

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, March 18, 2013
6:30 p.m.**

**Transcriptionist: Helene Rodgville
[Minutes are Not Verbatim]**

1. Workshop: Scope and Study Objectives for International Association of Chiefs of Police consulting services.
Mayor Newlands: It was suggested that the Council have a workshop to determine which items or what we would like the International Association of Chiefs of Police to look at in our Police Department and we're going to leave it open to the Council first for discussion and then we'll go on for comments from the public. I know some people put in for public participation comments. Is this for the workshop? Okay. Thank you. We have a number of items from the IACP as far as the things that they do and things that they look at. I don't know if Council has had a chance to go over all of them. There are a couple of things that I think we should have the IACP look at. First of all is the size of the force, second is the salaries, third is take home cars, fourth is their SOP's and nothing in particular about the SOP's, just the SOP's in general.
Councilwoman Jones: What was the third one, Mr. Mayor?
Seth Thompson: Take home cars.
Mayor Newlands: Thank you. I did it from memory. I was writing them down afterwards.
Councilwoman Patterson: What was the second one?
Councilwoman Jones: Salaries.
Mayor Newlands: So I have four items, size of the force, salaries, take home cars and SOP's. They're probably worded differently in here, with the way they do their wording and those are just the first four I had off the top of my head and I'll leave it open to Council now if they want to see what else they want to add to the study.
Lynn Ekelund, 406 Union Street: Just a question about the framework. To my knowledge, we have not, as a Council, approved the use of the IACP to do anything. Is that correct?
Mayor Newlands: That is correct.
Lynn Ekelund: So are just looking then at things that we would want either ourselves or some consulting organization to look at?
Mayor Newlands: I wasn't looking at it to be ourselves, to look at it, but the IACP; that was the thrust of this.
Lynn Ekelund: I understand that that's what your thrust is, but we have not decided on the IACP; so right now it's just general topics.
Mayor Newlands: That's correct.
Lynn Ekelund: Thank you.
Mayor Newlands: Let's open it up to Council for questions, comments.
Councilman Lester: Mr. Mayor, I've looked at the survey objectives and some of them of course, appear to overlap in requirements, but there are some... and I assume this is what maybe Mr. Abbott could clear up; this is the objectives that they themselves list, right?
Mayor Newlands: That's correct.
Win Abbott: Yes, Sir. What you have in front of you is copied directly from their website and the attached page where it says do you consider the following to be... It's just a graphic

representation of what they had in their list of bullet points.

Councilwoman Patterson: So for their Scope of Services, is there like a parameter of how many objectives they look at?

Win Abbott: No, as consultants though, they are looking for direction from you. Now they have examples of work that they've done; they have different kinds of studies; the one that our request falls in most appropriately is the Technical Assistance Project and that's where most of these come from is their technical assistance, or TA, if you see it referenced in there.

Councilman Lester: Well the first item on the list, it says, evaluate the degree to which police philosophy, objectives and operations conform to expectations of government officials and the public; that covers quite a wide area. That, to my mind, if it's expectations of the government and the public, that would cover size, operations and then some of the things that I looked at, identify crimes, victims and police services that require more effective response; evaluate how efficiently a department is organized to conduct operations. I would think somewhat that would be in the very first item, as well. Evaluate how productively personnel and other resources are used to conduct current operations. Some of these objectives seem to be all-encompassing.

Councilwoman Patterson: Right, not to interrupt, but when I read the first one, it says as required by town government; we sort of already have parameters for doing this already. Wouldn't it be best to just focus, at least in terms of rankings, start with something that is more concrete?

Councilman Lester: Yeah.

Seth Thompson: Councilwoman, I'm sorry, the Vice Mayor would ask you to speak up, she's having difficulty hearing you.

Councilwoman Patterson: I was just talking about the first evaluation Police Department goals, objectives and operations as required by town government. We have parameters already written down for that. Like the Mayor said, size of force, salaries, take home cars...

Mayor Newlands: Mr. Abbott, in talking with the IACP they are \$600 an hour, is that how they're charging? What are their rates?

Win Abbott: I believe it was \$600 per day, plus any of their expenses; so that would be their hotel stay, travel, meals, things like that. My estimate was that a 5-7 day stint would amount of \$6,000; it was just an estimate.

Mayor Newlands: Right, but we'll give them a list and they'll come back and tell us approximately how much it's going to be then. Is that how they work?

Win Abbott: They are looking for us to describe the scope of what we want the study to be. I would expect that before we agree to any contract, they would give us an estimated number of man hours necessary to accomplish that, yes.

Mayor Newlands: Okay, great, thanks. And you had mentioned a conference call with them, at some point after we did our pick list, with a sub-set of the Council.

Win Abbott: Sure, they would be glad to do that. They just didn't want to travel out here without an idea of how long it would be, or anything like that.

Mayor Newlands: Great. Thank you.

Councilman Lester: Well, Mr. Mayor, I can tell you what I checked off probably as very important, evaluation of Police Department goals and objectives and operations; identifying the style of policing most effective for the community. I think there have been some questions about community policing, etc.; evaluation of the organization of the Police Department; this is key, to identify the personnel levels needed to conduct current operations; identify personnel levels needed to conduct future operations; and for some reason, I skipped a bunch. Analysis of law enforcement and administrative issues of concern to government officials. I think that's

probably a key item; the importance of education and training; I checked off importance of crime prevention measures; importance, and this is a key one, importance of citizen complaint evaluation; and the last one is important, the importance of budget analysis for the Police Department. I tried to pick up the items I thought were key without somebody spending... and I'm sure they look at some of these items they're going to bleed over into other questions too. It's not an easy thing to reduce to a finite number.

Mayor Newlands: And we've only seen the results of one study, so we don't know what else they can do.

Councilman Lester: Right. But I do think that we've had so many questions, I won't say complaints, but questions of police conduct, etc., etc. that none of us probably in this room are capable of telling the Police Department how it should be run; so I think an independent point-of-view for the town is well worth the investment.

Mayor Newlands: I agree. Has anyone picked any additional categories?

Councilwoman Patterson: The only additional one that I picked was identification of functions that can be performed more efficiently, either by alternative means or other agencies. I'm on the second page, the back page. Just because we're a small force, is there a way to work with other forces and things like that; so I thought that might be an interesting parameter to look at.

Mayor Newlands: Does anybody on the other side of the room have any comments to make?

Vice Mayor Betts?

Vice Mayor Betts: No. I can't hear, so I don't know who's done what. We can't hear on this end.

Mayor Newlands: Councilman West, Councilman Booros any comments?

Councilman Booros: Before I comment, I would like to hear what the public has to say, because what I feel is kind of irrelevant at this point, until we hear from the public. That's why it's a Public Hearing.

Councilman West: I feel the same way.

Mayor Newlands: Okay.

Vice Mayor Betts: That's a good idea.

Councilwoman Patterson: I agree.

Mayor Newlands: Ms. Ekelund.

Lynn Ekelund: I looked at the template that was on the website and I decided to prepare some of my own that I felt are a little esoteric and more to the point for Milton's police force. The first one, which is something that's near and dear to my heart, is keeping the police force within the 1.2 square miles of Milton's territorial limits. So my first one was, should the Milton Police Department only patrol and respond to calls within the 1.2 square mile territorial limits of the Town of Milton with the sole exception of responding to an officer needs assistance call from a Police Officer on the scene. I think that's something that either an Ad Hoc Committee, which I'm in favor of, I am not in favor of the IACP, should look at and I think that someone from the Police Department, the Chief or the Captain should be on that Ad Hoc Committee and I think we all should be looking at as a community, rather than spending \$6,000 to have somebody fill out an off-the-shelf survey. That's my personal opinion. Should the K-9 unit respond to out of jurisdiction calls? Should the Town of Milton tell Sussex County Dispatch, that the Police Department will no longer respond to out of jurisdiction calls, unless a Police Officer on sight, needs assistance? Should the Police Department respond to fire alarms outside of Milton's town limits? Now it's my understanding and this is one of the assumptions; let me go back to the assumptions that I'm working under. I'm working under as of this month, even though we have ten, a nine officer police force. Current management structure, and Chief, if I'm incorrect here, please let me know; Chief, Captain, Lieutenant and Staff Sargent. The Town of Milton is 1.2

square miles and the population about 2,600 and currently the Town Charter dictates that the Chief of Police reports to the Mayor, as Police Commissioner. So, with a nine man police force, is the current management Chief, Captain, Lieutenant and Staff Sargent top heavy? If it is top heavy, should the management be Chief, Captain, Lieutenant and Staff Sargent? Should we not have a Chief and a Captain, who also is an administrative coordinator. If we have a nine man Police Department, should we have two of our top administrators, in essence, in-office administrators? Also, it's my understanding that the Chief, Captain, Lieutenant and Staff Sargent all work weekdays. Is that something that is the best use of our manpower, yes or no? I just think this is something that we should be looking at, rather than some of the esoteric things that are on the IACP. Should the Milton Police Department be governed by a Town Media Policy? Should the Chief of Police report to the Mayor, as Police Commissioner, or to the Town Manager? Should the Police Department's take home policy be abolished? Should it be analyzed? If it is analyzed, I have just put together a couple of things; should there be a limit on how many miles are commuted on a daily basis? Should fuel and pro-rata share of maintenance and depreciation for that commute, be paid for by the officer? Should the cars be driven only to and from work; and how would we monitor that if we decide that is how it should be? Should stops be allowed on the way; again, how do we monitor it? Should family members be allowed to be passengers? I think there's a management tool each month the Police Department should be required to provide to the Town Council what percentage of it's monthly budget is overtime, and of that overtime, what is special events, court overtime, holiday overtime and training overtime. Just two more. As a management tool, should we be looking into utilizing a vehicle management system for police cars and the last one and I know this is popular with some folks here. Should the Police Department enforce it's physical fitness standards? Thank you.

Mayor Newlands: Thank you Ms. Ekelund. Ms. Hudson?

Mary Hudson, 406 Union Street: I would like to speak to practical things, as well. Things that directly affect me as a taxpayer. I've heard a lot about police helping other police, reciprocity; if we don't help them in other towns; and if we don't help the State Police, they won't help us, but I see a fallacy in that because there are towns like Millville that don't have any police, at all and cannot reciprocate, but yet they will get State Police whenever they need them. It's just like we will get State Police whenever we need them, because we pay tax dollars; so there is reciprocity, whether you have trade off with police, or not have trade off with police. What I'm getting to is going outside our jurisdiction. When I first moved here in 1969, Chief Mills would sit right at the town line and up there where it was Siegfried's Hosiery Mill, which is now the back door into the brewery, up there on Cave Neck Road, and he would wait like the spider waiting for the fly and when the zoomed in down Cave Neck Road and were headed into Milton, once they crossed that line and so he didn't go outside of town. He had his small force and he patrolled Milton. Now, I have in my pocket this refrigerator magnet, given out by the Milton Police Department. It says keeping our communities safe. I don't know how our police can keep our communities safe, when a good deal of the time, they're not in our community. If they're in Pemberton, which doesn't pay one cent in property tax, they're not in Shipbuilder's. If they're down Route 5, or they're in Harbeson, they're not in Heritage Creek. If they're out there on Cave Neck Road, halfway or all the way out to Paynter's Mill, they're not in Cannery Village. If they're in Quick-Stop, which is outside of town; some of you may not have known that, but the Quick-Stop is not in town; well they're not on Union or Mulberry and the more that more and more houses are being built, that's more and more time they're going to be outside of town. That's more and more time they're not here, inside of town protecting me for what I'm paying. I'm paying a premium, I feel I'm paying a premium; it's like if I lived in Cannery

Village and I paid Homeowner's Association fees, I could use their swimming pool, but I'm not allowed to use their swimming pool. How come it is that people in the County are allowed to use my police force. This is an asset that we have to attract people to come to Milton and we're giving it away for free; to anybody who's in the County? Anybody who's out there can pick up the phone and dial 911 and get Milton Police. Well, people who are in Millville, they get Ocean City Police, they get State Police, they get \$11,000 from the County, so they can hire part-time State Police; Millville doesn't have any police of their own. So, we're getting \$22,000 from the County because we go out into the County; well Millville's getting \$11,000 and they don't any police at all. So \$22,000 that we're getting from the County, is a drop in the bucket and we could very easily give that up I feel and keep our police inside this district, just like the people in Cannery Village want to keep their pool to themselves; I think we should keep our police to ourselves. There are two ways that we can go about this. With an Ad Hoc Committee, because as Councilman Lester said, I don't think we should be telling the police how to run their department, but it says right here on the survey objectives, it says expectations of government officials and the public. That means I'm allowed to have expectations. If the police are in the County, they're not in Milton. I have expectations of a certain level of police protection. I'm not getting it if they're somewhere else. I would like my police to stay here in Milton and not only would an Ad Hoc Committee help to determine how we could keep our police inside Milton, but a second thing we could do would be to invite Kay Currier, she is the Director of SussCom, invite her to come and talk to us. Talk to an Ad Hoc Committee, talk to the Town Council, find out some advice on how we can keep the Milton police, inside our jurisdiction. I would more fully support the Milton police, if they would more fully support Milton, just Milton; because Milton, just Milton, is what's paying their salary, is what's paying for their equipment, paying for their cars and their overtime and their benefits and everything that they get comes from the 2,650 taxpayer's inside the town, not anywhere in the Milton zip code. So I don't think we should be giving away an asset, that we should be keeping to ourselves, to try to attract people in, to annex in and to buy homes in here; we should keep that to ourselves. The other thing further down in the survey objectives it says, identify policies, procedures and operations that do and do not comply with professional police standards. Five years ago we had a Public Hearing, a Chief's Public Hearing and we voted to keep our Police Chief and I was one of those who voted to keep our Police Chief, but it was determined that there were problems with evidence lockers, documentation of evidence, the ability to produce documentation from computers, scheduling, overtime, inventory of uniforms; for example, one of our Police Officers recently resigned from our force. What happened to this uniform? What happened to his equipment? Is there documentation, a signed list anywhere that shows he turned his equipment back in, or did he take all that stuff with him to sell on E-Bay? I would like to have our equipment back. I would like to know that it's all here. I would like to know that the money that our police are spending on equipment is staying inside Milton and not ending up in a storage locker somewhere, where somebody's selling it off and making money off of us, because that was one of the problems, so rather than esoteric again, practical things like do we have a chain of evidence so that when we go to Court, we can say that there was no break in the evidence chain and we can properly convict people and produce that evidence and it's not jammed in a locker somewhere and then we can't produce the documentation from a computer, so there are things that were brought to the surface five years ago, but I would like to know that after all this time, have been properly dealt with and that's not esoteric, that is practical. I would like things done on a more practical level, so again and I'm closing now, an Ad Hoc Committee and before we spend \$6,000 on the Chief's Association, I would like to see... we have enough

talent in this town and enough expertise in this town to get a good start with an Ad Hoc Committee and then perhaps go to a professional organization and also get Kay Currier in here to help us from SussCom. Thank you.

