

**Milton Town Council Meeting  
Milton Library 121 Union Street  
Monday, February 3, 2014, 6:30 p.m.**

**Transcriptionist: Helene Rodgvile  
[Minutes are not Verbatim]**

1. Call to Order – Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

Vice Mayor Booros	Present
Councilman West	Present
Councilwoman Patterson	Present
Councilman Coté	Present
Councilman Collier	Present
Mayor Jones	Present
Councilwoman Parker-Selby	Absent

5. Public Participation

- Lynn Ekelund, 406 Union Street: I have a couple of questions about agenda item 13.c, Reconsideration of the Ordinance to Amend Chapter 220 of the Town Code entitled Zoning, relating to amendments to the Zoning Code. I wasn't here at the January 16<sup>th</sup> meeting, but I understand a vote was taken and it was 4 to 2 against amending the ordinance, but because Planning and Zoning had voted to recommend that the ordinance not be changed, it had to be a super-majority and 4 to 2 was not enough to carry the vote, so the vote was denied. The ordinance stands. Am I correct?

Seth Thompson: You're close to being correct. It wasn't 4 to 2 against amending.

Lynn Ekelund: It was 4 to amend, 2 against amending.

Seth Thompson: Correct, so it didn't meet the super-majority requirement.

Lynn Ekelund: It didn't meet the super-majority...

Seth Thompson: Right.

Lynn Ekelund: I just sort of stumbled over that one. Then I see now that there's a motion to reconsider that vote and it's my understanding under Robert's Rules of Order that a motion to reconsider has to be made during the course of the meeting in which the original vote was taken, prior to that meeting being adjourned. And, again, I wasn't there, but it's my understanding that a motion was not made to reconsider the vote on

January 16<sup>th</sup>.

Seth Thompson: That Robert's Rules of Order applies to a body that would have a single meeting; here we obviously have consecutive meetings, so...

Lynn Ekelund: That isn't the way I read it. I read it that you have to make a motion to reconsider, before that meeting is adjourned or you've lost that opportunity and that motion has to be made by a member who voted with the prevailing side; which would be the two people who voted against the ordinance.

Seth Thompson: We agree on that.

Lynn Ekelund: Okay. So are we suspending Robert's Rules of Order for this particular 13.c?

Seth Thompson: No, again when we get to it there will be a motion for reconsideration; maybe that motion passes, maybe it doesn't. I think it's important too to understand that your Council's only guided by Robert's Rules of Order. In other words, it doesn't have to follow them to a T. To that extent, I don't think we need to get into an overly technical analysis of the individual Rule, but there will need to be a motion for reconsideration, there will need to be a second. That motion would need to pass by a simple majority.

Lynn Ekelund: A simple majority.

Seth Thompson: That is correct. Then the matter would be brought back forward and you're correct, that one of the two would need to make that motion for reconsideration. At that point, the issue would be back on the table and it would need to pass by that super-majority that it didn't receive previously.

Lynn Ekelund: Okay, thank you.

- Jeff Dailey: 211 Gristmill Drive: Referencing a Cape Gazette article of Friday, January 24<sup>th</sup>, focusing on Mrs. Rogers taking an expanded role in Milton. I know that newspaper articles are not always 100% and when people are quoted, they are often misquoted, but Mr. Thompson... It says, "Seth Thompson, Town Attorney, said Milton's Ordinance describing job responsibilities for Town Manager and Town Clerk are ambiguous and overlapping. He recommends the Town change it's Charter, because there is no reason to employ both a Town Manager and Town Clerk." At the meeting that I attended, basically the recommendation and the suggested change to the Charter would allow our Town to have either/or, or both, and I just want to verify that I heard that correctly and that we're not moving in any other direction.

Seth Thompson: I think your analysis is correct.

Jeff Dailey: Okay. Good, I thank you very much for that. And then, a lot has been happening with you folks on this Council. I don't think I've ever seen a month with more meetings, than last month. I've got to wipe my brow because I couldn't keep up with you all and my hat's off to you and again thank you to Mayor and those council members who attended the Mayor's Forum, which brought forth incredible suggestions and put a

spotlight on all kinds of issues. That was the January 18<sup>th</sup> forum. Madame Mayor, when are we going to look forward to another one? Every six months, is that right.

Mayor Jones: The next quarter.

Jeff Dailey: The next quarter. Great and I thank you in advance for that. But all these meetings... I hate to think that my little town here is moving so quickly and so many topics have been brought up regarding changing zoning ordinances and the charter and what I'm lacking as just an individual citizen, and I'm speaking for myself here, I'm kind of missing the vision thing. I see all this work being done and all of these being addressed and there's transparency, yes, because we're notified of all these meetings; but I don't know what all this effort is working toward. I don't see coming from Mayor and Council that ubiquitous vision thing and so I would hope that perhaps from your Bully Pulpit, when you have the Mayor's Corner, so to speak, you might address that. That's really all that I'm driving at. I know it's somewhat vague, but again, I would like to know where we are headed, as a Town; how are we counting our most important assets; how we're putting our best foot forward; etc., etc., etc. One quick item under 14.a, I'm seeing this request for commercial well to be installed at the Finish Line Car Wash and that makes perfect sense to me. Car wash's need lots of water and if they have their own well, it would probably be less expensive for them. However, we do realize revenue from water sales in this town and before we grant any kind of permission for one entity, whether it's private or public, to drill a well, I would hope that this Mayor and Council would come up with a policy that would perhaps cut a break for those wanting their own wells, but also safeguarding revenue coming into the town. Thank you very much.

- Ed Harris, 305 Behringer, 310 Behringer and a couple of others around town: I only have a couple of issues I'd like to address with you, they're probably not issues. Last meeting, the public forum meeting, I addressed the water tower security fence. I just wanted to follow up with that and also the whole issue with the water tower. I've lived up on the hill for 20 years and watched the various company's come and go that have maintained that water tower. Some of them appeared to me to be good. Others have been poor and I don't know who you currently have, as far as painting that water tower. The last time they did it, I guess they sandblasted and I had tons, I had three trash bags as a matter of fact, that the town ended up paying for, of paint chips in my yard, in my gutters and as a matter of fact, I discovered in my gutters, after the fact, they clogged my gutters and I had a big problem with that. But, to follow through with that, I think you really need to take a look or put out for bid for another company to possibly paint that or maintain that water tower. I'll give you an example. I've watched that water tower, the algae form on it. I don't know if they're not using algaecide in the paint or what they're not doing, but it just seems to me every year that water tower goes from that pale blue to algae covered; whereas Shipbuilder's or Milford or

Rehoboth if you take a look at the other towns, because I'm always checking them out, because I live across the street from a water tower. That water tower goes from good to worse within a year. So, when they do repaint it, I think we need to take a look at the company and whether they're doing a poor job. I don't know what they're doing wrong, but clearly it's got to be something worth looking at, because we get the algae on it that quick. Also, we have a golden opportunity now that it's going to get repainted eventually. It looks like the near future, from the way it looks. First of all the color. I think the color of the water tower over at Shipbuilder's is a lot better esthetically. It matches the color of the sky. It just looks better and also the lettering on the water tower, you know we're a historic town and we've got that simple block lettering. Why can't we use an Old English Lettering or something that's more appealing, as far as marketing the town. Whenever you see it on the news or in the newspaper, they're always showing the water tower. Let's pick something that's a little more historic in the future. Also, I guess I want to follow through to... I had written a letter... My attorney wrote a letter to the town, to the previous administration about the damages that I've incurred in the past and I wanted to give you all copies again, because I don't know whether or not the previous mayor had them filed and I've got a copy for all of you, as far as preventative damage in maintenance. That's the letter, one for each of you. I appreciate your filing that with the town. Now, as far as the security with the water tower, I don't know whether you're all aware... I know you're all aware, that hill up there is prime spot; not just in Milton, but in this area, for sledders. I love watching these kids play out here and their families. It's really, really nice and people in the audience who have kids they all take their families up there to sled. From the diagram that I saw on the internet, you're proposing basically eliminating the crest of that hill where those kids play. That fence goes from the existing water tower, down the hill to the utility buildings. Why? Why wouldn't you just fence the water tower and then just fence the utility buildings, so first of all, cost factor; it would cost a lot less money. Second of all, esthetically it's going to look better and third of all, you're not going to lose a sledding place for the kids. I mean, they love it. Also, I tried to explain to you that I saw the plans online. I don't know whether they're following through. I did talk to the guy who was doing the bid up there and they're putting chain link on the property boundary that faces my property. I took a picture and I also took videos, just in case something happens in the future, of the view that I stand to lose if you all fence it off. Now you have to ask yourself if you owned that property, if you would want to lose that view. Now, like I said, I don't mind a security fence. I went online again, very easy to look, there are tons of security fences that are esthetically pleasing and I understand you plan on putting more of a decorative fence across the front and there's a nice looking fence and it really isn't that much more money, so I hope in the future, before you do anything hurriedly, you

take a look at possibly getting rid of the fence that's going down the hill, to preserve the sledding hill for the town and putting a decorative fence around the exterior buildings. And one other thing, really quick, I want to mention to you and this goes back to what Jeff was saying as far as a goal or a vision for the town. What I'm hoping to see in this coming year, and the new administration I think is phenomenal. I think you're all doing a great job. I just think it's important to get the word out to the community that we're trying to have more civic pride and I keep on taking a look at the water bill that comes in. Maybe you want to coin this year as the Year of Beautifying Milton, or Year of the Garden, or Mayor's Note and Council's Note to all of our citizens, we're trying to beautify, so take your garbage cans in, pick up your garbage, get rid of your junk vehicles. It's going to better all of us and maybe you could take it from the angle of real estate values are increasing. We want to appreciate our property values and make the town beautiful for everybody. So, just some things you might want to consider. Thank you. Have a good evening.

- Virginia Weeks, 119 Clifton Street: I have a couple of issues, or things I'd like to ask you, but first I would like to ask you to assign to some town committee to look into the possibility of getting natural gas in the town. We're way past the time to do that. Secondly, I'd like to address the reconsideration of the rules on the amendments to the zoning ordinance. I think you all know that Planning and Zoning feels very strongly that this is a taking away from the town and the due process that the citizenry is entitled to and deserves. You are... If you look at page C-11 in the Charter, you will see that the Town is run on Robert's Rules of Order. You will also see that the Mayor, at it's discretion can suspend the rules. There is no motion on the agenda tonight to suspend the rules. I would like to read to you from Robert's Rules of Order about the rules and it says "It has a time limit. It must be made on the same day that the vote to be recommended was taken. In a Convention, it may be made on the next succeeding calendar day, but no later." Nowhere does it say that it doesn't apply to a forum such as the Council. It is expressly for the forum, such as the Council, to protect the citizenry so we all know whose rules we're playing by. Thank you. Another thing, what Ed was saying about the fence, if you're going to fence off that whole property, where are people going to park for concerts and for the Horseshoe Crab Festival and the other things that people do park there, when they come to enjoy the town? Thank you.

Mayor Jones: Mrs. Weeks, there's no intention to fence off that entire corner.

