; approving the transactions; obviously it should be someone other than the initiator of the transaction; so its very important that things are well documented; and surely the best run organizations have strong leadership and its difficult when not-for-profit; all volunteer group; surely the Council is paid for their time; but when you break it down; you're way, way below the minimum wage; so you can't be held accountable; or based on the monies you're being paid, but it's really important; it really is. The Council's got an obligation to watch how things are done; I mean you can certainly charge certain responsible individuals, for instance the Town Manager who isn't here tonight; but I think he certainly is responsible for the people under him; but you're responsible for him to make sure that he is doing the right thing; and I can't emphasize that enough. It's one thing to trust somebody; but trust is not a deterrent for inappropriate behavior.

C DUBY: But what you seem to be saying in this document is that there are documentation issues in documenting of the transfer of funds and things like that.

Tom Sombar: Yeah.

C DUBY: It should be fairly simple for us to comply with the deficiencies that you're pointing out.

Tom Sombar: Exactly. It's really only these 1) transfers, 2) time sheets, 3) we said something about legal concerns, and 4) we said something about this new GASB 54 that's coming up for next year. We felt that there's a fairly tight ship and certainly I've been associated or lived or worked around the Milton area for 40 years and there's been a lot of changes in the town and it's come a long way; does it need to go a long way more? I would say yes, but it's come a long way and there have been a lot of improvements and improved practices and there's always room for improvement; but I think there's still significant improvements.

Mayor Post: How many towns do you audit?

Tom Sombar: Including Milton, six. And mostly beach communities, too.

Mayor Post: I'm kind of curious and let's be honest, because I think it's very important, is that and I don't want to put you on the spot, but where do you think we rank; as far as organization? I remember 5, 6 years ago. I remember. You were very frustrated at times.

Tom Sombar: Well, the City of Lewes, I can talk about them, they are very well run; partly because one of my former employees is their finance manager; so I know that they have very competent people there. But I think Milton is kind of number two. I really do. They're in good shape; we feel that we're not real thrilled with the software the town is using, but other than that, it's...

Mayor Post: And it was expensive software.

Tom Sombar: Yes.

Mayor Post: That was decided about 5, 6 years ago; but it doesn't do a lot of things that it needs to do; and that's the thing, even with the reporting and so forth; it's not user friendly software. Hindsight at the time, it was better than what we had.

Tom Sombar: It's very difficult, it really is. Because there are not very many software vendors that are going to be catering to the smaller municipalities; but you do need a program that's going to be generating the billing capacity that your program has, so it's kind of difficult to trash it and do something else.

Vice Mayor Betts: Mr. Sombar, you said that we need some sort of spreadsheet approval form that shows the bank. Can you assist them?

Tom Sombar: Yes, because there is money that frequently is moved; CD's mature and new CD's are bought.

Vice Mayor Betts: And moved from one account to another.

Tom Sombar: Right, so that there needs to be a better trail so that someone is approving the transaction and that there needs to be more than one person involved with the transaction; somebody else is looking at it; somebody else is saying that it is okay.

Vice Mayor Betts: Now could you show them the type of spreadsheet that's needed?

Tom Sombar: I think we discussed that.

Vice Mayor Betts: You have?

Tom Sombar: I believe so. It's just that when there are large amounts of money being moved, it's just important that there be appropriate documentation.

Vice Mayor Betts: As to why it's being moved?

Tom Sombar: Well why or that the movement is proper.

Vice Mayor Betts: Necessary.

Tom Sombar: Proper; not necessary. Plus when a CD matures you have to do something with the money, but somebody is saying okay...

C Duby: Just so there is a record of the transfer.

C Martin-Brown: A paper trail.

Tom Sombar: Yes, right and not just nothing there and that is important.

Jennifer Cornell: I would like to comment on that. In your management letter, you do state that there was an approve process in place; it just wasn't being documented and saved consistently. There is a response letter that I prepared after his letter where I talk about we already created the spreadsheet; in addition to the spreadsheet, there is a memo that now accompanies every single transfer that describes why the funds are being transferred; that is signed off on before the funds are transferred.

Vice Mayor Betts: So it is being taken care of.

Jennifer Cornell: Yes.

Tom Sombar: We didn't think it was necessarily a problem; but we just felt that something of that magnitude significance _____ should be documented better. Is there anything else?

C Duby: Thank you.

Tom Sombar: Okay, thank you very much.

11. Written Reports

a. Maintenance

C Doby: I move approval of the maintenance report.

C Martin-Brown: Second

Mayor Post: Any discussion to the motion? All in favor say aye; opposed, motion carried.

b. Project Coordinator/Code Enforcement

Vice Mayor Betts: I make a motion to accept it as written.

C Doby: Second

Mayor Post: We have a motion and second. Any discussion to the motion? All in favor say aye; opposed, motion carried.

c. Police Report:

C Martin-Brown: I move the Police Report be adopted as presented as presented.

C Hudson: Second.