Mayor Newlands: Thank you. Mr. Jim Welu.

James Welu: Mary Hudson brought up the name of Chief Mills, a former police chief of the Town of Milton and one of the things about Chief Mills was that you did see him on the street a lot. He used to park his car on Poplar Street, at Federal Street and he was around and one of the things that I would like to see in terms of our Police Department, is that all of the Police Officers, including the Chief, are out on the street from time to time, maybe 50% of their time at least, so that they're aware of what's going on in the town, the town is aware of who they are and there's a real presence. I think that's a really kind of important thing, especially in terms of community policing. One thing that I found rather disturbing when I was in the lock-up in the Police Department a couple of years back, there was a television set in there and I don't understand why there's a television set in the back room of the police station. When I was in the lock-up for the State Police, more recently, they had no television set there and I don't know why there's one in the back room. I think I had mentioned at a previous meeting, there was a Police Officer that had a conversation with an acquaintance of mine and he said well I'm going back to the police station and watch television. That's a pretty nice job here. I don't think that's a good attitude and I don't think the television set in the back room helps at all. Another thing that I think a lot of people find somewhat disturbing and I don't fully accept the Mayor's explanation of these tête-à-tête, car by car meetings of the police, whether it's town police with town police, or town police with State Police. I really can't believe they're doing that much office work, when they're sitting car to car. I'm sure they're having conversations, but on what topics. I doubt if it's directly on ongoing investigations, or ongoing police matters; they may be talking about what's happened, that each one is aware of in terms of what's happened in police circles, but I really don't think that that's their office work. I think it would be interesting to have an interview with the various Police Officers, confidentially, as to what really goes on. I've sat tête-à-tête with a Police Officer in Ellendale, on a couple of occasions and we weren't doing office business. He wasn't doing office business. We were just chatting about what's going on in the town of Ellendale and the world in general and he did have his radar on and when someone came through Ellendale a little bit faster, he said, whoops, there's a keeper and off he went, so he was working, but our tête-à-tête was not a working thing and his discussion with me was not part of his office work. One other thing that I think the Council ought to look at and any Ad Hoc Committee is to see if there can be a much closer alliance between the Police Department and the Neighborhood Watch. They can be the eyes and ears, there are at least 50 members of Neighborhood Watch and they could be the real eyes and ears of the Police Department, because even if we have twenty Police Officers, they can't be in every neighborhood at every hour of the night. But Neighborhood Watch people, kind of know what's going on on their particular block, their particular neighborhood and I think they could feed a lot of information, whether it's drug activity, common nuisance, whatever, and feed that to the police so that they're much more aware of what's going on in particular places within the community. Thank you.

Mayor Newlands: Miss Joyce Hooper.

Joyce Hooper, 308 Coulter Street: Good evening everyone. I have a couple of things I wanted to mention. Jim doesn't like the idea of officers parking cars and talking to one another. I disagree with him. I did want to bring that up. Prior employment for the last 12 years I did GIS mapping, major contract in Marietta, Ohio; we worked in our trucks. I supervised 22 to 25 guys every day and that's how we communicated. We pulled up, we talked, we tried to get the day's

works going; so I do understand the police. Their vehicles are their office, especially if you're doubling over in shifts and you need to forward information and all that kind of stuff. I see nothing wrong with that, unless it's sitting there for two hours. I'd have an issue with that, but I do agree with the Mayor. I think that's exactly what they're doing. So now I hear we have nine officers; this includes the Chief and everyone, right? Am I correct? Okay. I just did a quick breakdown of math, 168 hours a week to cover the Town of Milton, 24 hours a day. So if you do your math, if we only had one officer out there at a time, that's four officers, plus one 8-hour shift. Now the question I have is, do we have two officers out at all times? Do we have one? What do we have?

Mayor Newlands: It depends on the time of the day; it could be one, it could be two.

Joyce Hooper: It depends on the time of the day. Okay. The other question I had was how much overtime pay, just a ballpark, have we ended up spending this year on officers, in overtime pay? Does anyone have a ballpark figure?

Mayor Newlands: I think last year was \$30,000.

Joyce Hooper: \$30,000. I don't understand that. That's when you bring your Captain and your Chief out to the streets, while the officers are going to their court dates. There should be absolutely no reason for overtime pay here, absolutely no reason. \$30,000 is a lot of money for our little town. The Mayor keeps talking about having this rainy day slush fund and this and that, that's where that money could go. We're losing a lot of money. I do have the issues with the overtime pay and I've brought that up before. One way to clear this all up, Lynn brought up the idea of keeping them inside our town boundaries; technology today is wonderful; all you have to do is throw some GPS on top of these cop cars; you know exactly where they are any minute of the day; they veer outside the town boundary 10', you nail them. Write up a suspension, send them home for three days without pay, they learn their lesson. The other thing. I don't know if you guys caught it on the local news last week, they now have uniform cams. They are awesome and as a little small town, they're the only ones that got the grant money on the Eastern Shore over in Maryland and it's a little camera, just buttons right on their uniform, it takes audio in, takes video in, so it runs with them all day, the whole shift, so if they walk up to a car and maybe they're a little snotty, they're in a bad mood that day and someone calls in a complaint, it's easy enough for the Chief to bring that up and say, you know, you didn't handle this well. You need to learn how to do this better. That's a good way to train our guys. It really is. You can learn when you're out there in the field and if you don't have someone standing over you, then how do you know what they're doing? A lot of our Police Officers are new out of the Academy, so they're learning right along with us. As far as the IACP, I agree with everyone else. I think we ought to have an Ad Hoc Committee. Milton is 1.2 square miles. Once again, that's a lot of money to spend. I think you're going to have a lot of disagreements. I think people are going to go back and forth and this and that, but that's good. That's exactly what we need. We need the people to open up and communicate with our Police Department. The other question I had was, was there any representative from the Police Department that attended the Neighborhood Watch meeting? And why is that? Can anyone from the Police Department help me with that?

Mayor Newlands: There generally is somebody there. There wasn't somebody at the last one. Cornwell is generally there.

Joyce Hooper: That's really important too and there's a great starting ground, right where you are, because we want a Neighborhood Watch, people want to be safe, the police can't be there 24 hours a day, but then again we don't want to have vigilantes out there either, carrying their guns and holstering their guns. We don't need more problems than we have already, so I think

it's imperative that the police join forces with that, if we decide Neighborhood Watch is the way to go. Cars – how many cars do we now have, police cars?

Councilman Booros: Fifteen.

Joyce Hooper: Fifteen cars?

Councilman Booros: There's a lot.

Joyce Hooper: No way.

Mayor Newlands: No, there's two more than the number of officers that we have; there's 13 cars.

Joyce Hooper: We have 13 cars, nine officers?

Councilman Booros: And a tractor-trailer.

Joyce Hooper: And a tractor-trailer? We have a tractor-trailer?

Councilman Booros: An ambulance. As far as vehicles are concerned, Cliff?

Mayor Newlands: I'm going by patrol cars.

Councilman Booros: We have at least 15 vehicles for that Police Department.

Mayor Newlands: Okay.

Councilman Booros: Not 2 more.

Joyce Hooper: Okay. So and what do we plan on doing with all of these vehicles? Chief Mills used to have an auction once a year, it was awesome, for items that were never picked up; maybe we ought to consider something like that for the town; that would be a good old time. I'm wondering why do we have to have a car per officer? Why can't when the shift changes the next officer gets in the car and that guy takes his own car home? I don't understand this. I don't understand why we're doing this. And the other thing is, I don't know where these officers live, but if they're driving 30 miles home, that's 60 miles a day, 300 miles a week, well you do the math. You know how many miles they're putting on our police cars and they're ours, not his or hers. So that's another big issue I have. Parking – what did we ever resolve about parking all these police cars and where are they? I saw one at the Plaza for a couple of days. Why can't we park them at the maintenance building on Front Street? We own that land, right?

Mayor Newlands: Yes.

Joyce Hooper: So we could possibly park cars down there? I guess the big issue is there's nowhere to park them and that's why these people are driving them home?

Councilman Booros: We've heard that.

Joyce Hooper: Okay, well what about the wastewater treatment plant? Now does Tidewater own all of that over there?

Mayor Newlands: No, they don't.

Joyce Hooper: Do we own that?

Mayor Newlands: Right now we do, yes.

Joyce Hooper: Oh, so we have plenty of parking for the officer's cars, right? I'm just asking. I'm not being facetious, I'm just asking; because the last meeting I attended, everybody was crying because there was nowhere to park cars, so I just wanted to try and help you resolve that problem. That's all. Okay, that's about all I have. Thanks for listening.

Mayor Newlands: Thank you. Let's go back to Council with questions and comments now that they've heard the public.

Councilman Booros: I want to make a comment about the cameras. Cameras aren't by the way just necessarily to keep track of the Police Officers, they'll protect the Police Officer when somebody in a car makes a complaint against an officer that didn't do anything.

Joyce Hooper: That was grant money they got those cameras with.

Councilman Booros: Yes, I understand that, but that's on their bodies. I'm just talking about

their cameras in their cars and I don't know if all of our cars have a camera. I have no idea.

Mayor Newlands: All of the cars have dash-cam cameras, all of them do.

Councilman Booros: Does anyone know when they go on and off?

Joyce Hooper: All day.

Councilman Booros: I know there are departments that have it, the minute you flip on your lights, whether you're running up Union Street or running up Federal Street, or chasing somebody, the minute you flip on the lights, the camera goes on automatically.

Mayor Newlands: I think that's it, but I couldn't tell you.

Councilman Booros: The minute you slam on your brakes, the cameras go on automatically.

Mayor Newlands: The Chief is nodding. It's when they...

Councilman Booros: There are also departments when you pull the car up to the Police Department, it automatically uploads the camera onto a server.

Mayor Newlands: That's exactly how ours work.

Councilman Booros: That's how ours work?

Mayor Newlands: When the lights go on there's a buffer of 30 seconds?

Chief Phillips: That's correct. Also it films back about two minutes back, so if something happens and you have an accident, it's already filming as you're driving; if something happens and you turn your lights on, it does approximately two minutes back, so if you're following someone who is possibly DUI, you can get them swerving or whatever they're doing. It does film when they walk up to the car and the whole nine yards, when the lights come on; when they do come to the station, we got a grant that pays to download everything. We also have a grant for the ones that she's talking about. We already got those ordered for the ones you wear on the shirts. We have gotten them already, too.

Councilman Booros: Does it automatically upload to a server from their car? They don't have to come into the building.

Chief Phillips: Yes. No.

Mayor Newlands: As soon as they get near the building, it uploads.

Councilman Booros: It automatically uploads. Okay.

Chief Phillips: And that was all purchased with grants that we've gotten.

Councilman Booros: I mean, that protects the officer, not necessarily keeping track of the officer, it protects the officer.

Chief Phillips: Absolutely.

Mayor Newlands: And it's audio and video, it's both.

Jeff Dailey, 211 Gristmill Drive: Mr. Mayor, point of order. Did one have to sign up to speak at the Public Hearing? Normally we don't.

Mayor Newlands: No. No we don't.

Jeff Dailey: May I speak? Thank you very much. I want to applaud my two neighbors, Mary Hudson and Lynn Ekelund for the practicality conversation and topic. Three years ago I asked the consulting engineer for the town, please when you make your presentation a year from now on the referendum regarding the water system, please give us a whole host of options. Don't just tell us about the need for a water tower, a new pump, a new well. Well a year went by and they did their presentation and there was no long list of options; there was simply a new water tower, a new pump and a new well and the rest is history. The reason why I mention this, is because I really think that Mayor and Council are going to hamstring themselves. I don't understand why we're only mentioning the IACP. I know of Vince, Lou, Ed, Bob, they're all retired policemen. Roger, there's another one. In this town you throw a penny out the window and you're probably going to hit a retired policeman. There is a wealth of information that we could tap into right

here in our town and I'm all for an Ad Hoc Committee and I'm all for looking at the many options. This is the information age. I just can't believe that the IACP is the only organization that our small town can tap into. I also don't quite understand why we aren't going to get our own Personnel Committee to check the Charter, to make sure that members of the Police Department are being held to the same standards as all of the other department workers and municipal workers for the town. I also understand that in recent meetings there has been talk about the Town Manager having much more interest in the Police Department budget. These are practical things that we could do and should do well before we start having a Public Hearing on whether or not we should go with the IACP and I really hope that you'll broaden it. I hope that you'll consider giving this due time, due process, an Ad Hoc Committee; let us discover what it is we want from the Milton Police Department. It takes far more time than we've given it, or that we're giving it here tonight. Thank you.

Mayor Newlands: Thank you. Anymore comments from the public? Because we're going to close that down.

Mike Cote, 304 Gristmill: Early on when the Mayor was mentioning the four or five items that he came up with, he mentioned police salaries and I think that's a good thing to look at, but I think it needs to be broadened to compensation, which would include the salary, the benefit from a take home car, whatever other benefits, like insurance, whether they have a single plan or a family plan, how much do they get from outside agencies for different tasks that they do that may be compensated by agencies outside of town. That's all.

Mayor Newlands: Thank you. As far as health coverage goes, they get the same as the rest of the town employees.

Mike Cote: Yes, I know.