- Richard Miller, Gristmill Drive: I didn't have a chance to attend the open forum on the 18<sup>th</sup>, but just for the record, I had said to the Mayor, just my comments about a local issue, it's not a town issue, but it's more localized. It had to do with the town's future plans regarding dedication of roadways within the community of Cannery Village. Again, I realize

it's a local issue and doesn't have a lot of impact to other folks, but the town administratively had made a decision not to pave that area know as The Lanes. My concern is that that decision was administrative and it can be revisited at some time in the future when and if the town does take dedication of the roadways. The advantage to the town in including The Lanes, as part of maintained infrastructure, is that in the Delaware Code, Title XXX, I believe it's Section 15, does allow for the State to reimburse a municipality based on the mileage under their control. My point of emphasis is that the more roadway surface the town legitimately has, the more funding we can receive from the state. Now there are a couple of givens. I do know that that particular provision, administratively, was added to the LPD application. This goes back to the original Dyer application. It doesn't have any enforcement by law. It was an administrative decision not to take on those lanes as far as maintenance. But the law allows the town, administratively, to correct that oversight and the old film about Groundhog Day. I'm not going to beat this horse to death and come back every month, but I just wanted to at least alert the town that there is room for the town to collectively decide to maintain those lanes and not be a detriment either to our budget or to the other citizens of Milton. It just makes sense since we can do it and the funds are there to carry that out. Thanks.

Vice Mayor Booros: I did go through the Town Council agendas, back about five years, to see if there were any meetings where that was actually on the agenda and I did find a couple. I have not gone back to the minutes for those meetings to read what the Council's did on those particular meetings, whether they voted, what they did. I have no idea.

Richard Miller: November 2, 2006.

Vice Mayor Booros: I found the date, but I have not gone back to the minutes to actually...

Richard Miller: The reference was that we're not required to take that... I'll let you read the minutes, but it's documented that it was an administrative decision, isolated just to Cannery Village and again, Cannery Village still becomes a point of contention for discussion, only because it's the first time an LPD had been done. The administration's since, each one of them has made an attempt to correct the original error and I don't see any Council now or in the future that is going to get bogged down on an administrative decision. There's a lot of room to make that part of Cannery Village happen, but it's not immediate. It can be done in the future. I just want the Council to understand, you're not locked in by law.

Vice Mayor Booros: And I just wanted you to understand that I'm looking into it. I haven't forgotten it. I heard you loud and clear, the first time.

Richard Miller: I appreciate that and giving my reference to Groundhog Day I'm not going to bring this up for at least six months.

Vice Mayor Booros: That gives me plenty of time to read the minutes.



Richard Miller: Thank you.

- Ed Kost, 230 Sundance Lane: I'd like an update on the status of the Cannery Village streets punch list. Has the punch list been sent? Has there been any response?

Seth Thompson: I'll look to Mrs. Rogers. I looked it over and provided it to the Town to provide it to the developer.

Kristy Rogers: The punch list has been sent to the developer, but I have not received any comments.

Ed Kost: Thank you.

- Leah Betts: On Old Business, I know we're not supposed go out of the lines, but I'm interested in something on the Old Business, but once we close public participation, are you going to allow anyone to speak?

Mayor Jones: No.

Leah Betts: That's what I figured. I would like to know what or who come about this ordinance change? And also, I would like to know if there may be a vote tonight on it. It says above, possible vote, or are we just scheduling it tonight for a public hearing?

Seth Thompson: Ms. Betts, it's on tonight's agenda, just to be scheduled for a public hearing.

Leah Betts: That's what it means, but I hadn't seen that, so I came in for that tonight. So it's just going to schedule a public hearing.

Seth Thompson: That's correct.

Leah Betts: Okay, thank you.

Mayor Jones: That closes the public participation of this meeting.

6. Additions or Corrections to the Agenda

Mayor Jones: Any additions or corrections to the agenda? Hearing none, do I hear a motion to approve?

7. Agenda Approval

Councilman Collier: Motion to approve the agenda, as written.

Councilwoman Patterson: Second.

Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion carried.

8. Presentation and Approval of Minutes: November 18, December 2, December 9, December 30, 2013

Mayor Jones: You have four sets of minutes in front of you. Any changes or corrections? Hearing none, do I hear a motion to approve?

Councilman West: Madame Mayor, I make a motion to approve the minutes of November 18, December 2, December 9, and December 30, 2013.

Vice Mayor Booros: Second the motion.

Mayor Jones: Any further discussion? All in favor say aye. Opposed. Motion carried.

9. Mayor's Report

Mayor Jones: A few things to offer in tonight's report. We did have the public forum which was held in January was well attended. There were several helpful comments that were exchanged between Council and the public. I think it was received very well. I think Council was appreciative to hear what the public had to say and I think the public appreciates having somewhat of a relaxed atmosphere, where there is no vote. They're just able to exchange with Council. What I would like to bring up tonight should tie in with some of what Mr. Dailey brought up, awhile ago the Council used to use a second date in the month as a workshop; sit together, discuss items that are in front of us. I think I identified the need to reinstate that. There is a lot of work to be done and even though the public may not be able to see all of it, does not mean that it isn't being worked on. A number of things have to do with the infrastructure of policies, procedures; taking a look at some of the zoning problems that we have identified; you'll see that on the agenda this evening. So I would like to use that extra day a month to tackle some of the issues. I would like to say that I think our Public Works Department did an outstanding job during the two storms that we've had. The second storm, unfortunately, caught them at a deficit for manpower, but Mr. Davis kicked in on both occasions. I think they did a great job. That's all I have, other than to say that we're working with the State to reschedule the Comprehensive Plan. Which again, folks are asking about a vision and an idea. That is where those ideas of the community come forth, during the review of that Comprehensive Plan and how they want to see land used; how they want to see the river utilized and protected; that is the forum for that, so we were canceled because of the weather, but we will get that started again in February.

10. Discussion of Written Committee Reports

Vice Mayor Booros: Madame Mayor on this discussion of written committee reports, is this the place where recommendations from Planning and Zoning Committee would be presented to Council?

Mayor Jones: I would think it would be under Old Business, under the item discussed previously.

Vice Mayor Booros: Not necessarily at the end of the month when we meet and hear their recommendations?

Mayor Jones: I can't say.

Vice Mayor Booros: I don't know. I'm asking.

Mayor Jones: I can't say.

Seth Thompson: I had thought that potentially the department reports could be expanded to Commission and Committee Reports. That series could include the Commission Reports, but it's however Council wants to handle it. If it's on as Old Business, that's fine. Really you could do it both ways. The goal is obviously to put the public on notice as to what's going to be heard that day.

Mayor Jones: Now, I happen to agree Vice Mayor Booros it belongs in this location. Here we have Historic Preservation sitting in this Committee Report. I think that...

Vice Mayor Booros: That doesn't mean that it wouldn't be addressed; their recommendation wouldn't be addressed in something further down under New



Business or Old Business.

Virginia Weeks: We didn't have a meeting this month because of the snow.

Vice Mayor Booros: Quite honestly, I've never had one.

Virginia Weeks: You've had recommendations.

Vice Mayor Booros: I've had one since I've been on here that I bet has been read to me.

Virginia Weeks: If I may?

Mayor Jones: No, Mrs. Weeks. We will address this in the best place that it is located and cross-reference it to Old Business, which obviously we would have been working on if you gave us the recommendation and it came back to us. You also have your department reports. If there are no other comments on the Commission's reports.

Vice Mayor Booros: Madame Mayor?

11. Department Reports: Public Works, Planning & Code, Police

Mayor Jones: I was just looking at the Public Works. I wanted to ask a question and I'm not sure if I want to ask Councilman West or Mr. Savage of Pennoni. It's a question again, what's the status on the loop coming from Heritage Creek into the line on Chestnut Street?

Councilman West: Mr. Savage would be better to answer that question.

Mayor Jones: Okay, thank you.

Carlton Savage, Pennoni Associates, Milton, DE: The loop is still in the hands of the developer. I have not seen any comments addressed. I made it a point to send an email to Mr. Coven. I believe he was the one that was handling it. Ben Gordy from the developer, was the one I spoke to last, but I do not have an update.

Mayor Jones: Thank you. The Project Coordinator and Code Enforcer. Mr. Davis, where is The Orchards?

Robin Davis: It's a development that's in the empty lot at the entrance of Shipbuilder's development, on Mulberry; the opposite side of where the clubhouse is at.

Councilman Collier: Between the entrance to Shipbuilder's and Main Sail Drive? Is that...

Robin Davis: That is correct. Yes.

Councilman Collier: Thank you.

Mayor Jones: Do you have an update of the resolution of the lighting issue at 211 Broadkill Road?

Robin Davis: I know Mr. Trotta has actually spoken with Mr. Charles, I think is his name, at the restaurant. The last word that I have is that Delmarva Power is going to be replacing that light with more of an amber type lighting, instead of the shiny silver, as I call it. The light design is going to be the same, it's just going to hopefully tone down, so there's not as much glare. I know they have been in contact with Delmarva Power, but evidently with the weather, it's just probably putting a damper on their time of coming out and doing anything about it, or installing the new one.

Vice Mayor Booros: The condition that these things be fixed in order to get the occupancy permit and I seem to remember sitting in that meeting where it was

said, that all they have to do is pick up the phone and call Delmarva Power and they'll be out the next day. They're not out the next day and people still have the light shining in their window?

Robin Davis: Yes, I don't know if that was the exact word of being out the next day...

Vice Mayor Booros: It was pretty close.

Robin Davis: Yes, again, I know they were speaking on behalf of Delmarva Power and as we all know Delmarva Power and fixing our street lighting, doesn't get done the next day.

Vice Mayor Booros: Yes, but we did approve their occupancy of that building based on those comments.

Robin Davis: Working to get it fixed, yes. They have been out several times and again, now the light is going to be replaced. So the way it looks, the shielding of the light is never going to be enough to turn it town, to stop the glare, the way it looks from my perspective. So the resolution would be to either shield it or put the amber light in and that's what they're working on doing.

Mayor Jones: Any other questions from anyone? The Police report. Chief, do you have your copy of the Police report with you this evening, for December? The one that's in our package.

Chief Phillips: Yes.

Mayor Jones: Okay, a couple of comments. At the top line, the complaints for December, 135. It does not match the information on the report. The complaints equal 115. Even if you move Assist Other Agency in the second box down on page 2, it still only totals 129 complaints and that Assist Other Agency does belong with the complaints, please. On that second box of patrol data, door checks and man hours, that original report was requested with commercial door checks, as well and that has been removed, so if you would read that, please.

Chief Phillips: Yes, Ma'am.

Councilman Collier: Chief, I have several questions while we're in that box of patrol data, door checks and man hours. I see that we still don't reflect any vehicle patrol hours and we have down here, miles patrolled. Now does that reflect just miles in town, or is that picking up everything including miles to and from the site, the town? And the reason I ask is, if I used the figure of 53 miles which is approximately how many miles of road we have in town, and then I take... well we have seven active officers in which I would say a fair estimation is that five vehicles patrol full time, essentially. Working that out, that means that in this monthly period, that each one of those vehicles made 21 trips down every street in this town and now I'm not at home 24/7 and I live on a really small street, but I don't see 21 police vehicles traveling my road or anything else, nor do I expect to, but that seems like that's kind of an out there number-wise. Can you give me some basis for that?

