

Milton Town Council Meeting
Milton Library, 121 Union Street
Upstairs Conference Room
Monday, April 5, 2010 6:30 p.m.

1. **PUBLIC HEARING.** Proposed change to amend the Water Ordinance formally Chapter 15 in the prior Town Ordinances and now Chapter 215 following adoption of the General Code. Synopsis: Proposed amendments to the Water Ordinance are for the purpose of clarifying the notice requirements, eliminating the fees set in the ordinance as the amounts are set annually during the budget process and to eliminate subsections where the issue is addressed in other areas of the ordinance.

Vice Mayor Betts: Would anyone like to speak on the ordinances? With no one requesting to question any of the Water Ordinance changes, do I hear a motion to close the Public Hearing?

C Martin-Brown: I make a motion that we close the Public Hearing.

C Abraham: Second.

Vice Mayor Betts: All in favor. Aye.

2. Public Participation

All right, we will follow now with the public participation.

- a. Joe Lamondo, 203 Sundance Lane: Acting Mayor Betts, Town Council, good evening, my name is Joe Lamondo. I'm the Advisory Committee Chairman of Cannery Village. In reference to Cannery Village street lights and service streets, I request that you postpone voting this evening until more time can be dedicated to discuss these issues; and also in request to the bond issue, I also would like to request that you vote for, in favor, of this bond issue for any further approved construction in Cannery Village. Thank you.

Vice Mayor Betts: Thank you.

- b. Jeff Daly, 211 Gristmill Drive in Cannery Village Homeowner's Association Neighborhood: Before addressing a couple of those points that are on the agenda for tonight, I had a question and I hope that Council or our newly elected Mayor can answer this. In the *Cape Gazette* it mentioned the Town will also vote on a licensed Delaware accounting firm to conduct an annual audit; an independent audit indicated in June that the town was in danger of losing future grants; including Municipal Street, due to improper reporting and recordkeeping. I would just like an update on what those grants were; how close we were to losing them; why we were close to losing them; etc.? So if that could be addressed at that point in the meeting, if, in fact that's remaining on the agenda. As far as Council, I would like to second my neighbor, Joe Lamondo; he says that it might be best to defer, rather than vote. There is a host of information that I can not believe Council has regarding the LPD community, Cannery Village. I want to share this bit of information;

emergency vehicles have used the alleys and lanes in Cannery Village and I want to make sure that all of Council and the Mayor knows that. Also, in Cannery Village it is very unique, there are a number of homes that have the lanes, we refer to them as lanes, in Cannery Village, not alleys; but one and the same; but there are a number of residents who have a lane as their street address; for mailing purposes. Also when it comes to emergency vehicles coming from the town they are looking for those lanes; so just a tidbit of information there; but as Joe Lamondo said, it might be best to make sure that everyone in Cannery Village is heard from, since we live with the challenges that are facing this new community each and every day. Great community, but there are challenges that you need to be aware of.

Vice Mayor Betts: Is that c. Discussion and possible vote regarding Cannery Village; referring to Cannery Village?

Jeff Daly: Yes, there was d. was discussion and possible vote on alleys.

Vice Mayor Betts: But was c. included in that?

Jeff Daly: Yes, c. would be included absolutely.

Vice Mayor Betts: How about e.? That should be also.

Jeff Daly: Yes Ma'am. That should be also.

Vice Mayor Betts: Okay, c, d and e. Thank you.