Councilman Booros: I'll comment. I want to comment on something, I don't know if it was Ms. Hudson or Ms. Ekelund were talking about staying inside of town and I haven't mentioned it; maybe I have mentioned it and just forgot. I got a call from somebody who said something about one of our officers sitting right off of Route 1 on Route 16, with his lights flashing and following them into the town limits, from right off of Route 1, literally. I heard it and didn't say anything about it, because my roommate also came home one night and said I'm being followed, there's a problem. And I'm thinking, you're not being followed, give me a break. Harbeson, little neighborhood right inside Route 5 from Harbeson, the officer is sitting out there with his lights on, the minute he passed him, he turned his little flashing lights off and he followed him the entire way into the Town of Milton. I had to assure him that night that he wasn't being singled out and followed, because four weeks earlier, it happened to me, in a car I wasn't driving; we were on our way back from the SCAT meeting in Long Neck out at the country club and we came through the light at Harbeson, he was sitting there with his flashing lights on, a Milton Police Department car, and I said OMG, that's a Milton cop; turned his lights off and then proceeded to followed us all the way to the town limits, to where he turned around and went back out to Harbeson. Our Police Officers are following cars from 3-4 miles outside of the town limits, into the town limits; three times it's happened in the past 6 weeks that I know about. I don't know the number of the car or the officer that was in the car, but I've gotten two complaints from people, plus it happened to us. They're not in this town. They're tracking cars from outside of this town and I've got a problem with that. I understand what they're doing, they're running your tag number, they know everything about you by the time you hit the town limits at Heritage Creek, they're ready to pull you over. That's a problem.

Mayor Newlands: Unless I know what the situation is... You should bring that up with the Chief and let him know what days and times they are.

Councilman Booros: I have brought situations up and I don't necessarily know that this was even worth bringing up; and something tells me that I have already brought this up; I did? Then I have already brought this up.

Mayor Newlands: I don't know.

Chief Phillips: That's the first I've ever heard of an officer allegedly being way out of town, following people back in.

Councilman Booros: They're out there all the time, Sir.

Mayor Newlands: They do get called out of town and they're required to go.

Councilman Booros: No. No, they're not called out of town; they're sitting there waiting for the cars coming down Route 5, towards the town and they're following you into town. Then when they don't have anything on you and they get to Heritage Creek, they hook a U and put their lights back on, come back to Harbeson and start all over.

Chief Phillips: I'd have to pull the videos to believe that, but anyway usually if we follow somebody, we're trying to find drunk drivers...

Councilman Booros: Okay. Well it happened to me.

Chief Phillips: Because we have quite a few drunks in this town, from time to time.

Councilman Booros: But they don't sit in Harbeson, Sir, and follow you from Harbeson.

Chief Phillips: I don't know that to be true. I haven't seen that; this is the first I've heard of that; and we can easily pull the videos; it's not that big.

Councilman Booros: I can tell you the night of the SCAT meeting, you can pull the video.

Mayor Newlands: Let's do that and let's take that off line, because this is part of a workshop...

Councilman Booros: I understand, but I'm just agreeing with these people; they're not in this town; they're out in Harbeson looking to pick people up coming down Route 5.

Mayor Newlands: I'll have the Chief look at the videos. This is from the last SCAT meeting?

Councilman Booros: No, the one that was in Long Neck at the Baywood Country Club.

Chief Phillips: Also, another thing to let you know is, that \$25,000 that we get from Sussex County is also used to offset assisting the State Police; that's why we get that money. If we refuse to assist them, we will lose that \$25,000 if that's what you wish to do; we can do that, that's fine too.

Councilman Booros: I didn't say anything. I don't know who that was directed at, but I didn't say anything.

Chief Phillips: And Milton Kwik-Stop is in town, by the way; has been for the last 12 years since I've been here.

Denise Suthard, 309 Union Street: I wasn't going to bring this up because I don't want any retaliation; but I did need police assistance at my house for a theft and got nowhere with them, so I called the District Attorney. The District Attorney got on them, they finally wrote it up, and then the District Attorney told me, we're not doing anything because they don't know how to write a report.

Chief Phillips: If I can address that please?

Mayor Newlands: Chief, no. No.

Chief Phillips: I'd be glad to address that, because everything she said is absolutely false. _____ probable cause.

Mayor Newlands: Let's leave that alone. This is a workshop, so let's...

Chief Phillips: The problem is Mr. Mayor, you've got people standing up there making false statements, that they don't know what they're talking about.

Mayor Newlands: I understand. Chief, Chief...

Chief Phillips: And that doesn't do any good for the town at all.

Mayor Newlands: Chief, Chief...

Chief Phillips: It's very disrespectful all the way around the whole town.

Mayor Newlands: Ms. Suthard, please. Did you want to say something?

Councilwoman Jones: A couple of things that interest me on the list was evaluation of how productively personnel and other resources are used to conduct current operations; as well as identifying and designing the style of policing most effective for the community. I would say, scope of service, which is identifying the policing, but police scheduling. That would be a focal point for me, but frankly I happen to agree and I came into the meeting believing that the paperwork I received about the IACP, which came right off of the website, is just mired in such bureaucracy that I think you could almost conduct this survey over the phone and I think it's probably pretty much written that way. This is bureaucracy at it's best. The management studies listed here, five of them broken out. I don't hold a lot of hope for department is properly accountable, operating cost effectively, complies with professional police standards, satisfies the crime control and service requirements of the citizens it serves. I think this is a very vague survey. The comments tonight made by the few support my feelings that this should start in community, in an Ad Hoc way; but there must be some other way besides the IACP, which is not a be-all, end-all group who evaluates police performance. Is there any reason, except that it started with the IACP, that we've never been offered any alternatives?

Mayor Newlands: No one has been asked to look for an alternative.

Councilwoman Jones: Okay.

Win Abbott: Councilwoman Jones, the reason why is because Councilman Lester brought it up; perhaps it was in October and it was well received by Council, so I simplified it by providing you with just exactly what you asked for; however, I am aware of other organizations and survey tools that are available to complement whatever efforts may be made. So, at the request of Council I can provide additional information and other options, as well. This is simply what was first introduced by Council, Councilman Lester in particular, it was well received by Council and I was directed to provide to you.

Councilwoman Jones: Okay.

Councilman Lester: Mr. Mayor, I wouldn't be opposed to an Ad Hoc Group if it was directed by somebody with some stature, not just a member of the town population; somebody who really understands, because sometimes these Ad Hoc Groups can just go off in so many directions, without any true guidance.

Mayor Newlands: I would actually prefer the lead to be from outside of town, to make it a completely unbiased moderator.

Councilman Lester: Yes, that would be key and just thinking back, one of the members of the Finance Committee was a retired Police Officer and he was all for taking take home cars; he thought having one car was what he called "hot seating" a car and that that car had more mileage and less care than each officer being responsible for his own car. He was also very much in favor of; I won't say he was in favor, but he understood the problems that might lead to overtime, so just having a group of Police Officers on the Ad Hoc Committee may lead you in the wrong direction; or not the direction people think they want to go in.

Mayor Newlands: True.

Councilman Booros: The IACP is what, for the Chief?

Mayor Newlands: So this person you're suggesting that would run this Committee would be somebody from in town or outside of town?

Councilman Lester: Somebody with the ability to moderate a panel and I don't know where that comes from; because that's going to be crucial otherwise, I'm afraid, especially with the subject

at hand, it could become uncontrollable.

Mayor Newlands: That's true.

Don Chandler: Can I say something?

Mayor Newlands: No, we're not taking any more comments from the public, sorry?

Don Chandler: I would say we should consider that, because this discussion has evolved to the point where we're at an appropriate point where we can say things that are more relevant.

Seth Thompson: You might as well.

Don Chandler, Gristmill Drive: I've been looking to have some closure and determine some possible next steps here and this would be my recommendation, having done personally a number of things similar to this, and certification and committee's and so on; I think our Town Manager has done an outstanding job. I still think he's one of the most underutilized resources in this town. I would like to ask that the Council charge Win Abbott, who among other things has a Master's in Public Administration, with making some recommendations of how to move this off where we are now and provide a vehicle for us to move forward; and that could include looking at other organizations; there's a half dozen you could find on websites, but most importantly, one thing we've heard loud and clear is people feel that there's a tremendous potential to start with a very well selected Ad Hoc Committee to do some groundwork, so charging Win Abbott to take a leadership role and he more than has the credentials to do this, this could be a showpiece for him as our Town Manager and starting with a very carefully selected Ad Hoc Committee, I think would move this forward very significantly. That's my recommendation.

Dick Trask, 101 Mill Pond Avenue: I understand I'm listening to all this comment here about how our police force wants to operate and how it should operate and I understand that the local input to that environment is very important, but I don't think we want to lose sight of the fact, that there's a world outside of the 1.2 miles of Milton. How do we interact with organizations and agencies like Homeland Security and Federal organizations and people that are dealing with issues in this country that could very well spill over into the Milton environment? If we don't have some kind of feedback into that environment for the Police Department, then having only our local input is going to leave us short in the long run.

Mayor Newlands: Thank you. Any other comments from anybody on Council?

Vice Mayor Betts: I would just like to say something about the outside help from our police. A few years ago we had a murder in the Town of Milton and just outside of Milton, the same family, he went there and he murdered a girl; and our police were the first people there after the call; the State Police didn't get there and the man they thought was on the run; but he killed himself also. So I do think it's important that we use our police in a case like that, outside of town, because if we had it in town and we need the police, the State Police, we would call them. So I think we have to be very, very careful of taking away the outside help. I think it's needed at times. I don't say they should be outside Harbeson following someone, I don't feel that, but I do think if they're called from the State Police or from a family and the State Police have not gotten there yet, I do think we should help them.

Mayor Newlands: I agree.

Vice Mayor Betts: Thank you.

Anthony Mastromarino, 302 Valley Road: That's a good idea that you have, but everybody here is trying to set up a perimeter so if there's a murder 20 miles away, do we answer the call?

Where are you setting the perimeter for this town?

Vice Mayor Betts: Oh no. I think the police, the State Police, should certainly know who is closest to call them. I don't think they would call our police 20 miles away. I mean, I don't think

so.

Anthony Mastromarino: I don't know police work.

Vice Mayor Betts: Chief, do you ever get a call from 20 miles away to go help?

Unidentified Speaker: Greenwood, they've been to Greenwood.

Vice Mayor Betts: They have?

Unidentified Speaker: _____ chase, haven't they?

Vice Mayor Betts: I don't recall that.

Anthony Mastromarino: Is it a broadband, or they specifically call you?

Vice Mayor Betts: I think it's necessary just outside of town.

Anthony Mastromarino: I agree, within reason.

Vice Mayor Betts: Exactly and I don't see how we cannot respond; I don't know about the SOP's and all that, the Chief would know.

Anthony Mastromarino: What happens too is this can get caught up in Court, the officer could be in Court all day; there's a lot of variables in that; and then there's the overtime issues.

Vice Mayor Betts: I think the schedule could be changed, so that... I agree with the scheduling to control allocations and deployment and scheduling. I think we should look into that.

Anthony Mastromarino: That's all I'm saying. If you say okay, you can go outside, let's say within reason.

Vice Mayor Betts: Oh I think within reason.

Mayor Newlands: It's at the direction of the SussCom Dispatcher.

Vice Mayor Betts: I think the State Police would not even call if it wasn't necessary. That's my opinion.

Anthony Mastromarino: Okay. Just a point.

Vice Mayor Betts: Yes, that's right, thank you. Mine's a point also, so just take it for what it's worth.

Anthony Mastromarino: We do.

Mayor Newlands: Does Council have any other questions or comments?

Seth Thompson: I guess I have a comment, or rather looking for some guidance, I suppose is more of an accurate way to put it. I was planning on drafting up a Resolution for the appointment of the various committee's coming up next month. I take it I should include a potential committee, an Ad Hoc Committee as kind of a police force study group, something along those lines and I'll do that. I have a feeling that your Committee or your Study Group is going to run into the same type of need for guidance that the IACP is asking for here; I don't know if you want to pose specific questions for the Study Group to look at and maybe it could be including, but not limited to, that type of language. I can set up the template and seemingly the Council can phrase their questions how they want at the next meeting, but it might be helpful to give your committee a little bit of guidance in terms of what you're looking for and it could be in much more direct questions, as opposed to analyzing the philosophical approaches and interactions of various factions. I think you can be more direct than that. I suspect that will be helpful to your committee members. Sounds like that's what I'll do, looking around the room and if it's a terrible idea, you can just strike it from the Resolution and I'm not going to be too upset about it.

Mayor Newlands: Okay, thank you. Let's close the workshop at 7:35 p.m. and open the Town Council meeting. We'll have public participation first.

2. Public Participation

Mayor Newlands: I have two people who want to speak on tax appeals, Nancy Coon and Mr.

Mastromarino. Do you want to speak while we're talking about property tax, or do you want to speak ahead of time. It's your choice.

Nancy Kuehn: No, I would like to speak ahead of time.

- a) Nancy Kuehn, Valley Road: I moved here in October of 2012 and of course didn't receive a tax bill until January, 2013 and when I received it, it was extremely high and I want to know, first of all, I'm being billed for a basement that I don't have, to the tune of 1,080 square feet and I want to know what recourse I have for tax year 2013, since I didn't fill out a form to go through the proper channels, because I didn't know I needed it. So what recourse do I have to get that straightened out, because I don't think I should have to pay for what I don't have.

Mayor Newlands: Very simple, just go into Town Hall, get the card that is associated with your house that has all the criteria on it for your house.

Nancy Kuehn: I have that.

Mayor Newlands: Okay, just sit down with the Town Manager and he'll work with the assessor to get that fixed.

Nancy Kuehn: And that will be for the year 2013?

Mayor Newlands: Yes, don't pay your bill until you talk to the Town Manager.

- b) Anthony Mastromarino, 302 Valley Road: I kept saying to the assessor that I thought something was out of whack with my property bill and he comes back and says, no you've got the same lot and you're in line. Well I have the same problem she has. I have an attic room, which is not 75% of my upper story; it's around 20% and I'm being billed for 4,000 square feet, over 4,000 square feet living space, which I don't have. It's a big house outside, but inside it's not a two-story home. If you're going to be challenged by people, could you please see if there's something out of kilter, because there's two right off the block, right here that are not right.

Mayor Newlands: Mr. Mastromarino, I'll tell you the same thing. Speak to the Town Manager and sit with him and go over the reports you have with the assessor, because I don't consider this a tax appeal; I think if you're looking for mistakes that were made and you want to get them corrected, the Town Manager can work that out with the tax assessor.

Anthony Mastromarino: I'm over-assessed. I don't have that many square feet.

Mayor Newlands: Right, that's what I'm saying. If there's a mistake on the assessment, then we can handle that in house without going through a tax appeal.

Anthony Mastromarino: I did address Mr. Abbott this morning.

Seth Thompson: It sounds like maybe it's helpful to articulate it this way, that if it's an issue of valuation, then the tax appeal process is what you need; if it's an issue of the wrong scope being in the valuation, is in the assessment, then that's something that we need to correct. So again, we need to make sure that it's the right apple, so to speak.