Mayor Post: We have a motion and second. Any questions to this Police Report? All in favor say aye; opposed, motion carried.

d. Finance Expenditure/Revenue Report

C Doby: I move acceptance of the Finance Expenditure/Revenue Report.

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. Any questions? All in favor say aye; opposed, motion carried.

Vice Mayor Betts: Could I just say one thing in regards to maintenance? I think we need to thank them for the work they have shown during this week of the storm and I am grateful to them as hard as they have worked.

C Martin-Brown: And the previous storm.

Mayor Post: They have done a terrific job. [Applause]

12. Old Business

b. Discussion and possible vote on a minor subdivision application – changing two lots into three lots located at 301 and 303 Walnut Street - Parcel #'s 2-35-20.08-57.00 and 57.02

Bill Schaab: I'm a lawyer in Sussex County and I've been here since 1974; I live in Lewes and have an office in Lewes and Georgetown; and it's funny in all these years I've only been before the Mayor and Council twice, that I can remember. It's been a real pleasure; particularly with the help of Mr. Parker, who's made the process the way it should be. It was not made any more complicated than it should have been; and as a lawyer that is a great, great thing and very much appreciated. I'm here on behalf of Joseph Lank, who is a resident of Lewes and a little of a surprise, he's not here tonight because actually the process moved more quickly than he thought it would; which again

is a very rare thing for me to say in any administrative process, really; and so he had plans to be out of town, so I discussed those with Mr. Parker beforehand to make sure that the Council would not have any objections if I appeared on his behalf. Mr. Lank inherited this property about 25 years ago from his aunt, who was Elizabeth Shivelhood and it has been 2 lots; before that and certainly since then, both fronting on Walnut Street, they are side by side; the other one running down Coulter Street. Because of the size of the lots, Mr. Lank has filed an application to subdivide the two lots into three and has, and I believe, the members of the Council have a survey and what it shows is even if the application is approved, the one lot on the corner of Coulter and Walnut Street will be 12,865 square feet; the lot next door to it will be 13,455 square feet and the newly created lot will be 10,797 square feet. This application was presented to the Planning and Zoning Commission a few weeks ago. It was recommended unanimously that it be approved. I am here on behalf of Mr. Lank, asking for the same thing; I believe it meets all the criteria of the city code; it is considered a minor subdivision and basically what's being done is creating three lots where there are presently two lots.

Mayor Post: I do believe that the lot is in the Historic District, I believe. Robin, do you know? I'm positive Betty Shivelhood's home is in the Historic District.

Robin Davis: I do not think so. I don't that property is in there. It runs down Mill Street.

Mayor Post: But if it is, the lot would remain it, because we're not doing a zoning change on the property; but we need to check that. I mean that's a very early home from the late 1700s, early 1800s; but we've already reviewed this and sent the recommendation over. That to me is an interesting little process. I don't quite understand why to me I would in the future, whoever is sitting up here, I think they should start at Planning and Zoning and then come back to us and that's it. There would not be three steps. Planning and Zoning sends their recommendations over; we sit here and we vote on it; whether we; it's a little silly to do that one extra step which holds somebody up 30 or 60 days; so whoever sits here I would just hope that they would consider because that would be a very talk about process changes of making life easier for people.

Bill Schaab: And most of the municipalities and the county do it where it goes to Planning and Zoning, to the Council and then that's the final word from the town. Now in major subdivisions, it's always different, because there are so many other issues involved.

Mayor Post: That's a different story, but with something minor like this, so to me the only issue I have, is if it is in the Historic District, like we've done all the lots, that if they are subdivided, those lots remain in the same parcel; but other than that, we've already... What's your pleasure?

Vice Mayor Betts: I make a motion to accept it.

C Duby: Second.

Mayor Post: We have a motion and a second. Is there any further discussion to the motion? Just do a roll call vote:

| | |
|----------------|-----|
| C Martin-Brown | Yes |
| C Duby | Yes |

| | |
|------------------|-----|
| C Hudson | Yes |
| Vice Mayor Betts | Yes |
| Mayor Post | Yes |

Motion carried.

Bill Schaab: Thank you very much, I appreciate it and Mr. Lank appreciates it.

13. New Business

a. Addition of members to the 2010 Municipal Board of Elections

Mayor Post: I am proposing tonight Robert Ireland, Bill Talent and Sharon Filicko to go onto the Election Board. I had discussed this with them and they are going on as alternates and Stephanie Coulbourne handles that and I asked and Sharon's husband is on it, but she said there were no restrictions on husband and wife.

C Martin-Brown: Mr. Mayor are you seeking a motion?

Mayor Post: I need a motion to have those names placed on the Election Board.

C Martin-Brown: I make a motion that we accept these nominations.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second; any questions? All in favor say aye; opposed.

C Hudson: I oppose, because I personally don't agree with a husband and a wife being on the Board of Elections.

Mayor Post: Motion carried.

b. Main Street Task Team Presentation

Mayor Post: I would like to just with a little bit of history with this, is under Joanie Martin-Brown's Committee of the Economic Development they have been working on this for quite some time and she put together a really good committee; kind of a task force to work on it. Correct?