Chief Phillips: I believe that number came from the numbers that we get from our fuel cars; that's where that numbers came from, because it would be hard for us to keep track of every time we go training, to keep track of the mileage; every time we go to take someone to Court or to jail, we have to keep track of the miles; or if we take a vehicle to get maintenance on it, we're still trying to get the

bugs out of this thing and figure out how to make it work, because it coincides with our evaluations that we've already set up and we're trying to get this to match up and it's still not meshing in as good as it... We're getting there slowly but surely, I believe.

Vice Mayor Booros: So an officer gets in a car in the morning. They don't record the mileage on the car when they start out and the mileage when they end, at the end of the day?

Chief Phillips: No, that's old school. Not too many people do that at all anymore.

Councilman Collier: Well it might be old school, Chief, but it's pretty effective.

Chief Phillips: Well that's fine. We can do that if that's what you wish. It's just the officer is going to take a lot of time filling out this form that you guys want me to fill out like Rehoboth does and it's going to take a good half hour to get all this information down.

Councilman Collier: I don't have any yardstick to compare what other departments do, because I don't know...

Chief Phillips: Well I do because I've had 30 years experience in police work and no one that I know of does that, unless they have the dispatch and then they give the number to them and they keep track of it. But we can definitely do that, if that's what you wish. We're going to have to put a line item for every time to training, every time they go get the car worked on, every time they go to court. We're just going to break it down a lot, if that's what we're going to do, I guess. I'm not sure exactly how far you want to go.

Councilman Collier: Well, primarily, I'm just looking at a box that says Vehicle Patrol Hours, so if a gentleman is on a 10-hour shift and he spends 7 hours of that under the wheel patrolling town, the mileage doesn't even enter into it at that point in time.

Chief Phillips: Well on the same token, that same officer can be tied up on a big case and be in the station for all day and only have 3 or 4 things.

Councilman Collier: I understand that, but that's still Vehicle Patrol Hours, is Vehicle Patrol Hours, whether he's in the station or he's out on patrol. I'd like to see the differentiation between the two.

Chief Phillips: I do understand the difference between the two, yes.

Councilman Collier: Is what I'm asking about. That's all.

Chief Phillips: Right.

Councilman Collier: I don't claim to know everything about police work and don't want to know everything, but it just appears to me that there should be some sort of simplistic way to at least begin compiling some sort of data, instead of month after month we get blanks.

Chief Phillips: Well you've got miles in there now, it came from the fuel cars when we filled them up, but we're going to have to break it down further, I guess.

Mayor Jones: Would you explain under the issues, just under this block, how these numbers are tied to an evaluation process?

Chief Phillips: Which numbers, yours, the one that...

Mayor Jones: No. The ones that are being asked for, the bike hours and vehicle hours; man hours.

Chief Phillips: Well that's the problem we're having. We have our own evaluation that we've got and it doesn't include that. That's what we're trying to implement now and we're just having a problem trying to get it all implemented at the same time.

Mayor Jones: Well that's what I'm asking you. I wouldn't know what any of these categories, how that related to your evaluation process.

Chief Phillips: I'm not sure that I follow you, Ma'am.

Mayor Jones: Well maybe it's me who doesn't follow you. These categories you say are tied... or you're trying to link them to your evaluation process.

Chief Phillips: Yes.

Mayor Jones: How do the number of door checks or foot patrol hours relate to an evaluation?

Chief Phillips: I don't have the paperwork explaining the whole process, but I could get you a copy of it. Basically, it keeps track of how many reports you've taken, how many supplements you've done, how many on duty arrests you've made and different things like that. It goes down that...

Mayor Jones: Well the whole sheet does, but not what Council's asking for.

Chief Phillips: Right. Right. I understand.

Mayor Jones: Because they're different and we are not asking for your personnel issues of arrests or...

Chief Phillips: Okay, that's the part where I'm getting confused in trying to figure this out, so maybe I can get with you soon and try to figure this out.

Mayor Jones: This data comes simply from information about an 8-hour or 12-hour day is broken down on a man or a woman's shift.

Chief Phillips: Certainly. We may even have to go to activity sheets, just to keep things so we can keep track of it better. If we have to do that, we'll do that and they can put the mileage down on their activity sheet when they turn it in.

Mayor Jones: Okay. Thank you.

Chief Phillips: Yes, Ma'am.

Mayor Jones: Anybody have any other questions?

12. Finance Report and Revenue/Expenditures Report

Councilman Coté: I think most of those comments are addressed in the worksheet prepared by the Town Clerk for the quarterly budget review, so if we just want to wait until then, we can just get it all in then.

Councilman Collier: I've got a question here and I don't remember exactly where I saw it and I didn't underline it, but somewhere in this report of expenditures and I believe it might have been under the Police Department, as a matter of fact, where I see where we used PayPal to pay dues? Is that what I saw? Or am I misunderstanding where that's written?

Chief Phillips: That would be correct.

Councilman Collier: I'm not sure I understand. Usually PayPal is tied to a credit card, is it not?

Chief Phillips: That's correct. The State of Delaware has set up a thing where the Chief's thing, for Chief's meetings that everybody pays through that.

Councilman Collier: Okay, so in other words, when you go to do your dues, they

only give you the link to pay through PayPal and nothing else? Is that correct?

Chief Phillips: No, you could mail it through if you wish, but we have been doing that in the past, basically just paying it that way to have it paid quicker.

Councilman Collier: Alright, I was just curious, because it just struck me as funny that we would be using that service.

Chief Phillips: It was something the Chief Council and other organizations did to make it easier on the towns to pay their bills, etc., etc.

Councilman Collier: Alright.

Vice Mayor Booros: Chief, can I ask about one expenditure? JD Signs for vehicles, 75-19, for lettering \$600. Isn't that the K-9 vehicle?

Chief Phillips: K-9 vehicle. Yes.

Vice Mayor Booros: Has it been lettered?

Chief Phillips: Yes.

Vice Mayor Booros: Because I saw it last week and it wasn't lettered.

Chief Phillips: It is this week. Yes, Sir.

Vice Mayor Booros: We paid this check out on December 4<sup>th</sup>. We signed the check on December 4<sup>th</sup> to pay the \$600 for lettering.

Chief Phillips: I believe the P.O. may have been issued, but the check has not, to my knowledge, because we just got the car back.

Vice Mayor Booros: So they haven't been paid? Okay.

Mayor Jones: Any other questions about this report?

13. Old Business – Discussion and possible vote on the following items:

- a. An ordinance revising Milton Municipal Code, Chapter 174, Sex Offenders (and to schedule public hearing)

Seth Thompson: In your packet you have an Ordinance revising the Town Code with regard to Chapter 174 on Sex Offenders. Tonight is just to schedule a public hearing. You should have in front of you, just the basic resolution to establish the time and place for the public hearing. We need at least 15 days newspaper notice and then a few days prior to that to get it to the paper. So, the Town Council can schedule it at their next meeting. If it's something that's going to receive a lot of public input, you might want to put it for a different night, however.

Mayor Jones: I have a question. We have a resolution in front of us indicating a public hearing. Was that the opinion from Planning and Zoning?

Seth Thompson: The public hearing has to happen at the Council level.

Mayor Jones: Right.

Seth Thompson: So Planning and Zoning, it was on their agenda for this past month and unfortunately their meeting was canceled due to weather. So we haven't received their opinion yet, but again, they have a meeting this month and we should have that report prior to a public hearing.

Vice Mayor Booros: Do we have a report back from the Attorney General's Office, at all?

Seth Thompson: I communicated with the assigning Deputy Attorney General. I haven't heard back from the specific Deputy that's assigned to

the Sex Offender Management Board, yet, but I did reach out. I've reached out to a few other solicitor's for municipalities in the State that have these ordinances.

Councilman Collier: Mr. Thompson, are the strike throughs on this document that we have in front of us, the only changes that are noted thus far?

Seth Thompson: There was a suggestion to update the definition with regard to day care facility, to make that clear; and I think Planning and Zoning plans on considering that at their meeting.

Councilman Collier: Alright, thank you. I was just concerned if there were any other thought to this other than that particular area.

Seth Thompson: And if it is something that Council would like Planning and Zoning to consider, certainly if we discuss it here tonight, that's helpful for Planning and Zoning, otherwise you're not going to get any input on a particular issue.

Mayor Jones: Mr. Thompson, if you would be so kind as many public opportunities as we can get to share why it is we are looking at this particular ordinance, at this time.

Seth Thompson: Certainly. This particular ordinance certainly the town wants to make sure it's protecting it's children and wants to avoid any recidivism of sex offenders. The concern is that given the current state of Milton, given the number of schools and parks and day care facilities, the Town Engineer has drawn a map that covers the entire town, the current 3,000 foot limitation. Our ordinance is also different from the State Code in that it applies to all sex offenders. The State Code, with the 500 foot limitation, doesn't apply to all sex offenders; it applies to specific ones and generally the more high-risk offenders. The other difference is that the State Code really only applies to schools, so you have parks and day care facilities. All of this is important in that we want to make sure that the Town Ordinance can withstand any sort of constitutional challenge and the difficulty is that there are cases, there's at least one Federal case, fairly recently, that said a town ordinance cannot just completely exclude a class of people from that municipality, because that would lead to a domino affect, where the next municipality would do the same and then the next municipality would do the same. So that's the concern.

Unfortunately, Delaware doesn't have a lot of reported decisions on this matter, but again the purpose is to address a concern and hopefully limit the possibility of the ordinance being found invalid; because at that point, the Town won't have any protection whatsoever, other than the State Criminal Code, which again is 500 feet; applies to a sub-set of registered sex offenders and doesn't apply to parks or day care facilities. So that's the concern. It's not that we're loosening things, so much as making sure that we're complying with the law and that this will be enforced, so that the town's children can be protected. And certainly people are welcome. The reason we're having a public hearing, obviously, is to receive people's input, because that is helpful. Hopefully, that clarifies why this



is being reviewed.

Mayor Jones: You're looking for a date for the public hearing?

Seth Thompson: Correct and again it could be your next Council Meeting. There's the logistical concerns of having a lot of comments at that meeting and having your regular meeting go very long.

Mayor Jones: Can we make it this month?

Seth Thompson: It would need to be at least three weeks, I would say, given the newspaper. If Council made a decision tonight on a date, again, we need 15 days and I'm looking at Robin as far as which day to get it into the paper for that week.

Robin Davis: You would be able to get it in Friday's Cape Gazette.

Seth Thompson: If they're provided the information tomorrow?

Robin Davis: Tomorrow. I think it's Wednesday is actually the cut-off date for submissions for Friday's paper.

Mayor Jones: I was looking at the 27<sup>th</sup>.

Unidentified Speaker: Why out of all the ordinances in town, that this one has just come up.

Seth Thompson: I've been contacted by two attorney's that have clients that are potentially going to be cited. The way the ordinance works is somebody receives a letter that says they have 60 days to comply. So two different potential violators have contacted me, through their attorney's, and said that they intend to challenge the ordinance.

Unidentified Speaker: And what about if citizen's want to file suit, against the Town for changing it?

Seth Thompson: I haven't heard from them, but that's what the public hearing is for.

Mayor Jones: This is not when we're going to take a lot of public comment, but it will be well advertised and we will be glad to hear anybody's opinion. Many on Council have received emails. It's true, but I've also found in trying to explain it as being a question of constitutionality, that explanation falls on deaf ears.