- c. Susan Mathey, 236 West Shore Drive: I'm here on behalf of the League of Women Voters of Sussex County and we are here to encourage everyone to fulfill the obligation of the 2010 Census Forms. Hopefully all of you on April 1st ran to the mailbox and mailed your forms in. I'm here to remind you why this is so important. The form is simple, only 10 questions; hopefully nobody got the longer form. In the 2000 Census, only 49% of people who had addresses in Sussex County returned their forms. So it's a good reminder why every person counts. Certain things are going to be happening because of the taking of the census. To remind you, in 2011 the legislatures will be using the information from the 2010 Census to use in redistricting the State legislature; the County Council; and it is expected that significant growth in Sussex will mean that we will have additional representatives in Dover and probably the eastern shore may have the benefit of additional representation on County Council. It's important to us to have the proper representation and one last thought; for every person who does not submit their census form; it is a loss of approximately \$1,200 per year for the next 10 years. So every person that doesn't get counted, means Milton, Sussex County, State of Delaware has a loss of Federal revenues that can come and assist in many important programs. Thank you.
- d. R. Miller, Cannery Village: I have two issues to bring to your attention. During a recent snowstorm there was reason to activate an emergency shelter in Milford and I've been asking several authorities if they would consider opening a similar shelter for emergencies near Milton; whether it's Mariner High School or some other facility. During those snowstorms, our residents could not get to those facilities under any circumstances. So even though the

State designated them as facilities, we couldn't utilize them and with our town growing, especially 538 potential units in Cannery Village, it would be very helpful if the Council would support an emergency shelter process be set up for our use.

Vice Mayor Betts: It is my understanding that the County has designated 53 possible locations and they are meeting on April 21st to pick the primary and secondary locations for emergencies; so that may help.

R. Miller: Do they need public participation?

Vice Mayor Betts: Stephanie do you know if they need public participation?

Stephanie Coulbourne: They did not say whether the public was going to be allowed at the meeting or not.

R. Miller: Thank you. The second item I would like to bring to your attention; I notice that the agenda is rather full and busy this evening; and my particular interest is in New Business, Items 15 c, d and e. It's been said that good things come to those who wait; I've been waiting for 4 years for these items to come on the agenda; and I would appreciate if Council gave them the process and discussion that they deserve. So even though I agree with your approving these three items, I would prefer that they receive a more lengthy discussion, rather than this evening's agenda. Thank you.

Vice Mayor Betts: Thank you.

- e. Robert Howard, 217 Chandler Street: I'm a member of the Economic Development Committee and a member of a sub-committee of the Economic Development Committee that investigated whether the town should apply for Main Street. We made a presentation to Council two meetings ago. At the last meeting that recommendation was tabled and the Council said they would have a Workshop. I haven't heard anything about the Workshop. A lot has happened since the last town meeting, I recognize; but I would like to see the Workshop go forward. One of the reasons that the committee looked into this issue was the condition of the downtown. I think we interviewed a lot of people in town; pretty much had a consensus from everyone that there's a lot of room for improvement in the town center; particularly in terms of Economic Development activity; we may not have complete agreement on the best way to go about that; this sub-committee felt that Main Street was an attractive and viable way to go and we made that recommendation. I would like to see you go ahead and have the workshop so that disagreements can be aired; questions can be answered; and you can, when you finally make a decision on the recommendation; it can be an informed decision. So my request is that you go ahead and have that Workshop. Thank you.

Vice Mayor Betts: Thank you.

- f. Georgia Dalzell, Milton Chamber of Commerce: My real main purpose is to thank all of the voters first of all for such a good job for coming out; for turning out for the election; to thank the past Council Members for a good job that they have done; and to welcome the new Council. This is a little premature, but the Chamber would like to really work with Council and with

the Economic Development Committee in bringing life to downtown Milton and I think opening the dialogue is a good way to do this and we wanted you to know that we are in support of continuing a dialogue about the main center of Milton as the town and I want to invite the new Council and the new Mayor to our new business breakfast meeting, which will be in May. The invitations are already in the mail, so I want you to know that we would like to continue working with you and really have a good working relationship with Town Council. Thank you all so much.