Councilman Booros: I think it's both. The reason it was pulled to look at to begin with, was because there was an appeal and it wasn't just because of the high dollar value of the house; it was because of the land and everything else. In pulling it, it was determined that he's being assessed at twice the size of the house that he really has and as his councilperson, I would like to know do we refund him three years worth of taxes that he overpaid?

Anthony Mastromarino: Four.

Councilman Booros: Four years worth of taxes that he overpaid on a 4,000 sq. foot

home that he doesn't have?

Seth Thompson: There's nothing in the law that would require you to do that, because typically it's on the property owner to bring it to the attention of the town that the assessment...

Anthony Mastromarino: I've never gotten this information until today. I never knew this existed. Alright, so it's too late to appeal it, but I think with the money you've already taken from me, you can at least give me a streetlight. It should total up to that. I'm done. Thank you.

Mayor Newlands: Thank you, Sir.

3. Call to Order – Mayor Newlands called the meeting to order at 7:25 p.m.

4. Moment of Silence – Councilwoman Betts

5. Pledge of Allegiance to the Flag

6. Roll Call – Mayor Newlands

Councilman Lester	Present
Councilwoman Jones	Present
Councilwoman Patterson	Present
Councilman Booros	Present
Councilman West	Present
Vice Mayor Betts	Present
Mayor Newlands	Present

7. Additions or Corrections to the Agenda

Mayor Newlands: Do we have any additions or corrections to the Agenda?

8. Agenda Approval

Councilman Booros: I'll make a motion that we accept the Agenda.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to accept the agenda, as amended. All in favor say aye. Opposed. Motion carried.

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

a. Property tax appeal results

Mayor Newlands: I wanted to make sure that everybody received the letter that was submitted with the property tax appeals, just so that you had it. I don't think it was in our previous packages.

Seth Thompson: Mr. Mayor, is it the December 20, 2012 letter?

Mayor Newlands: Thank you. Mr. Mastromarino, I'd like you to be paying attention.

Win Abbott: Your letter should be dated March 10, 2013.

Mayor Newlands: No, this is the December 20, 2012 that Mr. Sands that we handed out late. I just wanted to make sure that everybody had a copy of that in their packets and Mr. Abbott, you wanted to go over the March 10th letter?

Win Abbott: I will defer to our assessor, it's his letter.

Seth Thompson: And this is a supplement to the prior letter, I take it?

David Hickey, Property Tax Associates: I believe last time you all asked me to be a little more specific in my recommendations, so I went through each one of the sub-divisions, Heritage Creek and you have what I copied out of the GIS, there's an outline of the entire Heritage Creek area; which I understand the back half is being changed, which I just found out about, so I'll have to make some adjustments to that. Then there's a page that shows the sales that we had available and you'll notice that 113 Arch Street was a land sale for \$125,000 and then there were time particular sales that we had during the reassessment period was 111 Mill Pond, 108 Heritage, 103 Heritage, and 102 Heritage; then this page shows the lots that were under appeal, the ones in green, all the ones in white did not appeal. I guess black and white.

Mayor Newlands: So the checked ones...

David Hickey: I guess yours are black and white. I'm sorry. There's a list here that shows all the recommendations as far as the adjustments and this page here in the yellow is where I had recommended adjustments, the green ones were recommended no change. I looked at all the land sales in the town in taking a particular interest in the size, since that seemed to be a question. The size of the lots in town, I looked at everything under an acre. With no acreage there are 415 lots in town; from .001 to .05 is 56 lots; .05 to .1 is 232; greater than half an acre there's only 117 or 118 parcels in town; between .05 and a quarter of an acre is about 1,000 parcels; and I looked at how they were spread out, they're spread out all over town. There's no consistency as far as little lots vs. big lots and if you look at the sales, location is a bigger factor than size. For example, a third of an acre lot on Mill Street sold for \$85,000; where a two-thirds of an acre lot on West Shore sold for \$185,000; and .72 of an acre sold for \$155,000 in Village Center; and the one on Arch Street was only .14 acres, so they were spread out all over town. In Heritage Creek, the minimum size lot was .57 acres, the maximum was .211, the average size was .122 and the median was .31. When I excluded all the lots outside of Heritage Creek and lots greater than an acre, the smallest one was .007 acres; the maximum was .999 and the average was .20 and the median was .72, which is only slightly larger than the Heritage Creek. I'm referring to the cover page of my letter dated March 10, 2013. The bottom line is I felt like the lots that were in Heritage Creek that were now designated to be townhouse lots, which I was unaware of until a couple of weeks ago, should be adjusted downwards slightly from what I said last time was from \$120,000 down to \$100,000. Then the next part of the presentation evolved around the Preserve on the Broadkill. I did the same exercise. You have a plat of the Preserve area, we have a plat that shows three sales and four land sales; we have a lot at 302 Valley, it sold for \$135,000; a lot at 223 Chandler that sold for \$143,500; then there's a lot at 214 Ridge that has a house on it and it sold for \$267,000 and then there's another lot at 220 Chandler, that's a very steep lot that drops off very rapidly to the rear, sold for \$260,000. I'm just saying that those lots are what I would consider inferior, but they sold for a higher value because of location.

Mayor Newlands: Mr. Hickey, I know you've got all the land prices out and everything else, I would like to actually go back if you don't mind, to the second page on Heritage Creek sales.

David Hickey: Okay.

Mayor Newlands: And take 111 Mill Pond. Because that house sold during the assessment, didn't it? Just on the map, just the 2nd page of the maps.

David Hickey: Yes, correct.

Mayor Newlands: The assessed value for that house is about \$35,000 higher than what it sold as, in general.

David Hickey: 111 Mill Pond, I thought we only had \$401,000 on it.

Mayor Newlands: No, the assessment shows \$426,000 from what I understand.

David Hickey: That's because after he bought it, he finished off the basement. So it increased the basement, when he finished that off.

Mayor Newlands: Okay. When you do the valuations, you do a mathematical calculation. I know you explained all this two months ago, but I would like a little refresher on it; you do a math calculation based on square footage?

David Hickey: On square footage and then we take into consideration the quality; going by the email that was presented to me, the question was do we have a basis for valuation based on quality. Well, yes we do. When you look at what Schell Brothers puts out as far as their base unit cost for these houses, it's essentially on the same level as ours. Then we come along and we'll add 20-30% for quality, based on location and the style and the sales; just like when you're dealing with an assessment, you have to start at the same basis for everybody, but not every 2,000 sq. foot house is equal, as far as quality, etc. Houses like in Wagamon's West Shores were selling for \$300,000, \$400,000, \$500,000, whereas you might have the same size house in other places, that were selling them for a lot less, but you have to start with the same basis and you make an adjustment for quality based on location. That adjustment, you're exactly right, is in that \$20,000-\$30,000 range and that was another thing I looked at, in terms of where our sales were when we started the job; when we started out, all we had was 2006 sales, for the most part and some early 2007 sales and we knew that was at the peak of the market, so we toned those down. We said, if it sold in 2006, we're only going to take 80% of that sales price as a basis and in 2007 we took 85% and in 2008 we took 90%; so that we weren't pinning everything on the high part of the market; we were trying to tamp it down and when we looked at the bottom line ratio, which is how we judge, we look at the assessment divided by sales price as a ratio; that's the measure that the performance is based on. When we time adjusted those sales like that, we came out with a 98% ratio, which is right where we had to be. If I didn't adjust that, the ration would have been down at 90%, which would have shown that the prices were falling.

Mayor Newlands: There are a number of homes in Heritage Creek that the assessed value is 15-20% higher than the sale prices.

David Hickey: Right and...

Mayor Newlands: And they're built in 2010, most of them.

David Hickey: Right, that shows that the prices were falling after we finished the reassessment and we were tied to where we were setting the values, based on sales that occurred prior to the assessment being finished.

Neil Sands, 111 Mill Pond Avenue: The house in question. I would like to just respond. This house was built in 2009, we closed in 2009, which was the year of the assessment. We paid \$394,000 for that house. If they used \$115 per sq. foot for construction costs and that includes the basement, the total cost of that house is roughly \$330,000; that leaves a value for the land of \$64,000; so using your reckoning and based on information I obtained from Schell Brothers, that was the construction cost of that house, the house was sold at a loss, because of market conditions. I was the first one into the community, so I just want to give that information as a counter-point to Mr. Hickey's rationale so that you understand and the only other point I made in my email, is

that at the end of the day, we're looking at lot sizes... my lot size is probably the largest in the community. It's .16 acres, that's about 7,250 sq. feet. I have another appraisal here which documents that information, which works out to less than .2 of an acre. I went through virtually the entire rolls of the town, every lot in this town, including Cannery Village which is right next door, that is under .2 of an acre is assessed at \$80,000 or less; there may be a few that are commercial, or there may be a few that are waterfront, like over in Wagamon's West Shores, but they're just slightly larger, but that essentially the essence of our issue. It looks like, when you look at the tax rolls, that we are assessed at about 50% more than the rest of the town, for a single family homes with similar sized lots.

David Hickey: All I'm saying is the one piece of evidence we had at the time we were doing the reassessment, was a lot at 113 Arch Street that sold for \$125,000; so when our assessor's go into that neighborhood, they're saying what have I got to go on and here's a sale, \$125,000; he used \$120,000. So I feel like we've done our job.

Jim Hostetler, 106 Arch Street: We keep referring to the lot on Mill Pond that sold for the \$127,000

Mayor Newlands: \$125,000, that's 113 Arch.

Jim Hostetler: I believe that house was a burn; there was a fire there, before this, so what was sold, was not just a lot, what was sold was a lot, there was a foundation, there was whatever improvements were involved, so that's not a comparison of anything to do with lots. The concern we have is, is that if we're using examples like that to try to make a result and we don't understand what's being used as the example, it confuses everyone to think that lot values are higher than they really are. That's all for that one.

Mayor Newlands: So I wasn't aware this was the house that was burned down. I didn't realize that. Okay. Did you know that? You just thought this was a pure land sale, then.

David Hickey: As far as I knew it was a land sale. I checked the county records and I checked this and there was nothing about that. You had that and you had these sales on Ridge and Chandler and Valley...

Councilman West: Mr. Mayor, I have a question. Are we paying him to reassess these mistakes that have been made?

David Hickey: I fixed the mistakes.

Councilman West: I don't feel that the Town of Milton should be paying you for the mistakes that you've made to all these people; because this is going to have to be redone once again and we should not pay you twice, for a job that you were supposed to do right the first time.

David Hickey: I feel like I did the job right the first time.

Councilman West: I don't feel so Sir and I've lived here all my life and these people are trying to move in to this town and try to help this town and you're trying to mess them up.

Seth Thompson: I think we need to deal with the issue at hand, too...

Councilman West: That is the issue at hand, Seth. This is costing this town money because he has not done his job and done it correctly. If I had to do that job and didn't do it correctly, I would have to be accountable to all these people and as a councilman I am accountable to all these people.

Seth Thompson: Understood councilman, I just mean that the task at hand today is these people's property appeals, the relationship between the town and the assessor, I understand you have an issue; it's just we need to deal with the appeals tonight.

Councilman Booros: Can I deal with it? Or try to deal with it? I tried to do my homework before I come to these things, I really do. That's why Mr. Mastromarino and the other lady had their things, because I was trying to figure out how the house next door to him that just sold for \$200,000, whether or not she was being taxed at a lower rate, she's not; they used the same figures from back in 2006 and the same rate to assess him; we did find a couple of little errors, unfortunately, like Mr. Suthard said this morning, oh 2% of \$1,000; I was wrong. No, 100% of the two I picked at random were wrong. I mean wrong, wrong. They're both just wrong. But what I did discover is that their land value up on the hill at Preserve on the Broadkill at \$140,000 for their lots; some of those lots do back the river. They may be steep slopes, but the river's at the bottom half of that steep slope and when the leaves are down, they're all viewing the birds on the river; so there's one heck of a difference between living on the top of the Broadkill River or whatever that neighborhood is up there overlooking the river, Mr. Mastromarino, unfortunately you overlook Don Post's house, not the river. Sorry about your luck.

Anthony Mastromarino: And the water tower.

Councilman Booros: And the water tower yes, so you don't take advantage of those houses on the other side where somebody paid \$500,000 for a townhouse but that's not your fault... what I did discover in doing my research is that the houses in Heritage Creek on small lots are being assessed at \$120,000; and the houses in Wagamon's West Shores on large lots are being assessed at \$120,000 and what's been explained to me in the letter from one of the people from Heritage Creek or one of the other neighborhoods, is you all must have a crummy little neighborhood down there in Wagamon's West Shores since yours are assessed at the same price as Heritage Creek's little houses on postage stamps. That's the way they're looking at it. The assessments are the same. For larger lots in Wagamon's West Shores and part of that is waterfront.

Mayor Newlands: No, those are at \$200,000, the waterfront lots.

Councilman Booros: Let me tell you something, the neighborhood sits on the water; their neighborhood sits next to a school in a corn field, okay? There is a difference in the quality of those neighborhoods and I asked last time and I don't remember the answer I got of what the difference is between a single family home in Heritage Creek and a single family home in Cannery Village that are both nice homes; I don't care if Schell Brothers built this; Schell builds a nice home; but I've been in a couple of homes lately in Cannery Village that were very nice homes, on about the same size lots, not much difference; but the difference in what Cannery Village is being charged for their lots vs. what Heritage Creek is being charged for their lots, they're more in line with Cannery Village as opposed to being in line with Wagamon's West Shores. Wagamon's West Shores is more in line with that little thing up on the hill in Broadkill.

Mayor Newlands: Don't get my taxes raised on me, please.

Councilman Booros: I don't want to get your taxes raised on you, but I did go back all the way to 2009 and read all the tax appeals. I've read them all. I found a relative, I think, of Mr. Lester's, who right off the bat had this same problem that Mr. Mastromarino had. He didn't live in a two-story home, but because he had dormer windows on the second floor, got charged the extra square footage because the dormer windows were in his attic and his foyer. I've read them all. I went all the way back to when the first assessments were done. There were mistakes back then. There were mistakes last year when I sat in this room and somebody said why is mine different than

the neighbor; we're both living in the same house in Heritage Creek and the answer was you have curtains on your basement windows, so you have a finished basement. There are too many individual mistakes. I only pulled two out of 1,000; I don't know how many houses we have here... Excuse me, Miss, I'm not done. I'm not done. That aside, these need fixes and I know that's going to cause a problem. I don't know how you're going to fix them. I would suggest that we put together an Ad Hoc Committee, pull 50 of them and do a test on 50 across the board, throughout the town and see if they do have basements, don't have basements; these things need to be corrected, whether they're corrected with the Town Manager or who they are; the people don't know. Mr. Mastromarino never would have known this if I hadn't seen it with my own eyes today and gave him a copy of it, not would that neighbor of his, but that said; your neighborhood is at \$120,000, there's are at \$120,000; either you live in a really crummy neighborhood or their neighborhood is so damn good, I can't see... Something's wrong with this. I don't know what you can do, but I don't know if yours needs to go up; if Cannery Village needs to go up and there's needs to come down; something's out of whack here between these neighborhoods.