Seth Thompson: Here's the real world concern, is that if the Town forges forward and cites anybody and that person is successful in defending the action, on the basis that the ordinance is not valid, presumably your entire ordinance goes out of the window and as you can see, obviously, our current ordinance has a grandfathering that went back into the early 2000's when it was initially enacted. If the ordinance is thrown out, then the argument is you only have the 500 feet from schools that the State Code provides for. So anybody can move in, anywhere, other than the offenders that are within that State limitation and then you're going to have to go through the grandfathering process again. So, that's why it's probably better to be more proactive on this approach.

Unidentified Speaker: Have we had any cases against the Town since 2006?

Seth Thompson: Not to my knowledge, no and unfortunately...

Unidentified Speaker: [unintelligible]

Mayor Jones: Yes on the 27<sup>th</sup> for a hearing?

Robin Davis: Yes, the 27<sup>th</sup> if you put it in Friday's paper, which is the 7<sup>th</sup>, would give you 20 days, which is over and above the 15 days required.

Mayor Jones: Okay.

Vice Mayor Booros: Is that going to be 6:00?

Mayor Jones: Let's make that 6:00.

Seth Thompson: And at the Library?

Mayor Jones: As long as we can get that...

Councilman Collier: Do you need a motion for that?

Mayor Jones: You don't need a motion...

Seth Thompson: You do.

Mayor Jones: Oh you do want a motion for that. Alright.

Seth Thompson: And it would be a motion to approve the resolution, as amended, with the time being 6:00, the date being February 27<sup>th</sup> and the location being the Library.

Vice Mayor Booros: January 27<sup>th</sup> or February 27<sup>th</sup>?

Mayor Jones: February 27<sup>th</sup>.

Councilman Collier: It would have to be February.

Vice Mayor Booros: I'm missing a month. My mistake.

Seth Thompson: At the Library, provided it's available and if it isn't available, then at a different noticed location.

Councilman West: Clarification. That's February or January?

Vice Mayor Booros: January's over.

Councilman West: Alright, February 27<sup>th</sup>.

Vice Mayor Booros: We both missed the same month.

Mayor Jones: February 27<sup>th</sup>.

Unidentified Speaker: Who wants to relive January?

Vice Mayor Booros: Not me.

Councilman West: I do.

Seth Thompson: Do you own plow businesses? Is that why?

Vice Mayor Booros: We've had 30 meetings this month. How could you forget January?

Councilman West: Madame Mayor, the 27<sup>th</sup> is a Friday.

Mayor Jones: Thursday in February of 2014.

Councilman West: You're in 2015, John.

Councilman Collier: I'd like to go ahead and put a motion on the table to take this to public hearing on Thursday, February 27, 2014 at 6:00 p.m. in the Library and this is in regards to an ordinance to amend Chapter 174 of the Town Code relating to the residency restrictions of sex offenders.

Councilman West: I'll second that motion.

Mayor Jones: Any further discussion? Should that read possible amendment?

Seth Thompson: Again, this is the public hearing, so you're going to consider it. Obviously you're going to receive the public input and if Council doesn't approve it, the ordinance doesn't pass, so you're correct,

it's a potential amendment.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed.  
Motion carried.

- b. Request to Appeal Planning and Zoning Commission's final site plan review and approval of Petroleum Equipment, Inc.'s application to construct an underground propane tank field on a portion of the open space in Cannery Village. The proposed propane tank field will be located in the area of the Community Center. The property is further identified by Sussex County Tax Map and Parcel # 2-35-20.00-57.00

Councilwoman Patterson: I must recuse myself from this portion of the meeting, so I'm leaving the dais and I will return when it's over.

Seth Thompson: And for the Council's benefit, this matter was presented at the December 30, 2013 meeting, so at this point, having received all that evidence, it would be time to... it was tabled at that point. It's time to make a determination on that issue.

Councilman Coté: I will also recuse myself from the vote.

Seth Thompson: I take it you're going to recuse yourself from the discussion as well, then?

Councilman Coté: In speaking with the... I'm not sure how this actually works out. In speaking with the Public Integrity Office, I'm allowed to provide information; not participate in the discussion, but provide information, so if I feel I have any information to provide, I would like to do that.

Seth Thompson: I think, procedurally, the problem is at this point, the record on this matter is closed, so really it's just time for a discussion and vote. For instance, we couldn't receive information from anybody else. If Dr. Patterson were here, he couldn't say oh and by the way, I have this issue as well.

Councilman Coté: Alright, I'm going to sit out front.

Seth Thompson: Okay.

Mayor Jones: Council, have you read the Memorandum prepared by Mr. Thompson dated February the 3<sup>rd</sup>?

Vice Mayor Booros: Yes and I asked my questions and the one question that I had a problem with was that he hadn't complied with the pending issue at the road that leads back to the thing and I didn't understand why the whole issue doesn't start all over. If he didn't comply, he didn't comply. But apparently it doesn't start all over. He can go ahead and move the tank farm and he just can't hook it up and start using it, until he fixed the pending issue.

Seth Thompson: That's correct. When somebody receives site plan approval, they won't receive their Certificate of Compliance until they've done everything according to that approval, so if they...

Vice Mayor Booros: We'll give them a building permit to start moving it, even though he hasn't complied with the pending issue?

Seth Thompson: Well he needs to get the building permit to start

constructing it, then a Certificate of Compliance, says yes indeed, you've built this in accordance with the specs that you provided.

Vice Mayor Booros: So we're going to allow him to start, without fixing the ponding issue.

Seth Thompson: And again, he won't be able to use the facilities...

Vice Mayor Booros: I understand that. So everybody in there, their propane tanks have been moved to a different place and we're not going to let him crank them up until he fixes the ponding issue. He doesn't fix the ponding issue, they don't have propane.

Seth Thompson: That's correct but he wouldn't be able to use the new facility, until he's complied with the approval. I'm looking at Mr. Davis. Does they need a building permit in correcting the ponding issue anyway?

Robin Davis: Yes, they have a building permit for the site, but the temporary site would still be active, until they get a compliance for the old one and then the requirement of they have to tear down the old one, or the temporary goes into effect; and we have a bond for that.

Vice Mayor Booros: Okay. Wait, we have a bond for the old one?

Seth Thompson: Removing the old one.

Robin Davis: Removing the old one, yes.

Vice Mayor Booros: We have a bond for that?

Robin Davis: That was one of the requirements, to get a building permit and that's been satisfied. Yes.

Councilman Collier: That's for removal of the old one, though, correct?

Robin Davis: Correct, for removal of the old one. That is correct.

Mayor Jones: I have to agree with Vice Mayor Booros. In allowing it to go forward really, withholding the Certificate of Occupancy only keeps the product, the utility, from the resident's.

Vice Mayor Booros: No, the old utility would still be connected.

Mayor Jones: Right. I understand that. I'm talking about this new and improved and we already know that with authorization it will take until spring to do that now. Has the town absolutely no leverage to have the compliance and have the developer reminded of his need to comply with his promise? It's well past the date.

Robin Davis: I've spoken with Mr. Dyer last week about the status. Basically, he was incorporating the ponding issue along with the punch list items, in which I think the ponding is on the punch list, if I'm not mistaken. I've not seen the punch list, so the punch list has been given to A.P. Kroll, the contractor that's supposed to be doing the work out there, but no work has been started. But they are aware and Mr. Dyer was planning on, I guess, incorporating it with the punch list items. He was out of the area this week and could not attend the meeting.

Vice Mayor Booros: But as far as the appeal is concerned, it is my understanding after reading Mr. Thompson's letter to us, that the initial part of the appeal was untimely, because it wasn't filed within so many days of the actual approval.

Seth Thompson: Right, there's the preliminary approval and then the final approval...

Vice Mayor Booros: Then he put the money into whatever he was going to do, after we gave him the preliminary approval and the appeal was not filed on time.

Seth Thompson: Correct, so if someone were to have an issue with a site plan, it really is beneficial to appeal the preliminary site plan approval, because that's...

Vice Mayor Booros: Well, I'm talking about the vote that was taken.

Seth Thompson: Oh right.

Vice Mayor Booros: That was at that first meeting, or the second, but it wasn't...

Seth Thompson: It was either the first or the second meeting.

Vice Mayor Booros: It wasn't timely. No matter how you look at it, it wasn't timely.

Seth Thompson: That's correct.

Vice Mayor Booros: So if it was based on the vote, couldn't do that.

Seth Thompson: I think it's also important to understand that the time requirement is actually tied to the approval, that if Chestnut Properties hadn't been given final site plan approval, technically that December deadline for fixing the ponding issue, wouldn't actually exist. They would just need to fix it under the punch list.

Vice Mayor Booros: So as far as the vote is concerned, it was untimely. As far as the fact that it is on common ground, common ground or public space, or however you're going to look at it was not in the zoning ordinance back at the time when the development was created. It came along after the fact.

Seth Thompson: Right and in terms of our zoning ordinance, we allow public utilities.

Vice Mayor Booros: And we allow public utilities on common ground, so do we have any other choice on the vote of this?

Seth Thompson: You have my opinion on it.

Vice Mayor Booros: I hear you.

Mayor Jones: So I want to understand. You're looking for a motion to either approve or deny Planning and Zoning's approval of the tank farm, final site plan?

Seth Thompson: Correct and just for ease of verbiage, it might be to either ratify Planning and Zoning's approval or to overturn Planning and Zoning's approval.

Vice Mayor Booros: Just curiosity, would overturning Planning and Zoning's approval require a super-majority?

Seth Thompson: No.

Mayor Jones: Do I hear a Council motion for either?

Seth Thompson: This is a vote where I need you to explain why you vote, however you vote.

Vice Mayor Booros: Then I'll make the motion to uphold Planning and

Zoning's decision.

Councilman Collier: I'll second, for discussion.

Mayor Jones: Go ahead.

Councilman Collier: Alright, well I just want to understand. Essentially, we've argued this thing in a public hearing and I argued long and loud to the contrary and for every point that I brought forward, it's been adequately shown to me that I didn't have an argument and I have to state, for the record, that as near as I could see and as near as I could determine that the Planning and Zoning Commission was procedurally correct in their approval of this, in the final form. Is that essentially where we're at, at this point? I went a step further and looked into defining public utilities vs. private utilities, because I wasn't clear on just what utility that was, because it's not regulated by the Public Service Commission. It services one specific area, \_\_\_\_\_ on others, but when you dig through the Delaware Code, you get to the bottom of it. It's a public utility. Plain and simple. So, that's all the discussion I have. I'm ready to vote.

Vice Mayor Booros: The only discussion I have is I think it's a terrible place to put it, but I do understand what Mr. Thompson has said about it being a public utility and we don't have a choice about where they choose to put it and I do believe that the initial vote stunk. At the initial meeting I sat in the audience and I couldn't believe the vote was going the way the vote went. It was horrible, but the appeal was untimely, if you're talking about the way the first vote went. So there's not a lot that you could do about that.

Mayor Jones: Any further discussion? So you want a roll call vote, as to whether or not we vote to...

Seth Thompson: The motion is to uphold, so it would be if you're yea or nay.

Mayor Jones: Vice Mayor Booros, would you start?

Vice Mayor Booros

Yea to uphold it and the reason is that untimely as far as the way the original vote went, it's a public utility. They can put it anywhere they want to on common ground and there's not an awful lot we can do, but withhold the Occupancy Permit if they don't stop the ponding issue.