C Martin-Brown: Correct, Mr. Mayor, last spring four people volunteered to take on this task and my role was to get out of the way and they've been hard at work ever since.

Mayor Post: And if everybody would move, why move 5 when we could move 40? The lights won't let the angle work.

Michael Clark, 311 Chestnut Street: I'm the current President of the Milton Chamber of Commerce and I sit on the Economic Development Committee and I was asked to be part of this Task Team; some other members of the task team I'm going to name are Robert Blaney, Alex Dunnen, and Robert Howard. We were mentored by Lorraine Dionne; who was a consultant who was provided to us at no charge, by the Delaware Economic Development Office. Without her guidance and stimulation we wouldn't be here tonight making this presentation. What was the task team set out to do? We're here to discuss the viability of Milton applying for a Main Street designation.

Some of you probably attended a presentation, I'm not quite sure how long ago it was; it's been a while back; it was at the theater; so some of you might be familiar with this information, but what is Main Street? As you can see on the screen is the National Trust for Historic Preservation's National Main Street Program; it's a nationwide grassroots economic initiative that utilizes unique assets of the Historic Downtown District to create a vibrant retail and cultural destination within thriving community centers. I like the idea of the unique assets of the Historic Downtown District. The Main Street Program has a documented 25 year successful economic revitalization track record in more than 2,000 communities nationwide. When it talks about unique assets, I for one think that Milton meets all the criteria. What are some of the things that we have in existence and in place; we are currently a Preserve America Community; we have a number of strong organizations within the town; including the Chamber, the Historic Society, Milton Community Foundation, the Library, there are other organizations, the Garden Club and other people that all add to the strong community sense. We have intact historic properties and I think that's very important to probably everybody in this room; I know the feeling of the community is that this is one of our strongest draws. It's why a lot of us are living here. We are a member or we are designated a USDA Rural Community Development Initiative through the Delaware Economic Development Office. The River and the Ponds are probably some of the strongest assets that this town has and possibly some of the most underutilized. Some of the other assets: the historic theater, the Dogfish Head Brewery, King's Ice Cream, a number of restaurants, clustered businesses which are in walking distance to most of our homes; there again we have the walkability situation; eco-tourism, Prime Hook National Wildlife Refuge, which is right outside of town and draws a lot of people; there are organizations in town, like the Chamber that partner with Prime Hook and put together the Horseshoe Crab Festival which brings people into town; and just our proximity to Prime Hook is just a natural draw. Then you have the proximity to the beaches and we have a wonderful, beautiful park, right on the river; so again, Milton really puts itself out there as far as having a number of unique assets. What are some of the issues that a Main Street Program could address? Vacant store fronts, vacant lots, empty buildings; we have a number of these and I'm sure a lot of us are concerned about how we're going to take care of these and a Main Street Program can do a lot to eliminate; it can help the property-owners; it can help the business owners; refurbish their buildings; make them attractive by getting grants and low interest loans; we look to improve partnerships with the Reading Milton Employers; we have a large employer here in town, Dogfish Head; it would be nice to be able to expand their work base; they also are a tourist attraction; and it would be nice to have the hundreds of people that come through the brewery on any given week; to travel downtown; and shop, eat and do all those types of things. There are currently eight Delaware Main Street Communities. I've lived in Delaware all my life; I'm very familiar with all of these Communities. I don't think any of them can hold a candle to the charm and the classic beauty that Milton offers.

All of them are supported by the town's government; you can see the little asterisk by each town, which denotes that there is financial support from the town government. These are some figures that were garnered by the National Trust; they are the latest figures that we had access to for 2008 and this is nationwide; you could see the numbers of dollars reinvested; the gains in business; new business means a gain in jobs; and Main Street provides money to rehab buildings and I think the most important number that you look at for every dollar that is invested in a Main Street Program, turns around about \$25 in return. Again, you have to look at employment, the beautification of the area, of the town, and all the different things that those dollars bring in. The State of Delaware, again we have numbers, over \$5 million invested; gains in business; gains in jobs; number of buildings rehabbed. The net gains in the jobs doesn't look like a lot, it's my understanding there's 25 full-time jobs; along with that, there's a number of part-time type of jobs that would be created. You might have a store manager who has 5 or 6 part-time employees working in a store, restaurant, or whatever the case may be. What do we need to become a designated Main Street? It's all right there right in front of you, I'll just reiterate, it's a public/private joint venture. That has to be emphasized. It's a public/private joint venture. A non-profit organization with a paid Executive Director; we require monetary contributions; we require in-kind donations; and we would require voluntary manpower support. What the task team learned in speaking to business people, property owners; residents, we kind of sat down and got some pledges and manpower pledges, financial pledges, we wrote out a budget and factored numbers in; in-kind of over \$15,000 from the public/private stakeholders; in-kind would mean maybe office space, equipment, furniture, utilities, paid for by someone, manpower, volunteer hours donated; those volunteer hours donated over \$20,000 is factored at about \$20+ per hour of volunteer time. Financial, actual hard financial support that we have right now is \$1,275 from the Delaware Main Street Program. So we have a total pledge of over \$37,000 from the community. What do we need? A minimum of \$20,000 required annually for the next three years from the Town of Milton; why; because we need to pay a Main Street Director. We're small enough that we feel that we can do it and that we can get approval to have a part-time director; \$20,000 for a paid director is in today's market is a minimal amount. This is a statement by a leading economist in the country and it just plays on to the investment: "There is simply no more cost effective, economic development program of any type, on any scale, anywhere in the country, then Main Street. Their 25 year history has proven how to take towns and turn them into bustling environments." What would be the benefits of Milton becoming a designated Main Street, revitalize the downtown. Something that's probably on all of our minds. Preserve and protect the historic and cultural fabric of Milton and I know this is a premier concern of everybody in this room. If you do any kind of research; you can go on the website and look at some of the towns that Main Street has gone into and look at the things that they have done; again, through grants and low cost loans; we can preserve what we have and improve what