Mayor Newlands: Now that we know that the sampling that they used was not of a vacant lot; it was a lot with a foundation...

Councilman Booros: It's not just that sampling on that one thing. There is a problem and I'm not saying that anyone's house should compare to my little thing on Broad Street, because there's a difference, trust me. My backyard does this. It's 20' wide. There's a difference. Ms. Betts' floods. She's got a nice big piece of property down there that makes me waterfront every time the river overflows.

Vice Mayor Betts: And it makes me waterfront; and they assessed me waterfront.

Councilman Booros: If you were to come to my house after a good storm, I'm waterfront. Unfortunately her house is in the water behind my house, but I'm serious, it's in my yard. I'm waterfront.

Vice Mayor Betts: And I'm assessed... they wanted \$500,000...

Councilman Booros: There's a problem here and I don't know how we're going to fix it, but I don't think it could be number one, decided tonight and I think it was unfair, there's a problem here. That's all I can tell you.

Mayor Newlands: Well I think since we know that the property sold was not just a vacant lot, that needs to be readdressed.

Councilman Booros: Number one, the sizes of those lots and he told us with his own...

Mayor Newlands: I know, they're half the size of my lot.

Councilman Booros: I'm not even talking about size. This man just said he uses the square footage and the quality, okay? The square footage of a lot in Heritage Creek vs. the square footage of a lot in your neighborhood and the quality of the home, either their homes are so much nicer than yours and you're living in a dump; there's a discrepancy there, because your lots are big. They're a lot bigger than these postage stamps they have in Heritage Creek. We got a letter and the lady went down this house, this house, this house, and if you're going to use the square footage and the quality, some of the houses in your neighborhood really should be assessed larger; there are some larger lots in your neighborhood.

Mayor Newlands: They're the ones on the water and they're assessed higher. They're assessed at \$200,000.

Councilman Booros: Well, let me tell you this nice lady wrote a long letter and she gave

100 examples of houses and granted, you can't compare a house in Heritage Creek to a house on Willow Street. You just can't do it. One's got curbs, one doesn't have curbs. One has potholes and we've all got potholes too, but the difference between Cannery Village and Heritage Creek, one of them has a clubhouse with a pool, the other one doesn't. There's a lot of discrepancies here and if you're telling me square footage and quality, we've got a problem; other than this. This here is a big problem and none of these people have complained about this problem.

David Hickey: When we did the original assessment, there were very few houses out there in Heritage Creek, so when you're just looking at one or two houses there, you get the perception that this is going to be a much nicer sub-division than what it turned out to be. I'm saying, it's a nice sub-division, but the houses are jammed in on top of each other now, a lot tighter than I thought they were going to be.

Councilman Booros: And in your defense, I've had somebody that I think is in this room, say to me when they bought their house, they had no idea that when they put a house next to them it was going to be that close. They just didn't see it. The person's in this room that said this to me, so in your defense, I do know that.

David Hickey: That's the heart of the problem we have, is that if we go back to talking about making adjustments to judgments that were made back 4 or 5 years ago, now that everybody in the whole town was subject to those judgments and now if you make a change here, then...

Councilman Booros: I know what the ramifications were, trust me. You won't have a Police Department, because there will be no money to pay for them.

David Hickey: Remember, as far as the size, like Mr. Mastromarino's house, we look at the house from the outside and when we're looking at the upstairs, we don't know how much...

Councilman Booros: And once again, in your defense, I'm going to give you another one, okay? But in your defense, the town should have provided a copy of this to every homeowner after you did it so that they could have questioned it four years ago, if they didn't have 4,000 square foot house. The town did not provide these... They are apparently doing it now with new construction.

Mayor Newlands: Yes, they are.

David Hickey: I'll tell you what I'll do. I will put everything online so that any citizen can do over their personal record and if they find discrepancies...

Councilman Booros: They can bring it to Mr. Abbott's attention.

David Hickey: I will fix them, but they'll have to be reported to us through Mr. Abbott's office, or whatever.

Councilman Booros: You're talking a different issue with the land; I'm talking about obvious mistakes.

Mayor Newlands: Right, there are two issues.

Bob Burakiewicz, 108 Heritage Boulevard: Does the Town Council have the ability to make a decision outside of the parameters of Mr. Hickey's report? In other words, can they say tonight that your appeal on land value, we agree with you, that it's the same as Cannery Village, at \$80,000; or do we have to go by what Mr. Hickey says; are we opening ourselves up to something? I don't know the answer to the question, that's why I'm asking.

Seth Thompson: I'll field that, if you want me to. The Council is sitting as your Board of Appeal for these tax appeals, so what the Council needs to do is weigh the evidence that

the town assessor provided and then weigh the evidence that the appellant's have provided and figure out if there are any factual issues; who is correct in a factual sense, but then also go through some sort of logical deductive process and come to a result. The reason it needs to be clear where you got your numbers, is so that everybody knows; that the appellant's understand why that number was chosen; the assessor understands why that number was chosen; and, if they're not happy with it, then they can take it to Superior Court and then at least the Superior Court Judge can read it over and say this was the process. I might not have come to the same conclusion, but I'm not going to second guess the end result of their process, as long as it wasn't arbitrary and capricious; as long as they went through some orderly thought then the Court will be satisfied. I don't know if the appellant or the town assessor, whoever the Town Council doesn't agree with will be happy, but at least they'll know that they were heard. That's the important thing. The numbers can't just be some arbitrary number, it has to be based on something, so I don't know if the town assessor has an opinion in terms of the quality between Cannery Village vs. Wagamon's West Shores and whether Heritage Creek falls in between; I don't know if that's the issue. I don't know if the issue is that the assessor can come to some sort of number that he would put on a lot that had a foundation and then calculate the Heritage Creek numbers back from that by deducting out whatever a foundation might be worth; but there needs to be some evidence on the record, in terms of how we arrived at the number that we chose.

Win Abbott: Just to put this in perspective for the Council, so Mr. Hickey has provided you with a spreadsheet here of a number of appeals that were made and when you look at all the recommendations that he has for a yes, to make a change, that is the second column from the right and the recommended value; please keep in mind that our tax rate is 21.6¢ per \$100 of assessed value and if you look at the totality of all the yes change recommendations that Mr. Hickey has made for all the appeals, that comes to, and this is a reduction in property tax revenue to the town, \$1,706.40. It's typically \$43.20 per appellant. Now if you add to that, the entire class, not just those who have made appeals in Heritage Creek, but the entire class of persons with Heritage Creek property values and you make the land value reduction the very same; which is \$20,000; that would add \$1,468.80 to the reduction in property taxes collected by the Town to make all those persons in that development, of the same class with a value reduction for their property, the total amount of property tax collected, which is less than what would have been projected at the other rate, is \$3,175.20. So this just puts into perspective the totality of all the recommendations that Mr. Hickey has made, for Preserve on the Broadkill and other minor exceptions, not including the technicalities that we spoke of before, like basements or attics; and a reduction in the lot value for those class of persons in Heritage Creek, including not just those who made appeals, but I think those six persons that did not make an appeal, the fall within the class. Total amount, \$3,175.20.

Mayor Newlands: And we you drop it down to \$80,000 per lot in Heritage Creek – I did the math on that before, I think it's around \$3,000 total if you drop the \$40,000 off each one. It wasn't that much money.

Win Abbott: Once again it's about \$43.20 per lot.

Councilman Booros: How much have we spent in overtime and attorney's fees to sit in this room...

Mayor Newlands: It's just him. The rest of us get paid a flat fee.

Councilman Booros: We don't pay you?

Win Abbott: Just as a point of clarification, Mr. Hickey is paid... the contract for his assessment services dates back to when the town-wide reassessment was done. Now he is paid on a per lot maintenance basis. The trips that he has made out here and the time that he's been sitting here has not been a per hour charge in addition to his flat fee on a per lot maintenance for what he does, just to keep the records kept up.

Councilman Booros: Does someone want to write a \$3,100 check and let's leave?

Mayor Newlands: Mr. Burakiewicz, in answer to your question, yes we can make the changes.

Councilman West: Mr. Mayor, we'd be better off to go with the County assessment.

Mayor Newlands: That would take a large effort to do that, changing over to the County.

Councilman West: It's no more larger of an effort than it is right now and we would save a lot of money.

Seth Thompson: We can't do that tonight. It's something to discuss if that's what you would like Councilman West.

Mayor Newlands: It's something that we can look at in the future.

Councilwoman Jones: By reducing the assessments in Heritage Creek, doesn't seem to capture all of the issue for me. First and foremost, if we're looking at 34 of 46 developed lot owners have made appeals, that's an incredibly large number to consider. The number alone is shocking. In reducing Heritage Creek, my feeling is I don't think, Mr. Hickey, we're comparing apples to apples. If you talk about premier communities, all by the way Milton, Wagamon's West Shores, Cannery Village and Heritage Creek right now. If I left anybody out, it wasn't purposely to offend you; but Preserve on the Broadkill, but right now I am looking at a tax information that was sent to me and Mayor Newlands is right, I highly suspect 142 West Shore Drive is on the water; it's assessed at \$200,000 for land, but it's almost a half of an acre. That doesn't capture the other side. It might be okay to adjust Heritage Creek, if that's what the Council addresses, but page after page here is showing Wagamon's West Shores with hefty land amounts with less value put on them. I guess the ones that really concern me are the ones in Cannery Village, that are assessed at \$80,000 more land, for \$40,000 lower than Heritage Creek. At least this came directly off the Town's website for tax records and there is a great discrepancy here in how we're charging other communities. My issue is we look to be comparing apples to oranges; instead of dirt. Square footage of dirt. What makes the dirt in Heritage Creek more expensive than the dirt in Wagamon's West Shores? Per your formula, nothing else, no subjectivity to the issue. You used a formula. You came up approximately .2 of an acre for Heritage Creek, \$120,000. But I don't see, at least in the notes in front of me, where that same formula was offered around town.

David Hickey: There's no set formula. I've been appraising since the early 1970's and when we're doing lots and sub-divisions, we're looking at lot sales and you're talking about a whole lot, but you don't put it on a per square foot basis or a front foot; people don't buy lots like that. Just look at those lots in Preserve on the Broadkill that sold. They were different sizes, but they sold for widely varying amounts. It's not a formula, per se. If it was, you could say one price per square foot on all things, then it would be my lot's only 15 square feet bigger than his or less and I have a value difference and it has the same worth. It stands to put a house on. This lot that supposedly had a foundation on it, and something burned down and it sold, was it completely torn down? So there was a cost involved in tearing it down and there was a foundation there?

Mayor Newlands: It was rebuilt, correct?

Unidentified Speaker: It was rebuilt, the foundation was there, the garage was left up, some of the walls were left up, so they basically, when the property was transferred to the current owner, that's what you saw in the transaction, that Schell Brothers rebuilt the rest of the house.

Mayor Newlands: So we're learning that the lot that was picked as a lot sale wasn't really just a lot.

Unidentified Speaker: It was an anomaly.

Mayor Newlands: But we're learning that it wasn't really a lot; so we need to go back and readdress that, or the Council can just say that we're going to make these lots (at Heritage Creek) equivalent to Cannery Village lots.

Councilwoman Jones: Or Wagamon's West Shores lots.

Mayor Newlands: No Wagamon's lots...

David Hickey: Wagamon's lots, some of them are \$140,000; some of them are \$200,000; and some of them are \$120,000; they're a little bit all over the place. If you all are wanting to lower those and not the rest of the town, just because they appealed, then...

Vice Mayor Betts: I'm coming next month to appeal.

Mayor Newlands: I'm actually looking at this as getting it corrected, because the lot that was picked for a vacant lot, was not vacant; it had part of a house on it.

Dave Hickey: True.

Mayor Newlands: So there's a difference there as to why that price was \$125,000; so that needs to be corrected and once that's corrected, that changes the baseline for all of their lots. That could drop all of their lots down to \$80,000.

David Hickey: I could go along with that.

Councilman Booros: But Mr. Hickey, you just made a statement, well if you're just going to change these people who appealed and not the whole town. We're not talking about the town, remember? Because you didn't compare the size of their lot to Marion's lot up there on the tree streets; because they're not the same type of community; so we're not gonna go changing the whole town; what we're saying is they're a community, like that community...

David Hickey: I understand.

Councilman Booros: Okay, so don't be saying we're going to change the whole town. This isn't about the whole town.

David Hickey: I understand.

Councilman Booros: This is about this community; there's a problem. One community.

David Hickey: Heritage Creek started out when we did the reassessment, there were very few houses there and we thought it was going to be...

Councilman Booros: Well they're there now and there's a problem; we'll take care of it.

David Hickey: And knowing that this one lot had a partially burned out shell on it, that does make a difference. I can see making a...

Seth Thompson: Mr. Hickey, the one question I had, I know you said that you use kind of a numerical discount in order to go back in time; I think you said in 2007, you used 85%?

David Hickey: 85%, right.

Seth Thompson: In 2006, you used 80%?

David Hickey: Right.

Seth Thompson: Do you do the same thing going forward in time from the assessment?

So in essence, when these people look at a 2010 sale, or a 2011 sale; are you able to do the same thing, based on the market coming back down afterward?

David Hickey: I haven't looked at those, because everything is at a point in time relative to the assessment. What transpires afterwards, I feel like we were trying to compensate for the falling market while we were doing the reassessment, by taking that into consideration, because during that period, all we ever heard was you can't use sales that are a year old, or two years old, because that was at the peak of the market, so we were trying to get around that mathematically and at the end of the day we have to judge our assessments by how close we are to what the overall assessment sales price ratio, which our ratio came out very good here in Milton. It's unfortunate that the market has continued to decline, since we finished and now that people are buying houses for less money, we're still stuck at those rates we were and like when we were in Heritage Creek, we have to make the same quality adjustments. I think we had some higher quality adjustments in Wagamon's West Shores, than we do in Heritage Creek, but that's neither here nor there... I understand what you're saying about the land. I think we could justify another \$20,000 off of my recommendations.