Councilman West

I vote yes for the same reasons as Vice Mayor Booros said, but with one reservation. My concern is still a safety issue.



Seth Thompson: I think that's a fair point, Councilman. I think the way it should probably be addressed, is if a council member wants to look at how we define where public utilities can go, it would be to amend the zoning ordinance on that issue. The difficulty is that obviously you have to play by the rules that are in place, currently.

Councilman Collier

I also vote to uphold Planning and Zoning's decision based on the fact that procedurally they did everything correct within the ordinances as they are written.

Mayor Jones

I regret the limited scope of authority that Council has at this point in reviewing this appeal, but I also, based on the information provided, uphold the Planning and Zoning decision.

Mayor Jones: So the motion is carried.

- c. Reconsideration of the ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning", relating to amendments to the zoning code
- Mayor Jones: Councilwoman Parker-Selby and myself were the votes against that at the time. I regret my decision, my vote that evening. I am actually the person who requested the reconsideration. Had I thought a little more quickly on my feet that night and listened to the Chair of Planning and Zoning, that evening, during conversation with Council, my angle that evening was to be very careful in placing too much authority on one body, meaning Council alone; that it can indeed be a dangerous situation. However, the evening that we reviewed on January the 16<sup>th</sup>, we had four amendments to Chapter 220 zoning ordinance in front of us. They had been referred to Planning and Zoning. We took a vote on only one. Three were tabled. One needed a penalty. One needed a fee insert and one was the wrong ordinance paperwork for the evening. More importantly, in discussion about the ordinances that were tabled, the conversations between Council and the Planning and Zoning Chairman was our need, by ordinance, to send these onto Planning and Zoning. It says, the Town Code says we shall, not we may. Mr. Mazzeo, himself, indicated that perhaps the Council was incorrect in sending two of these onto Planning and Zoning. It is, indeed, the Code. We don't have any choice. But it was an arguable proposition and he was right. And I made the mistake, however, having said that, what I am not willing to do tonight is suspend Robert's Rules of Order to take another vote. When

that was passed a long time ago into Milton's Rules, I did not agree with it. I do not agree with it now, except in some particularly emergency situation. I don't like to break a procedure in order to take another vote, so I'm going to put this aside.

14. New Business – Discussion and possible vote on the following items:

- a. Request for commercial well to be installed at the Finish Line Car Wash – 204 Broadkill Road

Mayor Jones: I have a comment to make on this. First of all, it was addressed to the Water Committee. Are either Mr. or Mrs. Parker here? Would you be willing to come to the microphone Mr. Parker?

Jim Parker, owner of Finish Line Car Wash at 204 Broadkill: Good evening.

Mayor Jones: This was addressed to the Water Committee. Was there any particular reason? Did you receive that information from Town Hall?

Kristy Rogers: He was advised to send that to the Water Committee, but after I discussed it with Mr. Wingo and Mr. Russum, no other recommendations had gone to the Water Committee first. It did go directly to Council, so that's why you have it in your packet.

Mayor Jones: Okay. Thank you. We had a... for me and then other Council please feel free for any discussion, but we had a request recently from another business for a well. I was sorry that at the time I did not get an opinion of someone who was better acquainted with the water business and the water systems and the wells in our Town and I feel that way about your request. I would feel more comfortable having this request reviewed by our own Public Works and our Water Department and I regret the delay, because I see this was dated at the end of December to get on February's agenda. But that is my take on this. I'm not equipped to make these kinds of decisions or know what these wells do to our water situation and I'll leave any other discussion up to our Council.

Councilman West: Madame Mayor, I would like to have this tabled and sent to the Water Committee with our two town water people and we come back with some kind of ruling for March.

Seth Thompson: So the Water Committee would make a recommendation?

Councilman West: Yes, along with Dustan, because as you may not know, we are the owner's of the water under this Town that you will drill into and along with the engineer, we will have to discuss this and make our recommendations back.

Vice Mayor Booros: Which aquifer were you intending to drill the well, do you know?

Jim Parker: I don't know that. I have talked with my well driller, who is Mark Mills and he had insinuated to me that we probably would need to be 125 to 150 feet. I don't what that aquifer is, without contacting him.

Mayor Jones: Well Mr. Parker I would imagine that if Council chooses to

refer this to the Water Committee, all necessary notifications to you will be made, as to that date and time and perhaps that information will be helpful for you to bring to that meeting; if that's the way this vote goes. Is there any further discussion by Council on this item?

Seth Thompson: Mr. Parker do you have an opening? I take it your business is seasonal, do you have kind of an opening day?

Jim Parker: No.

Councilman West: No, he's open all the time.

Seth Thompson: You're opened all the time. Really?

Jim Parker: It's open 24 hours a day, 7 days a week, yes.

Seth Thompson: What are you doing now for water?

Jim Parker: We're on the town's water and the reason I'm concerned with this, which I had addressed it in the letter, was there were four major reasons. Obviously my main concern was the fact of a water shortage. I don't think I need to go through that.

Vice Mayor Booros: The town's water shortage?

Jim Parker: To be honest, without water I'm out of business. It's not hard to understand why.

Vice Mayor Booros: And my kids will die... trust me, you won't be without water.

Jim Parker: I will too.

Mayor Jones: It says here you've been opened since 2004. Have you been processing the town's water through that conditioning system since 2004?

Jim Parker: Yes, Ma'am.

Mayor Jones: Is there any further discussion? Hearing none, do I hear a motion?

Councilman West: I make the motion that we refer this to the Water Committee, our engineer and to Dustan Russum, for their review and make a recommendation in March.

Vice Mayor Booros: I'll second the motion.

Mayor Jones: Any other discussion? All in favor say aye. Opposed. Motion is carried. Thank you.

- b. Review of Town Code Chapter 188 and Chapter 220 pertaining to subdivisions

Mayor Jones: You have in front of you a Task Order Proposal. Last month, I talked in general about our need to review particularly Chapters 188 and 220 pertaining to the subdivisions and Mr. Thompson has indicated on a number of occasions that this is certainly an ordinance that needs to be looked at. Mrs. Rogers contacted our engineer, Pennoni Associates, requested not only for a cost estimate to look specifically at this category, but the services they would provide and a cost factor, so what I think is important with this is that we are prepared to offer to the reviewing engineer, just exactly what we see as an issue and I think that information needs to come from a number of sources, including our

Planning and Zoning group, our Project Coordinator and Council. Mr. Savage are you prepared to speak to this document? Would you come to the microphone? This is broken down in a review, recommendation, improvements, alterations. It also contains, for budgeting purposes, and I thank you for separating it, the implementation of the recommendations. That includes revisions to the Codes, there's a lot of work that comes with that. Could we consider this contract one, without the other?

Carlton Savage, Pennoni Associates: Yes, if you want to do the initial Code review; basically that would familiarize Pennoni Associates with what the Code is detailing. Our goal was to try to understand what the needs of the Council were and then we can make a path forward as to the second. So the second is just an estimate, a general cost, if you may.

Mayor Jones: I understand. I just wanted to check with Mrs. Rogers, actually, to see if the implementation of the recommendations is something that our present staff can handle and so I just wanted to make sure that it would not negate the information and we could always come back and opt for number two.

Carlton Savage: So a detail as to a road section that you may like to change, maybe widen the road, do whatever the Council would like, if you need that assistance we could provide the detail. I'm sure Seth would be capable of working out some of the Code changes, as long as your personnel...

Mayor Jones: That's the only question I have. Mr. Thompson do you have any questions?

Seth Thompson: I don't think so. It is important to know that this is focused on the LPD. I was just curious if some of this might actually also involve some recommendations with regard to the more general subdivision, particularly as it relates to when we require certain improvements to be done; it's a common topic.

Carlton Savage: We are your engineer. If you want to go past that scope, we are more than willing to do that service for you, as well.

Councilman Collier: It's kind of my understanding that you can't really work on one, without working on the other, because they do dovetail quite a bit in places and the way this is written, although it says Large Parcel Development Code Review, Section 188 is actually the subdivision ordinance and 220 is the Zoning Code and we're actually looking at 220, I don't remember the exact section, but it's only one subsection of 220 that actually refers to the LPD.

Seth Thompson: Section 20 of Chapter 220.

Carlton Savage: I think you have to review the entire...

Councilman Collier: Exactly.

Carlton Savage: That's what I've assumed is I'm going to have to read the entire Code.

Councilman Collier: One plays off of the other and there are provisions within the sub-division ordinance that directly impact how things get done in the LPD.

Carlton Savage: Sure.

Mayor Jones: And actually even though Council is going to be on board with reviewing a number of the issues the Town really does need to consider and look at, this one comes to the surface rather quickly, as it applies to our Comprehensive Plan coming up, all the review. Frankly, the trouble we've had in Cannery Village is one of our first sub-divisions that in many aspects has created a lot of trouble for both Council's previous, present and for the resident's in Cannery Village, so I think this is an excellent section to be looked at of the Code.

Councilman Coté: I don't recall when we did the budget how this category of spending was defined. Would this be in addition? At this point, I'm not sure if this is not an addition to the budget in one or both of these quotes.

Councilman Collier: Mrs. Rogers, can you speak to that?

Kristy Rogers: This amount was not included in the administrative engineering services, so I believe it would be in addition to what's already budgeted at this time.

Mayor Jones: Were there specifics tightly noted in administrative engineering costs? Okay. Do you have any thoughts?

Councilman Collier: Do I have any thoughts? If you're looking for a motion, I'll make it.

Mayor Jones: No. No. If the question is, can we have this done some other way in house, I think the manpower answer is I don't know how.

Councilman Collier: I don't think we have the expertise in house to deal with this. In all honesty, I wouldn't want to tackle it. I have Charters and Ordinances and I wouldn't want to tackle this, with the group that I have, because while I have a great group of folks that work with me, there's a lot of areas in here that we just don't have the expertise or the knowledge. It's not within our background. But that being said, I'd like to go ahead and move that we enter into this. It needs to be done and we can't wait any longer. We've got more sub-divisions and stuff loaming on our horizon and I think we need to get going or we'll have more the same way. So I'd like to move that we go ahead and proceed with this and we'll find the money.

Vice Mayor Booros: I'll second the motion.

Mayor Jones: My discussion is are you going for option 1 and 2, or at the time, the review?

Councilman Collier: It starts with the review and based on the review, that tells you where you start with the next phase of that. They're just recommending this for budgeting purposes, so that we're prepared. It may not cost us half of that, or they may come back and say it's double, but they're giving us a number to start with, is the way I perceived the way this is written.

Seth Thompson: You're correct councilman, that it's an estimate.

Councilman Collier: Exactly, this is just to give us a number to start with.

Councilwoman Patterson: So we'll start with the initial code and then

come back and revisit implementation and recommendations?

Councilman Collier: Yes, they may find upon review of our specifications, that our specifications are well within order and it's just a matter of where we apply those specifications, because I think the LPD gives a lot of relax to that and most of the specifications that the Town currently has in place are actually modeled on the same ones that the State Department of Transportation uses and if they've changed theirs, it's just as easy for us to adopt them, which really requires no CAD work or any of the other things that he's mentioned. It's just a matter of saying okay, we're going to follow this one and it's already built. The drawing is there and all of the numbers and components are already in place and we just have to agree to emulate that.