we have. Improve the image and destination for visitors; get more people to come into the town with a thriving downtown; thriving economic situation; we'd have more people wanting to come into town. We want to make Milton a destination. The merchants, those that are here; we would like to expand on that; but it would also bring in revenue to the merchants; we could increase the hours and operation of the stores and the restaurants; and basically make that downtown a bustling little area. It would increase the property values; more attractive to newcomers; and, the benefit to the town overall, would be to increase the tax revenue. Are we ready for Main Street? The Task Team is strongly recommending that Milton apply for the Main Street Program. It's an autonomous non-profit entity which will require a pledge from the Town of Milton of \$20,000 for each of the next three years. In conclusion, I just want to say that we were tasked by the Economic Development Committee to sit down and take a look at what we felt would be right for Milton. Several of us, and I'm just speaking for myself, but were somewhat skeptical of the whole process; after sitting and meeting and going through all of this; my whole attitude was changed and I think I got in behind all of this and I strongly recommend that we do this. This is our presentation and I think what we need to do now is to ask or go through the mechanics of what the Council needs to do; take our recommendation; consider it and see if they can come to some agreement on what we're recommending. With that I would just like to say thank you to all the task members; I would like to thank Lorraine for all her help. If there are any questions that anybody has about Main Street and what some of these requirements are; I have Lorraine here to answer questions; she's an expert, believe me, on Main Street; she's been an Executive Director for two towns and has worked diligently with us to get us to this point tonight. Denise Suthard: I have a couple of questions. It is my understanding that what you want to do is put brick sidewalks in. We have brand new streets and curbs; we already have that; we have uniform lighting; we have trees; what more do you have?

Lorraine Dionne: A Main Street Organization really is not about the streets safe project; that might be one aspect of it; but what a Main Street Organization does is it finds ways to encourage property owners to improve their property and preserve their properties; its taking your traditional downtown and finding new uses for it; so your getting...

Denise Suthard: But that's why we have the Code Enforcer. You can't take people and say you have to do this to your property.

Lorraine Dionne: Let me finish for a minute. Can I just finish for one second? What it is is a four-prong approach that they have followed for 25 years successfully; it's getting your buildings in shape; recruiting businesses into these properties downtown; assisting businesses that are here to expand; getting all the stakeholders in the town; the private and public stakeholders on the same page; so the idea is that you have a downtown where people are walking around. You can have a beautiful streetscape down here; you can have street lamps and you can have flowers; but if no one is walking around in your downtown; it isn't successful.

Denise Suthard: You don't see that as just an economic problem right now?
Lorraine Dionne: It combines; this is using Historic Preservation to develop the economics of your downtown district; it simply focuses on the historic commercial district and as people are settling in Milton; or people come to look here, developers and businesses; and we came to Milton, even the Milton greater area; one of the things they always look at is your downtown; it reflects the health of your community and the heartbeat of your community; and so that is the overall picture. It's not simply a streetscape project; it's getting people the tools to help themselves.

Denise Suthard: Okay, so you're focusing on a larger downtown; because right now people don't want it.

C Martin-Brown: Excuse me, Denise, I can't hear your comments, I would welcome hearing them.

Denise Suthard: You have the Planning and Zoning with the overlay, trying to keep the downtown where it is now, what is it; one half block this way and one half block that way; is this project going to help us enlarge that area?

Lorraine Dionne: Main Street does not enlarge that area. Main Street is called the Main Street Organization; so people get confused when you're saying Main Street. What it is going to encompass the Town Center, which is located here in the historic commercial district; so when you come, you're a not for profit organization. You determine the geographic boundaries of your downtown district that this is going to influence; so you're not trying to expand anything or change anything. You're trying to get the buildings in shape; trying to get all the buildings filled; you're trying to get people walking around and you're trying to improve your economy.

Gwendolyn Jones: Where is this \$20,000 going to come from?