Councilwoman Jones: In just one example, Mr. Hickey, just one, I'm just going to try to focus on one. Even with the property on Arch Street selling as land, instead of holding a foundation. We are talking about something in the vicinity of .2 of an acre.

David Hickey: Right.

Councilwoman Jones: Okay? I'm looking at a property in another community, twice the amount of land, with the same assessment and I'm talking about it being in one of the three communities which I name. This alone, this right here, does not speak to me of just Heritage Creek, it speaks to me of a problem that's far more reaching in the other communities and I know tonight we are here to hear the tax appeals; but I believe, just by this example, there's an issue across the board. I have a very hard time looking at my neighbors and saying, nope we're not going to consider your appeal or yes, we're going to consider your appeal; because just to hear Heritage Creek appeals right now isn't going to fix the issue I have in front of me. I'm not understanding. I just simply don't understand the formula from one neighborhood comparable to another; twice the amount of land; same assessment.

David Hickey: It's always difficult to put everybody's mindset back to what it was 4, 5 years ago, but when we did the reassessment, everybody was sent notification and had the ability to come in and talk to our assessor, to go over their assessments and we did that and we had very few people come to those hearings. So we felt like we were in the ballpark and the numbers at that time, seemed to show that we were. There weren't very many houses in Heritage Creek that had sold, so therefore we didn't have any appeals from there.

Councilwoman Jones: Just because we didn't have appeals, didn't mean it was right.

Mayor Newlands: Let's move this along a little.

Councilman West: I've got a question. Mr. Hickey, you say that you went by the prime real estate market values. I had a certified appraiser appraise my property in 2006 and when you sent out the appraisals in 2009 mine was in line with that; but now you're telling us that the property values have gone down, so why haven't our taxes gone down to offset the loss in our property values?

Mayor Newlands: I think, again, we're getting off topic and we need to get back.

Councilman West: No it's no Mr. Mayor, because he's trying to say he's comparing

apples to apples; and the prime real estate market vs. the low real estate market.

Bob Burakiewicz: With all the time that everybody in this room has spent over the last two months, all the time and research and effort that's been done, it's not about the money. It's not about the money. It's about comparing values to similar communities, similar size lots. I'd like to call a question. I think there's enough information out here now to make a decision on whether we're going to be assessed at \$80,000 or whatever the number is, compared to other communities. We spent enough time on this already. Let's make a decision. That's all.

Mayor Newlands: I'll allow one more comment in the back. And again, this is not a Public Hearing, but because it's your homes, we're allowing the comments.

Dick Trask, 101 Mill Pond Avenue: How do you quantify the quality of a house?

David Hickey: Well, it's just like anything else, Sir.

Dick Trask: Is that your objective or subjective analysis?

Councilwoman Jones: Subjective.

David Hickey: It's a subjective opinion.

Dick Trask: By you?

David Hickey: Or anybody. You yourself have an opinion when you drive up in front of a house, if it's a nice house, or it's not, you're making a subjective quality adjustment.

Dick Trask: If you're going to ask me to spend money in taxes, I want you to have an objective solution to where that tax assessment came from; not a subjective one.

David Hickey: Okay, it all gets back into when you're analyzing the sales. You have nice houses and you have not so nice houses, or whatever; and you take your baseline values and what do I have to adjust my baseline value to hit that sales price? That's where you get into that quality. Some indication of quality. And you do that for a whole community of houses and you take the same style house and you apply the same criteria to that same style house. But in every sales transaction there's a certain element of unknown factor, there's that I'm in a divorce. I want to get rid of this house. Or my Daddy built this house, I'm willing to pay anything for it. I've seen this all in 40 years of doing this.

Dick Trask: You know, there's one thing that really kind of sticks with me right now; two months ago when we were talking about this in a meeting like this, you said that the market value of a house has no bearing on the tax assessment of the entire town. You said that. And now all we hear from you is the market assessment of the house as being the basis of us spending our tax dollars and in addition to that, if you're subjectively saying that my house is less than his house, or better than her house, then there's something seriously wrong with that evaluation. That's all I've got to say.

David Hickey: No, Sir, I've tried to keep the quality adjustments equal within neighborhoods, that's all I can say on that.

Jeff Dailey, 211 Gristmill: One thing that Mayor and Council should consider in this picture, the adage is if you buy the least expensive home in a community, you will realize, perhaps, the greatest profit on resale. I bought the least expensive home and my property, a year later, a new model was introduced that was \$150,000 less; that impacts the value of the lots that are being sold. Indirectly, directly, subjectively, it doesn't matter. I know that my neighbors in Heritage Creek, their property values are going to hold over a longer period of time, because that sign has always said starting in the low \$200's. We have houses in Cannery Village that were brought online and sold for \$155,000; so that does impact land values and I would want you all to consider that factor. Thank you.

Mayor Newlands: Last one.

Neil Sands, 111 Mill Pond Avenue: If we made the adjustment... I think the real point here is we all care, we all moved here because we love the Town of Milton. That's just a perspective for the Council; by making the adjustment; we've got 40 homes in there now; we're looking at 425 home sites. We're competing with other communities outside the Town of Milton. We need every advantage we can get. We don't have a clubhouse. We don't have a pool and like somebody said, we are out in the middle of a cornfield, on the outskirts of town. So anything we can do to make... And people have walked away from sales and I know the sales staff there, because of the concern. They don't want to pay this additional tax to the Town of Milton. If I have to not only pay town tax and pay an additional amount, more than anyone else for a comparable size small lot, that becomes an obstacle to growth. If we want to see the Town grow, we want to see rates increase, the more we can do... I said, look at this as an investment in the future of Milton to at least put us on a par and that's all we're talking about is parity with the rest of the town, with comparable communities. That's all we're asking. The methodology that's used and the rationale for it. It is what it is. It's not a condemnation of Mr. Hickey. It's how things were done and his points were well taken and you're doing a home with I don't know how many homes in it; it's difficult, but what we're looking at here, this is the largest development, the single largest development in our town and if we support it as a town and we at least just do... We're not asking for favors. We're not asking for any additional incentives like some other builders have come in here and asked for; we're just asking for equality. That's all. Thank you.

Mayor Newlands: Thank you. Would you agree that the land sale at 113 Arch was incorrect?

David Hickey: Yes, I will and I would recommend that we just make the lots in Heritage Creek exactly the Cannery Village.

Seth Thompson: Would that be the townhouse lots, as well, or no?

David Hickey: That's the way it is in the Cannery Village.

Seth Thompson: Okay.

David Hickey: They're all \$80,000. That makes it simple.

Mayor Newlands: I would like to finish this one up. You would have to adjust the other Fernmoor Homes lots, as well right?

David Hickey: Yes, Sir.

Mayor Newlands: Alright, so you will drop everything down basically a third, I think is?

David Hickey: \$80,000 and the ones that are undeveloped will get down to the figure that's...

Seth Thompson: \$60,000?

David Hickey: But that's all in the process of being changed, because they're developing that section now.

Mayor Newlands: Okay.

David Hickey: So all those are good at \$80,000.

Mayor Newlands: So your new recommendation is that all of the homes in Heritage Creek will have a land value of \$80,000.

David Hickey: Right and that's consistent with the Cannery Village and if anybody points to that, you say they're similar in proximity and similar in style.

Mayor Newlands: And similar in size.

David Hickey: In size, yada, yada, yada.

Councilwoman Jones: Yes, that fixes those who are here for the appeal.

Councilman Booros: That's why we're here.

Mayor Newlands: The only reason we're here tonight is for the appeal; if there are other problems...

Councilman Booros: That's the only reason we're here tonight.

Mayor Newlands: If there are other problems you want to get fixed, that has to get dealt with later on.

Vice Mayor Betts: There will be.

Councilman Booros: I make a motion that we take Mr. Hickey's recommendation and drop everybody in Heritage Creek to \$80,000 to be equal with Cannery Village.

Councilman West: I'll second that motion.

Mayor Newlands: And you need to give a reason and we're going to do a roll call on that, as well.

Seth Thompson: And you can adopt another council members reason; you don't have to repeat everything, but again, this is for purposes of if anybody is to review the transcript, they understand why you voted the way you voted.

Mayor Newlands: And since we have a motion and a second, any further discussion from Council only? Roll call:

Councilman Booros	Yes, because I think in fairness, they won; the size of the lots, the quality of the neighborhoods, they're both very nice neighborhoods. These lots do not compare to Wagamon's West Shores in size, even though the quality of the neighborhood's are both good. It's more in line with the way they should be and Mr. Hickey agrees now.
Councilman West	Yes and I agree with Councilman Booros and Mr. Hickey.
Vice Mayor Betts	I agree, but you're going to have some more appeals.
Councilman Lester	I agree and I will just adopt Councilman Booros' comments.
Councilwoman Jones	I do agree. In looking at the two communities of Heritage Creek and Cannery Village; however, I cannot miss the opportunity to say I see other problems in the evaluation and assessment of land in the Town of Milton. But yes, I agree with dropping these taxes to be comparable with Cannery Village.
Councilwoman Patterson	I vote yes, because these lots do compare more to the lots in Cannery Village.
Mayor Newlands	I approve it also and I will go with the same explanation as Councilman Booros.

Win Abbott: Mr. Mayor and Council, just to be sure that we can close this chapter, there were other recommendations on this list; there are recommendations that relate to the undeveloped lots in Heritage Creek; there were some recommendations with regard to

other properties, including those in the Preserve on the Broadkill, as well. You may address those as a class. All those that were recommended by Mr. Hickey on the attached spreadsheet that are not related to the developed properties, the last motion referenced; however you want to address it, but you have other things on the table here.
Mayor Newlands: Mr. Hickey had said that he would drop the vacant lots accordingly, so percentage wise, whatever we're going to do for the homes, we do for the vacant lots in Heritage Creek.

Win Abbott: That works for me. What about the Preserve on the Broadkill and the other ones.

Councilman Booros: I'm not done. That was a motion for Heritage Creek.

Win Abbott: Thank you, Sir.

Councilman Booros: That takes care of 36 of you, however many there were.

Win Abbott: I just didn't want to have to come back for this again.

Councilman Booros: Can we talk about Mr. Mastromarino?

Mayor Newlands: No.

Councilman Booros: No?

Mayor Newlands: He doesn't have an appeal.

Councilman Booros: He doesn't have an appeal? Oh yes he does.

Anthony Mastromarino: You left me off the list, but I do have an appeal.

Mayor Newlands: Okay, yes then.

Councilman Booros: Mr. Mastromarino's value of his lot is \$140,000 and I understand that there's a massive... there are townhouses that sold for \$500,000 in that neighborhood. It's a very nice neighborhood. His lot is no bigger than lots in your neighborhood. His house is a very nice house, I'm sure; one story, 4,000 square foot is a really nice house; but it's just as nice as the houses in your neighborhood, Cliff; and I'm not seeing that the two... And actually the other lady does not have an appeal on her land, because she had never seen this before. She's gone. I have a problem with him being priced \$20,000 higher than Wagamon's West Shores, to be honest with you. I know it's a very nice neighborhood. I know they have streets, I know they have sidewalks. They're all vacant lots in your neighborhood; there are two houses on your end of that neighborhood and that neighborhood is separated now from the other neighborhood.

Anthony Mastromarino: It's Phase 2.

Councilman Booros: It's Phase 2.

Mayor Newlands: Well it's not separated.

Councilman Booros: And there's only two houses.

Mayor Newlands: The streets aren't dedicated yet, that's all.

Anthony Mastromarino: One's dedicated and one's not.

Mayor Newlands: Right.

Anthony Mastromarino: It's separate.

Councilman Booros: And I've looked at both houses; the size of the houses; they're not exorbitant; they're 2,400 square foot...

Mayor Newlands: What's the property sizes?

Councilman Booros: I don't know. Do you want to look at them? I can't read these.

Mayor Newlands: Mr. Hickey, in the Preserve on the Broadkill are the waterfront lots...

Councilman West: Make a motion to do both of them and I'll second it.

Mayor Newlands: the same assessed value as the inner lots?

Councilman Booros: That's not on appeal.

Councilman West: It doesn't matter.

David Hickey: \$340,000. Mr. Mastromarino didn't you pay \$135,000 for your lot?

Anthony Mastromarino: Yes, Sir. That was in 2007 and you put that into the consideration about 3 or 4 properties...

David Hickey: So it was right in line. That's what...

Anthony Mastromarino: Well I've got another paper. On the paper I paid \$135,000; but they kind of paid some at the settlement.

Councilman Booros: You don't want me to show that piece of paper, because I don't think you're allowed to do that.

David Hickey: That's why we got \$140,000 on it.

Jeff Dailey: Point of order.

Mayor Newlands: Mr. Mastromarino. If you're going to speak, you need to go on the microphone.

Anthony Mastromarino, 302 Valley Road: I did pay \$135,000 for my property and I know a lot of other people who paid too much for their property. When I bought that property, it was supposed to be worth \$153,000; so I said I got me a deal. Now, I've heard they're going to down, down, down like to \$79,000. That's what I've been told. The lady who bought the house up from me paid \$289,000, house, lot everything. How do you compute \$140,000 for the lot and what \$120,000; how do you compute that?

Mayor Newlands: That's a quarter acre lot.

Anthony Mastromarino: Yeah, so is mine.

Mayor Newlands: His lot's a quarter acre. It's on that form.

Anthony Mastromarino: We're about the same size lot. The reason why I saw we're Phase 2 is because we're not part of that community up in Phase 1; we're not a part of it and we don't have the same type of structure. The structure's up there are far superior to mine and I'll admit it. They've got the concrete siding, they've got all wood. I've got plastic siding, okay? I think it's artificial either way. But again, I'm complaining, not because of my property so much. I really think there should be a set value on everybody's property, but there are suckers out there, that pay more and pay less. But my whole point is that the giant that appraised my house, was in my house; saw how much my house was completed and finished and there's a big mistake there where they're saying 100%, on one level and 75% on another level.

Mayor Newlands: They're going to correct that, separately.

Anthony Mastromarino: I know, but not for the arrears. I've already paid my taxes this year, so the attorney already told me tough luck.

Mayor Newlands: No.

Anthony Mastromarino: I'm just interpreting what you said, because you said...