Seth Thompson: And Carlton, I take it that you'll come back with a series of recommendations, Council will consider them and obviously the implementation is going to be dependent on whether they actually enact the recommendations.

Carlton Savage: Correct. From what I've seen, just working around the LPD's over the last few months, there are certain things I have in my head already that maybe we need to sharpen our pencil on and nail down. At the end of the first phase, maybe a public workshop or something may be the thing to do, to say how can we, as a Town, improve on what we already have? The specifics, maybe we sharpen the pencil and put more specific items so that you can't just review a plan and whatever they present to you gets approved. So those are the types of items that we'll be discussing, at that point.

Mayor Jones: Okay, we have a motion and a second on the table. Is there any other discussion? All those in favor say aye. Opposed. Motion carried. Thank you Mr. Savage. Thank you, in advance, for your help.

c. Police retention

Mayor Jones: You have in front of you a schedule that's been prepared. Yes, Councilman Collier from the Personnel Committee.

Councilman Collier: Okay, you all have in front of you a document and essentially what this is, is it's a document that would define a recommendation for salaries for the Police Department. This includes increases at the lower ends for retention, essentially, as an... I won't say across the board, it shows some sort of an increase for every level of non-contractual Police Department staff. I designed this thing on the idea of more or less like a sliding pay scale and it shows in the chart that you have a mid-point and a range from 10% below mid-point to 10% above mid-point, with that being built in there for idea that as we replace officers, and need to replace officers, it gives some latitude for placing a certified officer somewhere within that pay grade, or if you have an incoming officer who is a little more well qualified than the average guy, it gives the Town the ability to offer a little greater starting range, then currently exists. It shows where basically you can consider that everyone



falls within this chart. They're either going to be, currently as it's proposed, they'll either be at the entry level of it. A couple of the pay levels are a little bit above entry level and with at least one of them falling at mid-point, at this time. It's based on the Police Department's structure recommendation that we had in our January package. I made a projected cost for implementation and Mrs. Rogers provided me with data that served me, that I was close, but I wasn't exactly right. I was a little low on my estimate and the only other thing that I can do is that this is based on our police force remaining at eight officers for the rest of this fiscal year and if we implement this thing with that in mind, there would be no significant budget adjustment required for the remainder of fiscal year 2014. That's what I have and I'm willing to answer any questions, if I'm able to.

Vice Mayor Booros: This is as recommended by the Personnel Committee, right?

Councilman Collier: This is the same one that was reviewed by the Personnel Committee. Yes.

Vice Mayor Booros: For the purpose of entering into discussion, I make a motion that we approve this effective annual increase proposed rates, as presented by the Personnel Committee.

Councilwoman Patterson: Second.

Mayor Jones: Any further discussion?

Councilman Coté: Well, there's an "if" in here. It says "if" the force is capped at eight officers, including the Chief. No significant budget adjustment will be required.

Councilman Collier: For the remainder of this fiscal year.

Vice Mayor Booros: If one officer leaves this fiscal year, we'll be better off than we were if the one didn't leave.

Councilman Coté: Financially.

Vice Mayor Booros: You can never project. You can never project, okay? There may be two officers leaving. We have one coming out of the academy. You don't know what's going to happen, so you can "if" it to death or we can move on. Move on.

Councilman Coté: Well it would be nice to say yes, it will be.

Vice Mayor Booros: Capping the officers at eight isn't what's on the agenda tonight. That's my problem. This is an increase for retention.

Councilman Coté: My problem is how are we paying for it?

Vice Mayor Booros: This year it should be covered.

Mayor Jones: Councilman Coté let me ask you, do you believe that the motion should contain the approval capping the force at eight for fiscal year 2014?

Councilman Coté: So far, nobody wants to say that, because the only way you pay for it, are making it at eight, or that other nasty choice, which is a small tax increase. I don't know that I get to make that decision. I know it probably needs to be one or the other and I know that nobody wants to decide that. I would like to have some sense of where the money's

coming from. Now we do have a couple of revenue lines that look like they will go over for the year and we have budgeted the 3% for everybody in the department, but didn't we exceed the 3% on one, already? I think we ought to do one or the other.

Vice Mayor Booros: I think we also did not give 3% to some of the other employees out of that pot of money, that were not in the Police Department; if you're looking for where money comes from this year. Not everybody got that 3%.

Councilman Coté: Okay.

Vice Mayor Booros: Okay. I can only speak to this year, not next year. There's a whole thing and the Personnel Committee has over and over again about you give them a raise this year to keep them, how are you going to pay for it next year? Well, we'll go through that miserable budget process again this year and we'll come up with the money to cover it next year.

Councilman Coté: It's the same question next year. Is it eight or is it taxes? We beat the budget to death...

Vice Mayor Booros: Eight is not what's on the agenda tonight Councilman Coté and I'm not willing to amend my motion to cap the Police Department tonight.

Councilman Coté: I understand that. Okay.

Councilwoman Patterson: There's a concern with police retention.

Vice Mayor Booros: This is all about police retention and those guys haven't had the raise, even though it's retroactive. They deserve the raise and they need to get the raise.

Mayor Jones: Let us remember that this recommendation of retention came from the Police Ad Hoc Committee, even though it was quite awhile ago, that is where this information and this recommendation came from.

Chief Phillips: Could I add something or would you rather not?

Mayor Jones: Go ahead, Chief.

Chief Phillips: I can assure you that we will not be up to eight or nine in the next couple of years. I can tell you now that one is going to Dover real soon and another one is going to Milford and a lot of them are looking, right now, as we speak, so you're not going to have to worry about all that money being used up, I can promise you that.

Mayor Jones: I'd like to consider that conversation outside of the public, real soon.

Chief Phillips: Okay.

Mayor Jones: We have a motion on the table and a second to accept this proposed salary increase, retroactive to October 1<sup>st</sup>. All those in favor say aye. Opposed. Motion carried. Thank you for the work you did on that.

d. Goals and objectives for Police Ad-Hoc Committee

Mayor Jones: The charge last month to Council was to look at potential goals and objectives, the Police Ad Hoc Committee approached Council

in the same way we've now met with Planning and Zoning; we've met with Economic Development Committee looking for some direction and charge. The Police Ad Hoc Committee has not met in some time. They have postponed a meeting until such time as Council could have the opportunity to consider. What would you like them to do as they continue on, if they continue on at all? Do you have any assignments, specific for their committee?

Vice Mayor Booros: Since I've been to some of those committee meetings, let me start by saying the original dollar amount for retention came right up front; a starting point. That number has been, until tonight, knocked around 50 different directions to come up with what we came up with tonight and that was last October, I think it was, that this first number appeared and I brought it to the Personnel Committee. That's a long time just to get through how much we're going to pay the officers for retention. I think as far as scheduling, I can't see a schedule... I can't imagine how y'all are going to see a schedule. I don't know where the Police Ad Hoc Committee is going to get any information to make... You can't tell the Chief how to schedule his people. You just can't do it and I think that they initially got a schedule, they've run some things through. It's just not going to happen. So, as far as scheduling as far as the number of officers, I think the Chief has indicated we might lose a couple; we're probably not going to hire anymore or get anymore on the street, other than the one that's in the academy this year. At this particular point, I don't necessarily know what you would charge them with and I'm not recommending that they go away; maybe they just suspend meeting temporarily, if they're willing to do that until as Councilman Coté said, that this Council and I'm sure this Council is willing to put a cap on it, if they need to put a cap on it; just tonight is not the night, because it's not on the agenda. So that would take care of another Police Ad Hoc Committee issue, scheduling. I think the Charter or the Code allows for the Chief to schedule his officers to cover the shifts and he's doing that.

Mayor Jones: I don't believe that was the Police Ad Hoc Committee's intention in looking at the schedule. I think it was to make sure we had coverage.

Vice Mayor Booros: Around the clock coverage.

Mayor Jones: Yes, that's all.

Vice Mayor Booros: And I think we do have around the clock coverage. I sure hope we have around the clock coverage, so right at this particular moment I don't know what they should be charged with.

Councilman Collier: Does the Ad Hoc Committee have the knowledge or the people on it's body that could help with developing the SOP's and stuff; or is that an internal document that the police should develop themselves? I mean, I'm not clear.

Mayor Jones: Well you do have retired law enforcement on that committee and besides just law enforcement experience, I think you have a rather talented, intelligent group of people that were put together to

look at quite a wide variety of items and I identified a few stumbling blocks from the very beginning on exchange of information and I, personally, feel that their work has been hindered by some of these stumbling blocks, to date. I would prefer to see, I don't know if the word "suspend" is the right word at this time, but rather than being able to give them a positive charge to go forward, I would rather meet with the committee at some level and get some of their input as well. What I'm missing tonight is, their own frustration at attempting to do the job they were charged with in the very beginning. So although I don't have, personally, anything to offer at this time, that will not continue to be hindered by a communication issue, that would be my recommendation to Council, that this need not go away.

Vice Mayor Booros: Oh, I don't think it needs to go away, but six months just to come up with what we voted on tonight and they made that recommendation right off the bat. Talk about frustrating. I'm sure the officers are frustrated. Luckily we haven't lost anyone else, but I think some people, we may.

Mayor Jones: Councilman West, anything to add? Councilwoman Patterson? Councilman Coté?

Councilman Coté: Well I guess I do agree with your thought about discussing with them what they think... This is what I thought I heard you say, discussing with the committee where they feel they have some further input on whatever it is they come up with and then once you know that, then you or us can decide about going forward with it.

Mayor Jones: Do we need to make a motion on that action, or could we just accept that I would like to call a meeting with the committee?

Seth Thompson: You'd have to notice that meeting. You could just call that meeting.

Mayor Jones: So we don't necessarily need a vote.

Vice Mayor Booros: Could we table this decision until after that meeting?

Seth Thompson: Until that meeting; basically a joint meeting.

Vice Mayor Booros: I make a motion that we table this item on the agenda until after a meeting with that committee.

Councilman West: I'll second that.

Mayor Jones: Any other discussion? All those in favor say aye. Opposed. Motion carried.

- e. An ordinance to create a new chapter of the Town Code regarding fees and costs related to the Freedom of Information Act

Seth Thompson: I'm looking at Kristy, because she fortunately picked up where we had left off previously, I believe. This was discussed at one point just by way of background, the State Legislature amended the Freedom of Information Act eighteen months ago, which overrode your Town policy on the Freedom of Information Act Requests, so basically the State law does allow you to adopt an Ordinance, with regard to FOIA

requests. You just can't have a policy. It's not a formal enough enactment, so that's why we're here. I think where we left off previously and hopefully Kristy will correct me if I'm wrong, but we had to figure out what size copies we actually had the capacity to make and that sort of thing.

Kristy Rogers: Yes, I found the previous ordinance that came before Council and I did make a few changes to that, to be in compliance with the Delaware Code. For instance, A2, there's a strike through because we cannot make copies that size, so another number two is added that the charge will be equal to those incurred by the Town.

Seth Thompson: So in other words, a third party would need to make those copies, because the Town doesn't have the capacity and then that charge would be billed to the requester?

Kristy Rogers: That's correct.

Seth Thompson: I think we discussed previously, we were trying to draw some sort of line in terms of how to handle payment up front and so the draft ordinance, if you look at Section 7C, that basically anything over \$50, a deposit must be received in advance for anything estimated to be over \$50 and the deposit is one half of the total estimated fee and the FOIA Coordinator would be the one to estimate the fee.