Lorraine Dionne: Let me explain this to you, I mean this is ___ town. To build a Main Street Organization the funding has to come from private/public sources and that means that they don't want it to be an extension of your town government; they don't want it to be an extension of the biggest employer in the town; they want it to be all the community staples; so they have ten criteria; and one of them is that you have to have a paid Director.

Mayor Post: And they've put a lot of time into it.

Lorraine Dionne: This has been a 13 week process that they went through and they interviewed more than 90 private and public stakeholders in the town; it's just a presentation and I'm here just to provide the information. One of the requirements to be a Main Street Community is that your money has to come from public sources; it has to come from private services; you have to have in-kind donations; and you have to have volunteer manpower. So basically an ideal situation would be if the municipality supported a third of the program. So what we did, as a team, was discuss what a realistic budget would be for the first, second and third year of a program, because when you apply for your designation, you have to show support; for three years. They want to see that. With that in mind, the budget that we came up with was approximately a \$60,000 budget, because it's required for a community under 4,000 people to have a budget between \$40,000 and \$60,000, to be acceptable to apply. A

third of that figure matched with whatever that people had pledged to date through the interviews they came up with a figure of \$20,000.

Gwendolyn Jones: So the answer to my question would this be then basically sourced from private and voluntary donations or this would be an additional tax levied on the residents of Milton.

Lorraine Dionne: It has nothing to do with taxes; it's however your town determines it to be. Let me give you an example. For example, in Dover, their Main Street Program, part of it is supported by a business improvement district tax. In Middletown, the Main Street Program is their contribution is the salary of their Director, or the non-profit organization as the Middletown Main Street raises all their other money through however they want to do it; grants, private donations, and manpower. The thing is here is no community can just receive in-kind donations, volunteer support and financial aid just from private stakeholders. And you can't receive it all just from the public. So there's no reason to raise a tax or do anything like that; but I can't speak for the town; this is how it works and that's why it's been successful for more than 25 years; because everybody has to be on the same page and everybody has to have a stake in it; so you've got to give something. The State of Delaware has a 38 page application process that you have to show support of where you're going to get it, whether in-kind, municipality for the next 3 years and that is sent on to the National Main Street Program; so there are requirements that we can't change; and you don't want to anyway; because it won't work if you do.

[Unidentified Female Speaker]: What do you mean by stakeholder?

Lorraine Dionne: A stakeholder would be anybody who has a stake in what happens in your downtown; for example, if you live here, a resident is a stakeholder; a business owner in your downtown district is a stakeholder; a property owner downtown is a stakeholder; the town is a public stakeholder; people that live outside the area; people in the strip malls are stakeholders; because if more people are coming downtown, the business owners in the strip malls outside of Milton or around Milton, I'm not sure of geographic boundaries here; they're going to have more repeat traffic; the schools are stakeholders; so, anybody that lives, shops, whatever is a stakeholder in this town and so that's what they mean by public and private stakeholders. So, I mean Dogfish Head Breweries is a stakeholder.

[Unidentified Male Speaker]: I remember the initial presentation; I like the track record; I like the return on the investment; thank you all for your hard work and your presentation; one thing in the presentation on the screen is that for every dollar invested, there was a \$25 return and then we shipped it to the State of Delaware; but have these towns realized the same ratio, I'm just curious; in Delaware?

Lorraine Dionne: We have that in the stuff I gave to the town and I have an email sheet; I can email it to you; it's not quite as high. What we wanted to show with the 2008 one, because they just receive every town tallies their results, so the Delaware Economic Development Office has just received the 2009 ones for the towns, so they have to put it all together; but we put the

statistics up there for you; that's just in 8 towns that there was a \$5.33 investment; so you could see that. I mean that's a lot for a little state like us for 8 towns to do that. Offhand I don't know that statistic; but it is not 25 to 1. I have a sign-up sheet I brought for anybody that wants any emailed information; this presentation or any other statistics, I would be happy to provide them. We're not here to convince you either way; but what we are here to do is to make a recommendation and show the benefit of it and let the town proceed. This is a little brochure that we put together, the team, called Is Milton Ready for a Main Street? There are some websites on there, you can go to the National Trust for Historic Preservation and click on the towns and you can see for yourself the statistics. We do have a contact sheet. I would be happy to provide you the towns that were listed there; the Town Manager's; the Presidents of the Main Street Organizations who when they found out I was assisting with this task force, they were more than happy to have people call them and tell them how Main Street has worked in their towns. For example, the smallest Main Street in Delaware is Delaware City; they have a population of about 1,700.

Joanne Mattioni: We have a couple of specific problems here in town; we have either businesses that don't have hours; we have empty buildings where either the property owners have not opened businesses and are not willing to lease the property; we have vacant stores where we have not been able to attract businesses; we have an image problem right now; in other towns; so how do you address these specific problems?

Lorraine Dionne: Well, that's what a Main Street group is going to do. There are going to be four Committees that work together; Economic Development assisting the businesses that are here bringing consultants in.

Joanne Mattioni: They will deal directly with the property owners?