- g. Nancy Davis, 115 Mermaid Lane in Shipbuilder's Village: In reading the paper I was concerned because in New Business, under Item c. Discussion about street lighting and the town paying for it in Cannery Village, Preserve on the Broadkill and Heritage Creek; there's nothing said about Shipbuilder's Village. We have a lack of lighting. There are five median strips as you go into the village. The first strip has one street light; the second one has two street lights; the third, the fourth and the fifth have no street lighting whatsoever. This is the sixth year that I have asked and requested that you please take a look at that lack of street lighting. In the middle of the winter, during the new moon when it is black, you can not see; it is dangerous there; I'm requesting yet again. Please look at that lack of street lighting. The other subject is and I passed pictures out to you, I now live and I apologize for the obnoxious comment on the top, I call it Milton's Grand Canyon. If anyone in the audience would like to see pictures I have a couple of extra ones. But two of my neighbors are facing a large sink hole. I talked with both of them this last week and again today; as early as September last year, the town was called; Allen came out and he talked to Ted Carroll; Ted says he's never heard anything back. I'm sorry, Allen, this is what I have.
- Allen Atkins: He was right out there when we were out there one day.
- Nancy Davis: I understand, but he expected something to be done; nothing's been done. On the 19th of November, Mike Conner, who is with Christiana Excavating Company, came out and talked to Mr. Carroll; he said he's the man who put this "drainage system" in. There's nothing on any of the maps; there's nothing on the property owner's plot maps. I don't know what this drainage system is; it consists of a couple of graded pipes; the grates are loose; if a tile goes down there, the fire department is going to have a good time getting them out. Ted's been making numerous calls to this Mr. Conner; he's always out to lunch or he never gets a return phone call. I understand also that Tidewater has been there, since it's kind of a sewerage system or a stormwater system; it's not their problem; it's not on any of their maps; and as recently as the 18th or 19th of March a Jessica Watson from the Soil Conservation District was out. Now she's trying to get hold of the developer. We need your help; we have a sink hold you can see from the pictures, there are four of them there and those really don't depict; if you would like to come out; please, I'll let you in my backyard and you can take a look at it. I'll even put the dog in the house. It is approximately 12' long; it is more than 18" deep now. The pipes are sticking up; the grates are loose; the soil is going someplace; nobody

knows where; nobody will take any responsibility. So I'm really asking for help. If I should contact someone else, I would be glad to. It hasn't hit my property yet, but it's going to. Thank you.

Vice Mayor Betts: Thank you.

Vice Mayor Betts: That is the end of the public participation portion of this meeting. May I have a motion to close at 6:47 p.m.?

C Prettyman: So moved.

C Abraham: Second.

Vice Mayor Betts: All in favor. Aye.

3. Call to Order of Milton Town Council Meeting called by Vice Mayor Betts at 6:47 p.m.
4. A Moment of Silence was led by Vice Mayor Betts.
5. The Pledge of Allegiance to the Flag was said by all in attendance.
6. Vice Mayor Betts: I would like to have a Roll Call now, please:

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

Swearing in of Mayor and Council by Judge Jack Hudson

Judge Hudson: For those of you who don't know me, my name is Jack Hudson. I've lived in Milton for 63 years; I'm only 48 years old. I know tonight from experience what the two new gentlemen and the Vice Mayor taking office again, having served on the Town Council for 13 years of my life, and as Mayor for 8 years. Anyone that takes any of these jobs is doing a real service to the community; so I want to thank the winners tonight and the losers also; because I feel that there are no winners and losers. When you are finished with the job you breathe a sigh of relief; when you have the job; sometimes you breathe more than a sigh. (Judge Hudson then swore in the Mayor and the two Council Members.)

- a. Clifford Newlands Mayor
- b. Leah Betts Council
- c. Norman Lester Council

Judge Hudson: I would like to say for the record Mr. Mayor if there is anything I can do as a past Council Member or Mayor, there are some things, of course, we

can't do as judges; but if there is anything I can do for you; I'm available anytime and once again, congratulations.

Mayor Newlands: Thank you, Your Honor.