Mayor Jones: Question, does this relate to these charges being on a Fee Schedule as opposed to being buried here again, in the Ordinance?

Seth Thompson: We can put it on the Fee Schedule as well. The difficulty is when they changed the State FOIA, it says unless otherwise set forth or in any applicable Code of a County or a municipal public body. So we have to put it in the Code. So we could put it on the Fee Schedule as well, because I think we have tried to do that, where that's an easy resource to see our fees, but the way the State Code is written, it has to be in your Town Code.

Mayor Jones: And so any changes the State makes to any value has to be changed, the Code would have to be changed. That's what happened.

Seth Thompson: If they would change FOIA to say limit a municipalities discretion, then again, that would override what you would have in your Code. That's correct. For an easy example, the current State Code says for it's portion of payment, it says the public body may require all or any portion of the fees due hereunder, to be paid prior to any service. Let's just say the Legislature decided we're not going to allow municipalities to charge ahead of time and they changed the State Code to say the public body shall not require... Obviously, then, that would override your Ordinance that says if it's going to be over \$50, they need to pay a deposit.

Mayor Jones: Any other discussion?

Councilman Coté: I just had a little question, probably nit picky, about 7D. The fee must be received before copies are delivered, or, deposit... Should it say, if I were reading it, I'd like to read or deposit must be received before searching and reviewing commences. Because without

that, it sounds like it's not clear whether it's the deposit or the fee that has to be received.

Seth Thompson: And it could be that... I think you're absolutely correct, that the contemplation is to have just a deposit required. The problem would be if somebody... if you look at 7A, if somebody had outstanding FOIA request balances, then the Town might say, look your request isn't high enough to trigger a deposit, but we're still going to require you to pay it up front. I think that's probably the narrow exception as to why it's not just requiring a deposit to be paid up front. It could be that you have a situation where somebody previously requested. They didn't pay the second half and now they're filing another request and the Town says, you need to pay up front. It might not be something that required a deposit, the second request that is.

Mayor Jones: You're relying on the Town staff's collective memories.

Seth Thompson: Really that should fall under the Clean Hands Ordinance, too, so hopefully there's some protocol in place to keep track of who owes the town money in other circumstances, as well. This would just be another item.

Mayor Jones: Mrs. Rogers, thank you for the work from you and Mr. Thompson to bring this back so we can be in compliance. If there's no other discussion, do I hear a motion?

Councilwoman Patterson: I make a motion to approve the Ordinance to create a new chapter of the Town Code regarding fees and costs related to the Freedom of Information Act.

Councilman West: I second that.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion carried.

- f. Adopt revised Employee Handbook Policy I-7, Inclement Weather.

Mayor Jones: You have in front of you the request to adopt the Revised Employee Handbook Policy Inclement Weather. The Personnel Committee met last week, with Mrs. Rogers. This is very timely and very necessary, that's why it is in front of you this evening. Mrs. Rogers, did you have anything you wanted to add to this?

Kristy Rogers: Our current inclement weather policy is outdated and a lot of areas were not as detailed as they should have been, so looking at State Policy and other Towns, we put together the current policy in front of you. If you have any questions, please let me know.

Vice Mayor Booros: Madame Mayor, since everybody on Council has had ample time to review this, prior to the meeting, I'd like to make a motion that we adopt this Inclement Weather Policy for the Employee Handbook, Policy is I-7 Inclement Weather.

Councilwoman Patterson: I second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion carried.



g. Appointment to Economic Development Committee

Mayor Jones: The Council met with the Economic Development Committee. Economic Development Committee asked for some recommendations on their own direction. I am not prepared to make an appointment of a council member to the Economic Development Committee at this particular time, but I can say for the record, that Councilman Collier and myself are willing to work in tandem with this committee and revisit this issue in a couple of months to see if we can identify a council person that can correspond with this committee on a more permanent basis than Councilman Collier and myself, are able to do. But for right now, we will cover that and we will keep the Council posted as to developments within that committee.

h. First quarter budget review

Mayor Jones: What's left for this evening is the first quarter budget review. You will find it prepared by Mrs. Rogers. Did you and Councilman Coté want to say anything?

Kristy Rogers: For the first quarter, all in all, I believe the percentages are on target. The ideal is at 25% and there are some Revenue and Expenditures that are both above or below 25%, but on average the General Fund Expenditures are at 24%, but Revenues are at 16%, that being taxes are not billed until January and this quarter ended December 31<sup>st</sup>. For the Utility Fund, Revenues are at 28% and Expenditures are at 21%.

Councilman Collier: Mrs. Rogers, in your review were there any particular areas that red flagged for you or are you fairly confident that they will level out over the next quarter? I know that you said some were over. I guess the question would be, were any of them significantly enough over what you would expect for the quarter, that they may be an issue in future reviews?

Kristy Rogers: I don't think an issue at this point, maybe closer to six months, we can definitely know if they'll be an issue or not. Some of these expenses, like insurance, they are paid more up front, at the beginning of the fiscal year; some of them are project-related, being engineering and legal fees and technical services; our software is paid up front, so I do believe expenditures will tend to level off.

Vice Mayor Booros: Mrs. Rogers, so the legal fees and the engineering fees that are above the dollar amount, those are reimbursable?

Kristy Rogers: Some of them are. That's correct.

Mayor Jones: A comment, if I may, on the overall Transaction Audit Trail and this is not new for me. I made this comment several times under the past administration. When I see significant charges, Sam's Club \$229. The description is Supplies. For me, that is simply not enough and it happens I have here, Uniforms, Uniforms, Uniforms all off on a credit card. The question is, even on a credit card, aren't there original receipts that list the Vendor's for these charges?

Kristy Rogers: We do receive all the receipts for the credit card purchases and I had discussed with the Accounting Clerk to start adding more detailed descriptions to each line item.

Mayor Jones: Okay. And, there's one piece on here, that I'm sorry that the Chief is not here to ask about it, and it is under Police Dues and Subscriptions, Prime Membership Fee, that is an attachment to Amazon.

Kristy Rogers: That's correct.

Mayor Jones: I see it was added and voided and then paid again. That's been my concern under so many things we can't quite figure out what they are.

Councilman Coté: And there is limited space in that field for the print-out. You may not get them all.

Mayor Jones: Yes and I do recall a conversation between a former finance person and our Town Manager, where that was kind of indicated that what was it, we could add another line or something.

Vice Mayor Booros: It was in a budget committee meeting where it was stated on the record, that oh, that's not a problem, just add another line and put it in there. But may I assure you Madame Mayor, as you've heard it from prior administrations, I know what it's for. I looked at the check when I signed it. The Finance Clerk and the Town Clerk, Mrs. Rogers, they attach the receipt. Councilman Coté, the Town Treasurer, he looks at the receipt, signs it, passes it to me and I look at those receipts and if they're not there, it goes back for explanation every time. I know you didn't like hearing that the first time you heard it.

Mayor Jones: I understand. I'm concerned, we're back to PayPal. PayPal Dues, \$75, for what? I mean we have NRA Dues, we have Dues, we have Sussex County Police Chief's Dues; we're still paying a Prime Membership Fee to shop at Amazon at \$79 a year. That's what Prime Membership is.

Councilman Collier: What it does is it entitles them to expedited shipping at either no cost or a greatly reduced cost. Now it pays for itself if you do a lot of shopping at Amazon. Do we do enough to justify the \$79 expense? Furthermore, why are we shopping at Amazon, anyhow? There are some items that are available, I grant you, but they're probably available there at a lower rate than you could buy them locally, but I just wonder what items are and what are the limitations? I thought we pulled back the credit cards, because PayPal you have to tie to a credit card and if you've tied that credit card number to a PayPal account, then that's the same as having the credit card in your hand and anything you could buy with a credit card, you could buy with PayPal. I know that from personal experience. Once you tie that card to that account, you don't need the card then, you could cut it in half. You could burn it in a little pile of ashes, as long as the credit card is a valid credit card, you can continue to use PayPal, so is this a way that they're circumventing our current policy with credit cards? That would be my question. And I don't know who can answer that, whether it be...

Vice Mayor Booros: I think that needs to be addressed with the Procurement Policy that no purchase is made without a Procurement Request going through the budget person, the finance person, to approve whether or not the money exists in that account, before they're out spending it; whether they're spending it with a Purchase Order or an account at Ace Hardware that we have, you know a blanket purchase account; or whether they're putting it on PayPal or whether buying it on Amazon where they've already hooked the credit card number into Amazon, which you know it probably is already in there. You just pick the method of payment that you've used before and if you click on the credit card that you entered last time, it's there. They don't need the card. So you need a Procurement Policy, not the card policy, not an Amazon policy, not an E-Bay policy, or any other policy. Madame Mayor, I make a recommendation that you add that to your list of To Do's.

Councilman Collier: Mrs. Rogers, I know it's not in your report and you may not even have considered it in your quarterly projection, but just for my own curiosity, where do we stand on Accounts Receivable regarding all these Code Violations that we have, or we've contracted somebody to cut grass? Are you getting a fair response in those, or is it...

Kristy Rogers: I looked at these numbers today and from what we have billed to collected, we're only averaging 18%.

Councilman Collier: Is what we're getting back?

Kristy Rogers: Yes.

Councilman Collier: Vs. what we've billed?

Kristy Rogers: Yes.

Councilman Collier: We've got to find a better way. We've got to find a better way or, I don't know and Mr. Thompson's probably better prepared to answer this, but at one point do we consider liening the properties for non-payment?

Seth Thompson: Recording a two-page lien is about \$58.

Councilman Collier: Well they've got to owe you at least that much for the cost of your time, or it's worth chasing.

Seth Thompson: But you should be able to build into the collection, the cost of recording and releasing the lien, but logistically you don't want to continue to send good money after bad.

Councilman Collier: Exactly. I'm just wondering how we deal with this, because particularly with the idea of grass cutting and that's what it says is mowing, we could send our own staff to do it, which we're going to pay them anyhow, but we've got enough for them to do that we've got better things for them to address, than to address cutting violator's grass.

Mayor Jones: Mrs. Rogers, as a follow-up to the Accounts Receivable, because I really do need to help you identify what will help put something in place; whether we need to turn to a credit agency and recoup some of our money. I think anything is on the table and I think that's one of the reasons why we're calling for this second meeting a month, so that we can work on some of these issues. A question for you.

It's our Code Department that produces, or generates the bills for these grass cutting, is that a correct statement?

Kristy Rogers: Mr. Trotta issues the violation, but then Ms. Clark actually receives the invoice and then, in turn, invoices the property owner.

Mayor Jones: Okay. I'm just looking for someone, without taxing staff, to just take a cross section of lawn cutting bills; nothing else, at \$200 apiece and tell me for the month of August, what was billed out would actually satisfy that. I mean for a small section of time.

Kristy Rogers: I looked at the five from November, the last meeting, and two of the properties are vacant; one is just a lot; and two are occupied. These are now at 30 days and we received no collections. I'm sorry, 60 days.

Mayor Jones: So vacancy means when that lot has a For Sale sign on it, does the Town of Milton consider that real estate company responsible for that property?

Kristy Rogers: No.

Councilman Collier: I don't think we can either.