Lorraine Dionne: Yes, this is what a Main Street will do because it's not a political entity; we work directly. A Main Street Organization works directly with the property owners on the street; they bring in consultants to work with them; we help them; I'll give you an example, assist with rents; if we can help them to find a great business to move into their building; if we can get a lower rent; we assist with negotiation type things. The window project downtown was a result of these guys applying for a little grant through the State Main Street Program.

Denise Suthard: Was that program open to everyone?

Lorraine Dionne: Oh, I don't know, this is something that I don't do. That has nothing to do with why I'm here or what the team is doing. But the idea is if you are within whatever the geographic boundaries are of a Main Street Program, a property within that geographic boundary, the business, they are like members of the group; so everyone can benefit from that. For example, something's that Main Street Organization's do are finding the funds to give out for sod enhancement grants to properties; give a business owner a matching grant for a new sign for his window; work with property owners to get a business owner downtown that might complement the bookstore that is here; these are things that we do; but the whole idea is that with everyone

working together and everyone having a stake in what happens; a successful Main Street Program it doesn't happen overnight, but it's something positive that keeps moving forward and forward.

[Unidentified Female Speaker]: How do you hire a Director?

Lorraine Dionne: That will be up to the non-profit that is formed; they will interview Directors statewide, I suppose with the help of the State Main Street Program and their coordinator Diane Laird I'm sure would be on the interview team; it would be up to the Board of Directors when the group is formed; what they would look for with a Director.

[Unidentified Male Speaker]: Is the \$60,000 based on the size of our residents?

Lorraine Dionne: No we tried to be realistic of what office space would cost; what a director would cost; the State requires that the town is 4,000 or less; they could have a part-time director and that's considered 20 hours a week and what you're going to look for is someone that has those skills; you know, Historic Preservation skills; Economic Development skills; you've got to find the right fit for the right person.

Cliff Newlands: Has anybody sized our town vs. the other town that they're in Main Street with the cost in dollars that are being spent and expect to be returned? Has that been done?

Lorraine Dionne: Yeah, I'm sure it's been done. You would have to plot in the amount of people that live in Milton.

Cliff Newlands: How many people; the size of this city; the size of the area you're talking about renovating; has anybody plotted that vs. the other town and then a cross analysis; on those towns vs. this town?

Lorraine Dionne: I can't say that they have. But let me tell you what, Delaware City has two streets. Main Street Programs don't go just by the size of the town. I just want to point this out. If you go to Boston or Baltimore, they practice the National Main Street Program, but they do it by neighborhood; this Program is really tailored to meet the needs and the characteristics of your downtown; because what you're trying to do is take what you need to promote your Historic District as a destination; it's a destination for your residents; it's a destination for business, shoppers, whatever the stakeholders who are involved in the non-profit organization want to make it; that's what your focus is going to be.

[Unidentified Male Speaker]: This question is more for the Committee; I'm watching this and was just so impressed with all of the assets we have; all of the different entities here that are in place and one thing that I've noted happening with our town is all of the medical services that are coming here and we've got a commitment apparently from the new imaging people to build the third building in this economy; and, so I wanted to ask the people who are on the Committee did you take a look at this grouping, all of the doctors and the medical facilities that are coming here as a support for the Main Street Project; has that been fully explored because we know that doctors tend to have a little more money; new medical facilities are pretty well-funded and I was just curious if you considered them?

Michael Clark: I can answer that to say that they are philosophically at this point behind the idea; do they have a hard dollar figure, maybe not; I'll leave it at that.

Norman Lester: A couple of questions; we do have these part-time businesses that are open on occasion and I'm not sure how you would address that; or to make it more welcoming to come into town when you come into town and the bookstore is not open. And the other thing that I've noticed here in town, since I've been here, is a lot of businesses come here; we haven't got the foggiest notion what they're doing; they don't know how to run businesses; they say we need a bakery; then they're gone. Do you offer these people some help and, if need be, do you tell them go away?

Lorraine Dionne: Yeah, you do it nicely. A Main Street Organization will provide technical services and bring consultants in to work with these people. For example, we show people how to write a business plan; show people how to get a loan; set them up with someone to work with and we also can make sure that it's the type of business you want; that goes with your downtown. But you're right, most downtowns end up being a haven for hobbyists; people say I don't know, a toy store; and they're there and they treat it like they are at home; they just put a note on the door saying I'll be back; they have their kids running around the shop; Main Street teaches business owners how to be more professional; what you would expect somewhere else; but these are all the things that a Main Street Program does and those are all the pieces that fit together. For example, up in Middletown for free we offered workshops once a month to business owners; how to do a website; how to do window treatments; how to update your computer software; how to do cluster marketing with the other people that are here; so that's kind of the services that can be provided by a Main Street Organization.

Norman Lester: Where I was used to be in Silver Spring; and the Chamber used to do that every week; but that doesn't happen here in town.

Lorraine Dionne: This Main Street your focus is your downtown historic commercial district; that's your focus. Any other questions?