Seth Thompson: I said there's nothing in the law that requires somebody to go back; because again, the way that the process is set up, is the town is supposed to receive the appeal and then they're supposed to be heard. There's nothing to require it. If that's what the Town Council wants to consider doing, that's at their discretion, but that's a policy issue; not a...

Councilman Booros: But as far as that policy Mr. Solicitor, if they've never seen this piece of paper, how would they know that it was assessed at 4,000 square foot? So the policy means a lot of nothing... He just found this information out four years later. He found it out today. I think Cliff has taken care of that, from this point on people will

know.

Anthony Mastromarino: It's a clerical mistake. I understand that.

Councilman Booros: But he shouldn't be penalized because the Town, in 2009, didn't provide every single taxpayer with a copy of this. And I think what's going to happen is this town's going to find out there are a lot of those mistakes.

Seth Thompson: I'm giving you advice, based on the law; again, you guys are the ones that set policy.

Anthony Mastromarino: I misinterpreted what you said, because you said you're not held to pay me...

Mayor Newlands: You can make an appeal to Council in the future months, to get your...

Anthony Mastromarino: I'm appealing to you Council.

Mayor Newlands: Once this settled, you can appeal to Council to get your back taxes back.

Anthony Mastromarino: Well Mr. Hickey said he was going to fix it, but I don't know about the arrearages. But again, we can make a deal for a streetlight. Thank you.

Councilman Booros: My concern is the land issue in...

Jeff Dailey, 211 Gristmill: Point of order, Mr. Mayor.

Mayor Newlands: Yes, last one, please.

Jeff Dailey: I feel like our Mayor and Council are going through a crash course in real estate and assessment and appraisal and everything else under the Sun. Nobody has mentioned wooded lots and the properties and lots that you're considering, Preserve on the Broadkill, is now two separate sub-divisions with two separate land owners, Pret Dyer owns where Tony lives; the house that was purchased down the way from him, was a short sale. The house was on the market, empty, for over 2-1/2 years. These are things that you need to know when you look at property values and assessments and in the part that is owned by Mr. Dyer, those lots are wooded, but only to the back up of tree lines; so they are not wooded lots. That's \$150,000, \$200,000 difference in value. It's just like being on a water view. Okay. So you know.

Mayor Newlands: And just so you know, assessed values and market values are two totally different things. So... We will lump Mr. Mastromarino's lots in with the rest of the Preserve on the Broadkill? Or not.

Councilman Booros: I don't think we should. I think there's a discrepancy.

Mayor Newlands: Hold on. Hold on. Mr. Hickey, the lots you have here on the Preserve on the Broadkill, are these the townhome lots?

David Hickey: Those are the ones that I recommended adjusting.

Mayor Newlands: These are the townhome lots?

David Hickey: Yes, Sir.

Mayor Newlands: Okay.

Councilman Booros: By the way, Mr. Hickey, I missed that last little dissertation about who owns the community; there are two different communities; they're owned by two different developers; the one side that Mr. Mastromarino lives on vs. the wooded lots on the other side.

David Hickey: I'm aware of the difference.

Councilman Booros: Yeah. He's in a little nice lot, with a nice little house.

Anthony Mastromarino: I'm curious what the lot next to me costs.

Mayor Newlands: We don't have a result for Mr. Mastromarino's.

David Hickey: I recommended no change.

Mayor Newlands: That was last time you did?

David Hickey: But I'll adjust his size. Based on the land value... He paid \$135,000; we've got \$140,000 on his lot. You've got another lot up there \$143,500 it sold and one \$260,000 and one \$267,000.

Councilman West: The issue is not on the lot, it's on the issue of his house.

Mayor Newlands: No, no, no. It's the lot. It's the lot.

Councilman West: He's talking about both?

Councilman Booros: No, I'm talking about the lot.

Mayor Newlands: No, the house we're going to get to get taken care of separately in the office.

Councilman West: Okay.

Councilman Booros: It's what Councilwoman Jones was saying. There is a discrepancy between his part of this neighborhood and Wagamon's West Shores, or another nice neighborhood in the town. There's a discrepancy. He doesn't have a huge lot. He's got a quarter acre and it's not waterfront and it's not wooded and as a matter of fact, it's a hill. I wouldn't...

Anthony Mastromarino: It's a hill, but it doesn't flood there.

Vice Mayor Betts: No, no.

Councilwoman Jones: Mr. Hickey, just a quick question for you. In the original appeal that we received from you on January 31st, Karen and David Greenhaugh of 205 Ridge came in front of you and you had recommended no change. If I read this correctly, you do now recommend a change. Can you tell me what formulated that for you?

David Hickey: When I talked about the size difference, if I was going to make a size differential for townhouse lots in Heritage Creek, then I felt I had to do the same thing up there; so even though one of those units up there sold for \$500,000 and Mr. Greenbaugh paid \$394,000 for his; I felt like we had to be consistent.

Mayor Newlands: Now, would that mean that we have to bring those down to \$80,000?

David Hickey: No.

Councilwoman Jones: That's my question.

David Hickey: No, no, no, no, no. I would not come off of that \$120,000.

Vice Mayor Betts: Was there only one that appealed?

Councilman Booros: Yes.

David Hickey: Mr. Greenbaugh was the only one that appealed up there.

Vice Mayor Betts: And you're going to change them all?

Mayor Newlands: Just the townhouse lots; those interior lots. There's four of them along Ridge and then the ones in back.

Vice Mayor Betts: But you said that you were changing all of them.

David Hickey: Just the townhouse lots.

Councilwoman Jones: So you would consider Preserve on the Broadkill's townhouse lots worth more than Heritage Creek now; since we just talked about that?

Vice Mayor Betts: You do?

David Hickey: Oh yeah. Yes I do. You have one of those townhouses sold for \$500,000. The other sold for \$394,000; which is clearly in excess of what they're selling for now.

Vice Mayor Betts: But the houses themselves?

David Hickey: Right.

Mayor Newlands: So we're talking about the land value for Mr. Mastromarino's house, which will affect the land value for everything else in Phase 2.

Councilman Booros: There's not that many lots back there.

Mayor Newlands: No.

Councilman Booros: And I'm not talking about lowering it to \$80,000; I'm talking about bringing it more in line with Wagamon's West Shores, which is \$120,000; and he's the only one that filed an appeal.

David Hickey: There are \$140,000 and there are \$200,000 lots in Wagamon's West Shores.

Councilman Booros: Absolutely, but they're not quarter acre, backing up to Don Post's house. I'm sorry.

Mayor Newlands: Well the \$200,000 lots in my neighborhood are the waterfront ones.

Councilman Booros: The waterfront ones, yeah.

Councilwoman Jones: But in this one case that I pointed out, it was nearly a half an acre, waterfront yes, but still I was talking about the size of the lot.

Mayor Newlands: That's another issue you're going to have to tackle at some other time; the sizes of the lots.

Councilman Booros: I just think... I didn't say change everybody's. Mr. Mastromarino is the only one that filed the appeal.

Vice Mayor Betts: Yeah, I couldn't understand the changes.

Councilman Booros: I don't know who owns the rest of those lots up there, the developer still owns them?

Mayor Newlands: Yes.

Councilman Booros: Alright, he may not... Those lots have been vacant for many, many years; he may not sell them for five years. Quite honestly, I don't know anything about it.

Vice Mayor Betts: I disagree, if they don't appeal.

Councilman Booros: Mr. Mastromarino did appeal.

Vice Mayor Betts: Yeah, I know he did.

Councilman Booros: I make a motion that we lower Mr. Mastromarino's down to \$120,000 to be even with similar properties over in Wagamon's West Shores.

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to lower Mr. Mastromarino's land value to \$120,000. Any further discussion? Let's take a roll call:

Councilman Booros	Yes, because I think it brings it more in line with the similar houses on similar size lots in Wagamon's West Shores.
Councilman West	Yes, for the same reasons as Councilman Booros has stated.
Vice Mayor Betts	Yes, the same reason.
Councilman Lester	Yes, I'll follow his reasoning.
Councilwoman Jones	Yes. The consensus of Council.
Councilwoman Patterson	Yes, because of what Councilman Booros stated.
Mayor Newlands	Yes, for the same reason as Councilman Booros.

Mayor Newlands: Motion is carried. We need to tackle the townhouse lots on the Preserve on the Broadkill, the last seven lots, eight lots. Mr. Hickey's recommending lowering them from \$140,000 to \$120,000.

Vice Mayor Betts: What was the reason?

Mayor Newlands: These are the townhome lots.

Vice Mayor Betts: Oh, okay. But they didn't appeal it. Only one person appealed it.

Seth Thompson: Only one person.

Mayor Newlands: Only one person appealed it.

Vice Mayor Betts: I think we should vote on that.

Councilwoman Jones: I make a motion to reduce the lots, as identified as townhouse lots; same as the Heritage Creek lots we've discussed; in Preserve on the Broadkill from \$140,000 to \$120,000.

Councilman Booros: I'll second that motion.

Mayor Newlands: We have a motion and a second to reduce the townhome lots in Preserve on the Broadkill from \$140,000 to \$120,000. Roll call on this.

Councilman Booros	Yes
Councilman West	Yes
Councilman Lester	Yes
Councilwoman Jones	Yes, for the same rationale that was used in reducing the townhouse lots in Heritage Creek.
Councilwoman Patterson	Yes, for the same reasons as Councilwoman Jones.
Vice Mayor Betts	Yes, with reserve, because I think the one that appealed it, but next time I think it would be time to change it; but I will say yes.
Mayor Newlands	Yes, to go along with Mr. Hickey's recommendation.

Mayor Newlands: Motion is carried. Mr. Abbott, do we have any other appeals? Thank you.

- b. Resolution 2013-07, TO PROPOSE BORROWING OF UP TO \$1,725,000 TO FINANCE PUBLIC WATER SYSTEM IMPROVEMENTS AND TO ESTABLISH THE TERMINOLOGY FOR A REFERENDUM

Mayor Newlands: Mr. Abbott, do you want to go over these Resolutions please?

Win Abbott: Mr. Solicitor?

Seth Thompson: I can do it. I was the one that drafted it. Basically what I've drafted was a Resolution in follow-up to going through the process for the Referendum. You see the amount that is proposed to be borrowed at \$1.725 million. One important clarification, you can see in Paragraph 5 that every resident has been added, since every resident is allowed to vote. It's not conditioned upon owning property, so it says every resident and every property owner shall have one vote. Basically, Paragraph 6 is left... As I understand we're correcting that one. Sorry, it's 07 – 2013-07. You have the prior Resolution in your packet, as well, 06; but we're looking at 07. I set it up so that the Council... I understand there might have been some issue with the language from the ballot at the last Referendum and therefore, the Town Manager and I thought it would be good if we set up a specific Resolution so that Council can dictate what language it would like on the ballot. Kind of by way of background, in terms of your Charter, the people are entitled to vote on the amount to be borrowed and certainly the Town can put additional terms in there, Town of Fenwick Island they want. I can tell you, the way the

Charter reads, the Town Council is authorized to set the interest rate, after the fact, if the Resolution passes. That might be something that the Council wants to put in it's ballot, however, and if that's what it elects to do, then that's something... it's basically giving up it's discretion in that regard, so for instance if you think that the residents and the property owners are going to want to know what that interest rate is, then you could put on the ballot that you're voting for an interest rate not to exceed 1.5%. At that point, you've given the residents and the property owners your authority on that issue. You couldn't then, after the fact, say okay well they're only going to offer it to us at 1.6% or 1.7%.

Councilman Booros: Then we'd have to start all over.

Seth Thompson: That's correct. So here it's kind of a balancing act. I suspect people like to have some direct input on more than just the total number, but there does need to be, I suspect, some flexibility. I haven't been working directly with the Water Fund, so I don't know if Mr. Abbott can speak to how certain that 1.5% interest rate, for example, is. If that's a firm number, than perhaps it would be better to put it in the actual ballot.

Win Abbott: The rate is a firm number.

Seth Thompson: Okay.

Mayor Newlands: Good.

Win Abbott: Your point is well taken however; there are other situations where a municipality will want to make Capital Improvements and they have to go to market and the interest rate which they receive will be relative to the financial standing that that particular municipality has and the perception of the market for the town to be able to make their obligations and as with any of us, as borrowers, our rate may be more or less, depending upon our credit score. The same thing applies to municipalities when they go to the open market; however, this is funding that has come from the EPA through the State of Delaware; the market rate has already been determined because of the responsible parties. We're just a sub-recipient of that. It's a firm rate, 1.5%.

Seth Thompson: Great. Great. And I appreciate that. We're not dealing with the sale of a bond, basically.

Councilwoman Jones: Mr. Abbott, as we move forward with this Resolution, are you able to share with us, from information you may have brought to tonight's meeting, an estimate of what this could mean for a taxpayer's quarterly and/or yearly increase at 1.5%?

Win Abbott: My best estimate is based upon a scenario whereby the town's Reserves can be used for rebuilding the foundation under Shipbuilder's. We could pass this Referendum with the authorization to borrow up to \$1.725 million and not borrow all that. Using the numbers that I shared with you last month and using our Reserves to rebuild the foundation there, my best estimate is \$68 a year.

Mayor Newlands: And that's without the Office of Drinking Water giving us any forgiveness on the loan?

Win Abbott: That is correct.

Vice Mayor Betts: Do you know if the Referendum passes, do you have any idea that this is the solution to our water problems and we will not need a water tower, another one?

Win Abbott: No, Ma'am. What this is and I don't want to say anything that would diminish the reputation of our former Public Works Director, or Council's that preceded me, or whatever, but the fact is that as the town has grown and we've been using a water

system that is three-quarters of a century old in some places; that there will be additional upgrades needed and if Heritage Creek grows to 425 homes, that we will need additional storage capacity, especially to meet the firing extinguishing needs of these communities; so no, this is not the end; however, through proper financial management of our system, we can put ourselves into a position where our Reserves can pay for Capital Improvements, instead of us having to go for a loan.

Vice Mayor Betts: Okay, thank you.

Mayor Newlands: Now do we have suggested wording for the ballot?

Seth Thompson: It could be as simple as... You could have the purpose and terms up top and then I approve or I disapprove; so just comparing it to last year's, you could say the purpose of the loan is to make improvements to the town water system, the improvements include and then we can use the language from the definition of the project on the prior Resolution. The maximum amount of the loan to be borrowed is \$1.725 million. The source of the funding is the State of Delaware Office of Drinking Water State Revolving Fund. The maximum amount of the debt service... Instead of doing the maximum amount of the debt service, we can put, the interest rate shall be no higher than 1.5%.