Seth Thompson: I think that would be difficult. Now if properties are For Sale, that actually would be beneficial to record the lien, so that when the property actually does sell, obviously, that shows up in the lien search and the Town gets paid at settlement; assuming there's enough money to go around.

Kristy Rogers: And generally we will receive a Lien Certificate Request for utility and tax information. At that time, we do review the Accounts Receivable list to see if the owner has any outstanding balances.

Seth Thompson: Are the settlement attorney's helpful? In other words, they don't require you to go out and record a lien, they still...

Kristy Rogers: They still honor our request on that one.

Seth Thompson: So that alleviates to a certain degree, needing to run out and...

Kristy Rogers: Yes.

Seth Thompson: That's good.

Mayor Jones: And even though I know there was earlier discussion, can you tell me or look into, whether or not Mr. Davis and/or Mr. Trotta have been instructed or know the clear path of checking the Accounts Receivable before giving out permits, Certificates of Occupancy; is that a normal routine for them to do?

Kristy Rogers: Yes, for Mr. Trotta.

Mayor Jones: Thank you.

Councilman Coté: I have one budget line that we might need to look at. In light of item 14.c that was agreed on...

Mayor Jones: Which one are you looking at?

Councilman Coté: I'm looking at Police Department salaries.

Mayor Jones: The Statement of Revenue and Expenditures?

Councilman Coté: Yes.

Mayor Jones: Okay.

Councilman Coté: We are at 24% of the budget on salaries.

Mayor Jones: I'm still trying to get to the same page you're on.

Councilman Coté: Page 4. We're at 24%, 25% would be right up to date on December 31<sup>st</sup>, in theory, but now we're going to go back and give them retroactive back to October 1<sup>st</sup> on these new rates; so they're going to be over 25%. When we get next month, when we get January, it should be 31 or 32%; they're going to be over that. Maybe we should take a look at how this is... what's in here, already, because it seems like we're going to be over; we're over and this budget was for nine; we've only got eight, including the recruit; so we'll need to do a little look at this and see how they got to be 24% when they're one down and they haven't had any raises yet.

Mayor Jones: That's a very good point. And the overtime actually reflects it, as well, because those same numbers... you could base that same information.

Councilman Coté: Well, I may know one of the answers and some of it is using up sick time, vacation time...

Mayor Jones: Using up sick time? You meant vacation time. Right? You may use it or lose it.

Councilman Coté: No, I think I said both.

Mayor Jones: I didn't mean to correct you, I just wanted to clarify.

Councilman Coté: No, I think I said both. There's been a lot of illness going on.

Councilman Collier: Well somewhere along the line in the budget year, we allocated some money into a line that was proposed for... it was 3% I thought of the total salary line for potential increases now. Is that included in the line that you're talking about police salaries, or is that sitting somewhere else that I'm not seeing yet?

Kristy Rogers: It was included in the regular salary item for each department.

Councilman Collier: I just wanted to make sure that that was the case. A \_\_\_\_\_ item that bears looking at, but again had to act at some point in time and we've certainly drawn on long enough.

Councilman Coté: We need to just keep a look at where the money is and where it's being spent.

Councilman Collier: I agree.

Kristy Rogers: Also at this time on behalf of the Water Department, Mr. Wingo and Mr. Russum were able to be there evening, but they have identified an issue with the Meter Read Process and have received a quote to improve the process. Currently the issue when we go to do quarterly meter reads, some of the meters are located too deep in the meter pit; water is collecting and pooling and it's pushing our meter reads out to 3 to 4 weeks. Over the past 2 years, the meters have increased from 87 to now 300 meters that are having to go out, be reread several times to get our billing out on a quarterly basis. Mr. Wingo's been in contact with our meter supplier and to correct the issue of 300 meters, it will be

\$59,550. I don't know if we can incorporate this in small increments, but again in March, we will be faced with the same issue with a three to four week lead time reading the meters. I was speaking with Mr. Wingo today, with a re setter and a plastic lid, the reader will be transmitted more efficiently and decrease the time to 3 to 5 days.

Councilman Collier: Well, since this is within the Water Department, that's one place where we have some wiggle room in the budget, because of it being a proprietary fund.

Mayor Jones: So you're talking about the improvements are designed to read the meters through the water, because obviously the pits are going to fill again.

Kristy Rogers: What the re setter will do is lift the meter to about 4 to 6 inches below the lid, so water will not be at that level to transmit the radio read. He's contacted both Master Meter, the manufacturer of the meter and they also agreed; came out and did a ride around town; that this is our issue.

Councilman Coté: How many again are there?

Kristy Rogers: There are 300, so it's \$198.50 per meter.

Councilman Collier: Would it be smart to phase this in and maybe identify some of the worst ones, since he's obviously had to open them up and look at them and try this on the worst ones to see how well it works, before we invest in the entire system? Because the first concern I have about raising the meter up, within the pit is, I think about, particularly with the weather we've had of late, you get that high up in the pit, you know there's more likelihood of it's freezing, because if the ground freezes, 6" and you have this thing with the bit 6", what's the possibilities of that occurring as well, that the meter freezes and then we have a whole different set of issues. So that would be question, can we implement this in phases and kind of let's put somebody through the test and see how it works. It will reduce the time some, but I'd feel more comfortable doing this and making sure it works, before we wholesale invest in it to find out that all we do is create a different problem for ourselves.

Kristy Rogers: I'm sure Mr. Wingo would appreciate any funding towards making these corrections. He did say it would take a couple of months to go through and change out each of the re setter and change the plastic lid, so if we want to implement a certain portion, he's not going to be able to correct them all in a month anyway.

Mayor Jones: A question. The company that rode aground and gave their opinion, are they the same company that owned the meters that aren't working now?

Kristy Rogers: I'm not sure.

Mayor Jones: And they sold us those not long ago.

Kristy Rogers: Master Meters, the brand, I'm not sure...

Mayor Jones: So there's no remedy for what we have.

Kristy Rogers: No.

Mayor Jones: According to the meter company.



Kristy Rogers: Last year they just helped point out that the meter is so far in the pit, they're submerged in water.

Councilman Collier: And you're going to have that in some areas of town, because sometimes... I know, my next door neighbor water stands over her meter pit and her yard, so I'm sure it's full.

Mayor Jones: Well, as you said, they're not going to get to all 300 at a shot, so perhaps we could look at a third of those and see how that works and then they get moving on those and we come back and do another batch and another cycle. Does that seem acceptable to others, or did you want to have just the whole expenditure?

Councilman Collier: I'd rather phase it in.

Mayor Jones: I'd also like to hear from whoever the company is that's attempting to sell us this, that this is the remedy.

Kristy Rogers: Okay.

Councilman Collier: Now, should we listen to that as a Council, or is that something we should give to our Water Committee for consideration, because they are the Water Committee.

Mayor Jones: Give what for consideration?

Councilman Collier: Whether we would let them be the ones to make the contact, talk to this company and see if it's what we're getting into and come back to us; or you want the Council to deal with it?

Mayor Jones: I think Mr. Wingo should be dealing with the company, and Mrs. Rogers.

Councilman Collier: Works for me.

Mayor Jones: I just want to make sure that we're not getting a remedy from a company that we are already having an issue with; that's my point.

Seth Thompson: Was the quote in writing the \$59,000? I guess I just want to make sure too, that we're considering... there might have been some sort of cost factored into doing all of them at once; was it a written quotation?

Kristy Rogers: This does not include any labor. It's just the parts. And it's not like a formal quote. It's just...

Seth Thompson: That was the cost for 300 of the parts. I see.

Kristy Rogers: Yes. All the work could be done by the Public Works Department.

Councilman Coté: How much are we looking at again?

Kristy Rogers: The total price is \$59,550.

Councilman Collier: And that's to correct 300 problems, so we're looking at \$200 per?

Kristy Rogers: Yes.

Mayor Jones: I agree that they need to get started on it, but I'm telling you, you're making a big purchase and I would just like hear some kind of...

Councilman Coté: And we should keep in mind, that when we did the budget, almost all of this year's surplus, was committed to a list of capital expenditures that the Water Department provided, so if it's this much

money it's coming out of Reserves.

Mayor Jones: Or it's bumping another project.

Kristy Rogers: And it's delaying our billing as well, we should have billed the first week of January and they didn't go out until January 21<sup>st</sup>, because it took four weeks to do the meter reads.

Seth Thompson: Has it been an ongoing problem, or is this something new?

Kristy Rogers: It's been ongoing.

Councilman Collier: It's probably worse sometimes than others. They had to do meter reads right now after what we've had...

Kristy Rogers: It would be impossible.

Councilman Collier: They'd probably end up opening every pit in order to get it clear enough to read.

Kristy Rogers: They'd have to pump water out of those.

Councilman Collier: That's what I mean by clearing enough to read.

Mayor Jones: Let me say, I trust Mr. Wingo has done some research with the value. Is there a need, or a request, to have a second opinion; a second estimate from another company? Again, my concern is if this company is already tied to the meters that were sold to us, that don't work, would they just sell us a new product?

Kristy Rogers: We purchased through a distributor, but it's Master Meter, the brand that has come out and visited with Mr. Wingo and Mr. Russum and advised of the fix to the issue, not our distributor.

Councilman Collier: Everybody has a patch for their protect, if it doesn't work, as intended and I think that's the circumstance that we've run into. In a perfect world, they should work. Unfortunately we have issues with water accumulating in the meter pits; when they sold us to them, they didn't take into consideration, or our staff didn't consider, either one.

Mayor Jones: I think there's a true need to get started on it.

Councilman Coté: Maybe we should consider to start, instead of 100 and if we like the first 50, then we can do the next two in 100 unit increments.

Councilman Collier: I agree. I think it should be phased. I agree with that and probably Mr. Wingo since he knows what he has to deal with, could probably select those to use as his pilot installations, because obviously he has some that are impacted all the time and some that are only impacted dependent upon the weather at the particular time we read the pits, the meters.

Mayor Jones: And if Council does vote to do that, you could ask Mr. Wingo to give you an idea of what his feeling is and you can let Council know that and not wait until... If they work, we don't want to wait until the first 50 run out to order some more and get them going.

Councilman Collier: Well, we'll review the budget another quarter and it will probably take him a certain amount of time.

Kristy Rogers: He probably won't know until the end of March if it is a better solution; until we do meter reads again.

Councilman Collier: Yes.

Mayor Jones: Do we need a motion to authorize that purchase?

Seth Thompson: I think you'd adjust your budget.

Mayor Jones: Alright. Is there anything more on the first quarter budget review? Thank you Councilman Coté for preparing that.

15. Executive Session:

- a. Discussion/strategy session involving legal advice or opinion from an attorney-at-law, with respect to potential litigation, when an open meeting would have an adverse effect on the litigation position

Mayor Jones: Do I hear a motion to go into Executive Session?

Councilman West: I make a motion to go into Executive Session.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried.

- b. Personnel matters in which the names, competencies and abilities of individual employees are discussed

16. Discussion and possible vote on Executive Session items

Councilman Collier: Motion to come out of Executive Session.

Councilman West: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried. First of all, before we do the adjournment, under number 16 there is no discussion or vote to be taken coming out of Executive Session tonight.

17. Adjournment

Councilman West: I make a motion to adjourn.

Councilwoman Patterson: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion carried. Meeting adjourned at 9:50 p.m.