C Duby: I just have a comment. I understand there are a lot of questions and I want to echo something that Mike said about being skeptical in the beginning. I was somewhat skeptical of this when I began to hear about it sometime ago and I have attended all of the presentations that have been done and there was one done at the theater that I was very impressed with; it basically went into great detail about a town and I believe it was Iowa that was in I think worse shape than we are; much worse shape; and the kinds of revitalization that took place in that town was very impressive and I think that just observing what has happened to other towns with the kinds of things that you're discussing and we have an example of it very close, Rehoboth Beach has an incredibly successful Main Street Program; has won all kinds of national awards and if you look at some of the things that they did in Rehoboth during the last 6 years or so; it's really impressive. I think, as all of you here know, an awful lot of flak; the town itself has gotten from businesses and we have tried to be responsive to that; we've now streamlined the approval process and so on; but

we get a lot of grief; some of it, I'm going to be honest about it, we deserve some of it; because we have had kind of a slow, cumbersome process; but we have made a commitment to do something about it. This is an opportunity for the town and others to invest in something that will be a positive support for businesses in this town and I think, those of us on the Council that have to make the decision about where that \$20,000 is going to come from; are going to have to struggle with that; if the decision is made to make this investment; and that's not an easy nut to crack right now; given budget situations; however, if we don't invest as a town in something that is going to help Economic Development in this town and help us do a better job of being a destination; then it hurts our businesses; it hurts the town overall; we have a lower tax base because we don't have good Economic Development in town; it's something with a lot of ripples; and, I think if those of you who have real questions about it maybe want to talk to the Main Street people in Rehoboth; it's not a long trip and it may well be worth it because there is a very close example; or up to Dover. I don't know as much about that one; I know quite a bit about the Rehoboth one; I think it would be worth the trip to have that discussion and just see how it has worked there. I've been as frustrated as many people at the vacant buildings and so on; but if you have a program like this where business owners or landlords or whatever can get grants and can get consulting assistance to revitalize that's the kind of thing that we need and I'm very supportive of this because of the research I've done and the information I've gotten.

Lorraine Dionne: It doesn't happen overnight. It takes time to get all the building blocks together step by step and I always tell people, I didn't get this fat overnight and I can't lose weight in one day. Downtown did not get in bad shape overnight; so it's not going to happen in one year.

C Martin-Brown: I would like to make the point three points as sort of an umbrella. First of all, we have already benefited from the Main Street Program because the State of Delaware paid Lorraine Dionne's consulting fees to work with us for thirteen weeks and that is something, and her professionalism and their confidence in our potential has been demonstrated by that commitment. Secondly, we worked primarily the Task Team acted as ambassadors for the town that led to keys that opened doors with 3 or 4 windows that at least have lights in them and that once this small grant comes through; not to the town; but to the people that are going to make further elaborate investments in having those vacant store fronts across from the coffee shop have some vitality and displays in them and that's already been begun; so that the Main Street initiative in some interesting ways is already contributing to Milton and should give us a little bit of optimism in light of what the State is willing to invest. I do want to make an advertisement, my husband, who teaches at Wesley College during the week, will be happy, anybody who wants to work in a bookstore, and keep all the profits when they are in there for the books they sell, has an opened invitation. The good news is they are no longer on my side of the bed.

Mayor Post: I'll go ahead and I'll make a little statement on mine, too; and that's that I am opened every Saturday and Sunday; I've been opened during the week and I'm certainly well aware of the sales in this town; so my purpose is to stay in business; thank goodness I've been able to; so obviously I've done something right for the last 5 or 6 years; but it does take support.

Lorraine Dionne: The Main Street Program is going to do a lot more for this town than people pointing fingers and saying it's all your fault.

Mayor Post: You're exactly right. That's why the image is what it is.

Norma: My doctor said to me that she was here and left and then came back. She said to me the reason the doctors are coming here is it is too expensive to operate in Lewes; between the office and the real estate and so on. She said it's too expensive in Rehoboth Beach; Milton is a wonderful place to be because it's only about 20 minutes from the beach. Everything that Lewes and Rehoboth has, we have in Milton; and furthermore they like the Historic District; we know all the attributes that are out there; she mentioned a number of those; that's the reason they are coming here and they are good businesses; and as a matter of fact, Beacon Medical is driving that. When the economy turns around there's going to be a lot of other businesses that will look at us the same way and if they're able to have business that are here speak well of us; we can advertise that; it's a very, very positive thing and I should imagine that this program would be able to advertise that.