Councilwoman Jones: Doesn't Paragraph 3 right there describe exactly what we're doing on this same Resolution?

Seth Thompson: Right, in terms of the project description? It does.

Mayor Newlands: So we could just adopt the wording from Paragraph 3.

Seth Thompson: Right.

Councilwoman Jones: Not to exceed and at a certain percentage rate.

Mayor Newlands: Right.

Win Abbott: Just as a note under Paragraph 3, you do have repairs to the foundation. If you were going to use that language, you might want to say "may" include the following.

Mayor Newlands: Right.

Seth Thompson: Okay. So the project... or I should say, the purpose of the funds may include the project's listed in Paragraph 3?

Mayor Newlands: No, will include a, b and c, but it may include d. But we're definitely going to do a, b and c, but we may not do d.

Councilwoman Jones: Just as a devil's advocate, the Office of Drinking Water State Revolving Fund looks at us and says you may or may not include d? Do you know what I'm saying? They're monitoring this. This is a Referendum which compels us to continue our application with them for this funding. Are you sure you want to put that in as a variable for item d; may include repairs, or just repairs; because it says we don't have to use it all if we borrow it.

Mayor Newlands: True, but what Mr. Abbott is getting to, is that we don't want to have \$100,000 out there that we know that we're probably going to get rid of. Go ahead, Mr. Abbott.

Win Abbott: At this point, I have no further guidance for you; really, you have to make a decision on what you want to put in there, or not. I don't think there will be any penalty to us for not having repairs to the foundation; it was not on the pre-application; if you want to offer clarity to the citizens, as well as the Office of Drinking Water State Revolving Fund, taking that line out would probably be the best course of action. We know what our balances are in our account. We can cover it. That may be the best

course of action, but it's up to the Council to make your decision.

Mayor Newlands: We've never made that decision before on Council to take that out.

Councilwoman Jones: To remove it. That's right.

Mayor Newlands: So we need to leave some wording in there and then at a later date, take it out.

Win Abbott: It's up to you. It wasn't on the pre-application.

Mayor Newlands: I know it wasn't on the pre-application, but it was in the previous discussions and votes we took. Okay.

Seth Thompson: So again, just to circle back, the purpose of the loan is to make the improvements, including and then we'll use a, b and c from Paragraph 3?

Mayor Newlands: Right.

Seth Thompson: Okay.

Mayor Newlands: And then "may" include d. We're still going to have to keep that in there.

Seth Thompson: Okay. And "may" include d.

Mayor Newlands: Repairs to foundation for the water tower at Shipbuilder's.

Seth Thompson: The maximum amount to be borrowed for these improvements is \$1.725 million; the source of the funding is the State of Delaware Office of Drinking Water State Revolving Fund; the interest rate shall not exceed 1.5%?

Mayor Newlands: Correct.

Seth Thompson: Okay. And in terms of the years of paying it back, I don't know how firm that is. I don't know if you want to put that in there, in the ballot itself.

Win Abbott: It's up to you, but it is firm; it's 20 years.

Mayor Newlands: I would put it in there, only because it affects the amount we have to pay back every year.

Seth Thompson: Right. Is it 20 years, Mr. Abbott?

Mayor Newlands: 20.

Seth Thompson: Okay. So the interest rate shall not exceed 1.5% over no longer than a 20 year period, or just say...

Mayor Newlands: No, for twenty years; because shorter makes it a higher payment and longer makes it less.

Seth Thompson: Alright. For 20 years. I think that does it.

Mayor Newlands: So how do you want to do this motion? Do you want to just read it and then somebody will just approve the motion?

Seth Thompson: That's alright. So Paragraph 6 will read the ballot for the Referendum shall read as follows: the purpose of the loan is to make improvements, including the rehabilitation of Well No. 5 and installation of all requisite production and control apparatus; the establishment of a water main loop from Wagamon's West Shores along the railroad right-of-way to the South Federal and Chestnut Street connectors and updates and integration of existing controls, with new components; and may include repairs to the foundation of the water tower at Shipbuilder's Village. The maximum amount to be borrowed for these improvements is \$1.725 million; the source of funding is the State of Delaware Office of Drinking Water State Revolving Fund; the interest rate shall not exceed 1.5% for twenty years.

Mayor Newlands: Does somebody want to make a motion to approve that?

Seth Thompson: Just to be clear then, the ballot will then just say, I approve or I don't approve and have the box. Alright great.

Unidentified Speaker: It should say 1.5% per year; not 1.5% for 20 years.

Seth Thompson: Okay. 1.5% per annum for twenty years.

Vice Mayor Betts: It could maybe be less than twenty years, if we get...

Seth Thompson: If you pay it off more quickly.

Vice Mayor Betts: Right.

Seth Thompson: But this is just the interest rate that they're going to use over that length of time.

Vice Mayor Betts: Right. That's why the per year should be mentioned.

Mayor Newlands: Does somebody want to make a motion to approve the wording on the ballot?

Councilwoman Jones: I make a motion to approve the wording as read by Seth Thompson, Solicitor.

Seth Thompson: And I guess that's essentially approving the Resolution, as amended by what I read?

Councilwoman Jones: Yes.

Councilman West: I'll second that.

Mayor Newlands: We have a motion and a second to approve the Resolution for the purpose of borrowing up to \$1.725 million to finance public water system improvements and to establish the terminology of a Referendum as read by the Town Solicitor and we'll do a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman Booros	Yes
Councilman West	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried.

Councilwoman Jones: May we have just one bit of discussion about this? Last time when we had a Referendum, didn't we send, correct me if I'm wrong, Affidavits out for Absentee Ballots and are we going to go through that cost this time; or is it not up to the property renter/owner to ask for that Affidavit?

Win Abbott: The answer to your first question is Yes. The answer to your second question is No. The answer to your third question is Yes and to elaborate on this... First of all we are under a time constraint and wanted to maximize participation in the Referendum, providing everyone the opportunity, considering the fact that we have many out-of-town property owners, or non-resident property owners, who had a right-of-vote in it. There was a question regarding the appropriateness of enabling them to both receive information about it and get their Affidavit signed by a Notary Public in their home town, wherever it may be and then sending it back in with their vote at the same time. The Department of Elections made a rule on that and that is this; they wouldn't do it for a General Election; however, Referendums are governed by the School District or the local municipality, so they had no say in the matter. So to go back to your third question, no we don't plan on doing that again; but we will notify all property owners of the fact that we have an upcoming Referendum and let them know

that if they want to vote Absentee, they'll have to request an Affidavit. Once again there's a short time window for them to get that correspondence back to us; for us to send it to them; for them to get it notarized and send it back to us; the third time in the mail in order for their vote to actually count; but we'll do our best to get it out to them as soon as possible.

Councilwoman Jones: Is that Affidavit something that, for example, my sister also a property owner; is that Affidavit something that she can get online, as the form; so that then she can process it where she is and send it to you for expediency, rather than having to ask you to send it to her?

Win Abbott: She would have to request it; however, we could make it available online.

Councilwoman Jones: That would take a step out of time, back and forth...

Win Abbott: Indeed.

Councilwoman Jones: If you think that would be a good idea.

Win Abbott: Sure. Up to a week in the mail. Absolutely.

Councilwoman Jones: Okay.

Vice Mayor Betts: Win, it says on 5, every resident and every property owner in the Town of Milton shall have one vote. Suppose you own five properties?

Win Abbott: One vote.

Councilwoman Jones: One vote.

Vice Mayor Betts: That's one vote for one property?

Win Abbott: No, one vote. Period.

Vice Mayor Betts: So the renter can vote also?

Win Abbott: Correct.

Vice Mayor Betts: And the property owner?

Win Abbott: Yes.

Vice Mayor Betts: Okay, thank you.

Win Abbott: And just for clarification, if the property is owned by a Trust or an LLC, where you have multiple partners in it, one vote.

Vice Mayor Betts: Any one person out of that... can vote.

Win Abbott: Right. One designated person.

Vice Mayor Betts: Okay, thank you.

Seth Thompson: But if there are multiple property owners that own a single property, for instance a husband and wife, each gets one vote.

Win Abbott: True.

Vice Mayor Betts: Oh, they both get one vote... yeah, okay.

Unidentified Speaker: Is a child a resident?

Mayor Newlands: Voting age. Mr. Abbott, the question is age.

Councilwoman Jones: That's a good point.

Mayor Newlands: Age.

Win Abbott: You have to be 18 years old.

Mayor Newlands: As a regular vote. Any other questions?

c. Appointment of Special Board of Elections (for referendum)

Mayor Newlands: No?

Win Abbott: I'm sorry, Mr. Mayor. I don't have the email from Mr. Filicko, you're Chairman of the Board of Elections. There was availability of all persons that are on the Board of Elections; our Special Board of Elections for this is three persons and we have

a seven person regular Board of Elections. Mike Filicko is the Inspector. That's the top person on the Board of Elections and he is interesting in participating. There are other members, however, and once again our Charter says that there will be three persons on this. So you have the consideration of the other members of the Board who may be interested in participating, as well; but not all persons can do it. So other persons on the Board of Elections are: Jim Crellin, Tom Kelly, Noble Prettyman, John Walker, Bob Howard, James Jefferson. Those are your seven persons and they are available for you. It's up to the Council to choose three.

Mayor Newlands: I think three is too few, considering the municipal election, they were all busy. Are we limited to three, we can't have more than three?

Win Abbott: If we want to follow the Charter, the Charter says three.

Mayor Newlands: Really.

Seth Thompson: It does.

Mayor Newlands: Not a minimum of three?

Seth Thompson: It says shall appoint three persons to act as Board of Special Election.

Win Abbott: Your option, is to have others as alternates and only three persons may act and if all show up at 7:00 a.m., then that's who you have; but once again the Charter says three.

Mayor Newlands: I also think they may want to run shifts, because you're going to be quite busy that day. You have all residents and property owners.

Win Abbott: Mr. Mayor, I'm not arguing with you. You have your lawyer sitting next to you and he's looking at the Charter and it says three.

Seth Thompson: It does. You can nominate alternates, but...

Mayor Newlands: That's what I'm saying. Can we have three in shifts, in other words...

Seth Thompson: It doesn't allow for that. It would be if one person isn't capable of serving.

Mayor Newlands: Really? That's bad. Okay.

Councilwoman Jones: And let me ask one other question, which adds nothing to the Charter. Who, representing the Town of Milton will be in Town Hall for this Referendum vote? Will you?

Mayor Newlands: The Town Manager, with the Town Solicitor on call.

Councilwoman Jones: Good.

Mayor Newlands: That's how we did it last time.

Councilwoman Jones: No. I'm glad to hear that.

Joyce Hooper: Quick question. Anyone that votes for this, do they have to be a registered voter with the Town of Milton?

Mayor Newlands: No.

Joyce Hooper: I think that's equally important to this. This last election I watched five people get turned away from voting; there were 14 in line. I watched five people get walked out the door, because they couldn't vote.

Mayor Newlands: That will get detailed in the paper.

Joyce Hooper: Okay.

Councilwoman Jones: Would that help in making determinations?

Mayor Newlands: Do we have recommendations as to who wants to work for this?

Councilwoman Jones: All available.

Mayor Newlands: They all want to work?

Win Abbott: Yes, I believe all are available. I would recommend Mr. Filicko. He was

your top man. After that, it's up to Council to decide.

Councilwoman Jones: I'd like to recommend Bob Howard.

Mayor Newlands: So we have Filicko and Howard?

Councilman West: I'd like to recommend James Jefferson.

Mayor Newlands: Okay, we have Mr. Filicko, Mr. Howard and Mr. Jefferson are three recommended?

Seth Thompson: Do you want to give Mr. Filicko the ability to appoint an alternate in the event that either he or Mr. Jefferson or Mr. Howard can't serve; that they just pick an alternate from the remaining members of the usual board?

Mayor Newlands: Yes, that would be fine.

Unidentified Speaker: That's what happened at the last vote...

Mayor Newlands: I don't understand.

Unidentified Speaker: You go vote and you see and hear them talking...

Councilman Booros: There was a back-up almost the entire day.

Councilwoman Jones: There was a back-up.

Mayor Newlands: Okay, I didn't know that. They'll be fine. I'm not aware of the issue. And also to give Mr. Filicko the power to assign alternates.

Councilwoman Jones: I make a motion that the Special Board of Elections for the Referendum include the following appointees: Mike Filicko, Bob Howard, James Jefferson, with Mike Filicko, the Inspector, having the ability to choose an alternate if necessary.

Councilman West: I'll second.

Seth Thompson: Sorry. And choose that from the...

Councilwoman Jones: Choose that from the Board of Elections.

Councilman West: I'll second that motion.

Mayor Newlands: We have a motion and a second to appoint the Special Board of Elections for the Referendum, being Mike Filicko, Bob Howard, James Jefferson, and giving Mike Filicko the authority to assign alternates, if the need arises.

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman Booros	Yes
Councilman West	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried.

d. Objectives of the IACP study with regard to the Workshop outcome

Mayor Newlands: I guess consensus was we want further information and more studies.

Councilman Booros: I'll make a motion to table this until a future meeting so a decision can be made as to whether or not an Ad Hoc Committee or a recommendation from the Town Manager of alternative people to do the study.

Councilwoman Patterson: I second.

Mayor Newlands: We have a motion and a second to table the objectives of the IACP study with regard to the workshop. All in favor say aye. Opposed. Motion is carried.

10. Executive Session

- a. Personnel matter in which the competency and abilities of an individual employee will be discussed

Councilman West: Mr. Mayor, I'll make a motion we go into Executive Session.

Vice Mayor Betts: I'll second it.

Councilwoman Jones: Mr. Ayres?

Mayor Newlands: We have a motion and a second to go into Executive Session. All in favor say aye. Opposed. Motion is carried.

Councilman West: Mr. Mayor, I make a motion we come out of Executive Session.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in favor say aye. Opposed. Motion is carried.

Councilwoman Patterson: Mr. Mayor, I make a motion for Candidate A to receive a new salary offer, as per our discussion, the hourly rate times 2,080 hours, plus 8%.

Councilman West: I'll second that motion.

Mayor Newlands: We have a motion and a second to offer Candidate A his hourly rate times 2,080 hours, plus 8%. Let's do a roll call:

Councilman Booros	Yes
Councilman West	Yes
Vice Mayor Betts	Yes
Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried.

18. Adjournment

Councilman Booros: I make a motion to adjourn at 10:09 p.m.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you, Helene.