C Hudson: I think it's a very positive thing when businesses are planned to be, for example, in a town center or in commercial areas; but as Norma said, the land is cheaper here and they look the Historic District. Unfortunately, like with Dr. Howard's, they build right in a residential area where they tear down the trees; pave over the parking lot; a double lot that was shaded; grass now has a business in it. That's conditional use and I don't see that as conditional; I see that as light and permanent ruination of a neighborhood; if that sort of unplanned haphazard development takes place; it could be anywhere; next door to anyone in this town could be a business you don't want; you buy a house and you think this is residential; my neighbor is residential; this neighbor is residential; and all of a sudden the trees are down and the backyard is paved over; so there's a huge difference between haphazard development and controlled and planned development and I think that perhaps Main Street can help control that development and keep it so it's not just popping up here, there and everywhere and this time it's Dr. Howard's; next time it's an abortion clinic or a methadone clinic or a used car shop right next door to you and I know I'm being extreme; but it could just as easily happen and I would like to see there be some vision and some controls rather than just saying, because my wife owns this building that's where I want to put my business. I don't think it should be that way; it should be controlled and planned out with some vision. Thank you.

Mayor Post: I agree with that as far as the vision part; but then you have to go much deeper and that depends upon where the town wants to go; because if you look at Dr. Howard's property, he could have built a house that looked exactly like that. He got no variances; therefore, we would need design

control outside of the Historic District; because nothing is going to control what somebody that can build the ugliest house you've ever seen in your life; and believe me it happens every day; I've been in neighborhoods that are absolutely stunning and then you see one that sticks out like an eyesore; so it goes much deeper than conditional use or anything like that; but I don't want to debate that here tonight; but the bottom line is I want people to walk out of here again with some factual information that there was no variance to be given on that property; so anybody could have come in; built that exact structure; and walked away and that's the problem; so if you want appearance, that's a different story; because that comes under restrictive guidelines; where you get into architectural guidelines; whether it's a Historic District or sign controls out on 16; it is a problem in its own right and I do want to comment because I'm a true believer of Main Street Program; I'll be honest about it; I think it's a great program; I think there's a lot more variables that are dealing with the issues of the downtown; you can sit there and play the blame game and sometimes just a few people are their own worst enemies for the image of what you try to portray; because we've been written up in all the major magazines; we've been written up within the last 4 years in a lot of major magazines; we were on TV last week; which I didn't even see or 2 weeks ago; that somebody commented on about the charming Town of Milton and went on and on.

C Martin-Brown: I would like to make an intervention when you talk about the appearance in the press and the magazines over the last 3 or 4 years; I think it's very important that everyone here know that these were positive articles with pictures.

Mayor Post: Yes. Very good positive, beautiful.

C Martin-Brown: Because there are other types of press.

Mayor Post: Even Southern Living published us 3 years ago; so if we want to talk about image or whatever, there are some issues and going back to Denise, I would say probably another big issue that we do need to address and certainly aren't going to resolve it tonight; is the issue of the capacity of actual stores in the downtown. You know you can sit there and play the blame game on everything; but I'll tell you right now; I've sent numerous people to the property across from me; but because of the outrageous rent that it was for years; it's finally coming down; but when it was \$1,200 a month; that was a serious problem. But the thing is what we do need also at the same time is the study of adaptable use and the possible expansion of the town center because we are very restricted on the ability of the number of shops that we can do in the downtown; so we need to think about that at the same time. But I'm telling you one thing, I applaud the work that this Committee has done; I think you have done an excellent; I'll be honest, I didn't know you from before at all; but I did have one meeting with your group and yourself and I was very impressed with you; you've done your homework; you have the facts to back it up. Now we just have to determine down the road, is this the way we want to go and I fully agree that you have to bite the bullet and made some type of commitment; because if you don't have the commitment there; and that's why

they give 3 years; it will fail. So, you know, I'm very impressed; we have a lot to digest; but I think you've done a great job and I think we need to keep that in mind that whether we support it or we don't support it; the bottom line is that these are volunteers that have made a commitment to bring this forward.

C Martin-Brown: Mike, the presenter, the President of the Milton Chamber of Commerce, I did want to flag that there has been an expressed concern on the street at one time or another that the Main Street Program and the Chamber would not work together; this is the living embodiment of how important that working together is and is happening. Bob Howard, are you still here? Bob, will you stand up? Because Bob's on this task team. Bob Blaney would you stand up, because Bob Blaney is on this task team. Lorraine Dionne, we've all heard what a fabulous job she's done and Alex Donnen is in Florida this month or he would be here. But this is the group that made all this good stuff happen and I wanted to thank them. [Applause]

Mayor Post: Thank you.

14. Executive Session: Discuss Litigation, Personnel and Land/Easement Acquisition

C DUBY: I make a motion to go into Executive Session at 9:13 p.m.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and a second. All in favor say aye; opposed; motion carried.

Vice Mayor Betts: I make a motion to come out of Executive Session at 9:28 p.m.

C Hudson: Second.

Mayor Post: We have a motion and a second. All in favor say aye; opposed; motion carried.

C DUBY: I move that we vote to retain Seth Thompson of the Jaywork Law Firm in Dover as Town Solicitor.

C Hudson: Second.

Mayor Post: We have a motion and a second. Are there any questions to the motion? All in favor say aye; opposed; motion carried.

15. Adjournment

C Hudson: I make a motion we adjourn.

C DUBY: Second.

Mayor Post: All in favor say "aye". Opposed. Motion carried. Adjourning at 9:30 p.m.