7. Roll Call – Mayor Newlands

Mayor Newlands: I would like to now call the Town Council meeting to order and declare Milton open for business. Let's have a new Roll Call please:

C Lester	Present
C Martin-Brown	Present
C Duby	Present
C Prettyman	Present
C Abraham	Present
Vice Mayor Betts	Present
Mayor Newlands	Present

8. Additions and Corrections to the Agenda; and Approval of the Agenda

Mayor Newlands: Now we have additions and corrections to the agenda. We have a very robust agenda here tonight, two pages. I would like to start, if I can; since the Water Ordinance was just reviewed this evening, I don't think we're going to be able to vote on it. I think we should just table it and give the public more time to look at that.

C Duby: Mr. Mayor, I just had a question. You said you wanted to give the public more time to look at it. This was the Public Hearing; it was noticed as such. I don't understand.

Mayor Newlands: Normally we have one more reading, don't we; or go through it a second time?

C Duby: Not after it's noticed for a vote. I don't care one way or the other.

Mayor Newlands: We never usually do it the same day, that's all I'm getting to.

C Duby: It would be nice to get it out of the way if we could, that are simple.

Mayor Newlands: If there had been comment today, we would have gone back to a draft again, wouldn't we?

C Duby: C Abraham, you're the Chairman of that Committee, right? Is this the first time it's been before the Council?

C Abraham: This is the first time it's been before the Council.

C Duby: Oh, I thought we'd had it once before.

Mayor Newlands: No, it's been a year. So can we get a motion to table this one? Also, hang on just one second; there are two Item 14's, so Old Business is really Item 15 and New Business is really Item 16; so we'll be tabling Item 15 a. I'm sorry with the motion again.

C Prettyman: I make a motion that we table acceptance of the revised Water Ordinance until the May Town Council meeting.

Vice Mayor Betts: I'll second that motion.

Mayor Newlands: We have a motion and a second. All in favor. Opposed. We have unanimous tabling on that one item. The next item is acceptance of the Audit of 2008-2009; that's not a requirement of the Charter as far as I know of.

Do we need to have action on that item? Are there any other adjustments to the agenda? Do we accept the agenda as it is?

C Duby: I move we accept the agenda as amended.

Vice Mayor Betts: Second.

Mayor Newlands: Any discussion?

C Lester: Mr. Mayor, I was going to make a move that we table a number of these items, because...

Mayor Newlands: In talking to Mr. Thompson we can do that as we go along; as we get to each item and that will be clearer.

Seth Thompson: Each item is noticed for possible vote; obviously you could table it at that point; but I think for the record it's clearer if any adjustments be done as we go down the agenda (not verbatim) and then we go through.

Mayor Newlands: Okay. So we have a motion and a second. All those in favor say aye. Opposed. Motion carried.

9. Presentation and Approval of Minutes

C Prettyman: I make a motion that we accept the minutes as prepared for December 14, 2009, January 21, 2010 and March 1, 2010.

C Abraham: Second.

C Duby: Mr. Mayor, I have a correction. On the December 14th minutes of the initial appeals hearing for the reassessment, the location of that was not the Milton Theater; it was the Mariner Middle School.

Mayor Newlands: Any other comments on those minutes? We have a motion and a second. All in favor say aye. Opposed. Motion carried unanimously.

10. Approval of Written Committee Reports

C Prettyman: I make a motion that we accept all the written committee reports that have been presented.

C Duby: Second.

C Lester: Mr. Mayor, does that include the Financial Statement in the written reports?

C Prettyman: No.

Mayor Newlands: No. That will be done separately. We have a motion and a second to accept all the written committee reports. All in favor. Aye. Opposed. Motion carried unanimously.

11. Town Manager's Report

George Dickerson: Good evening Mayor and Council. The first thing is that Stephanie will pass out the response to a memo. I was not at last month's meeting; however, there was a package that was handed by Chief Phillips with regard to some issues. This is the response that's been prepared to address those items in the report that was handed out for Council review to address those issues. The next thing I have is another hand-out that Stephanie will be giving out which talks about the emergency grant funds, the snowstorms that we had back in December and into January; obviously which caused such a problem. The Governor did declare a State of Emergency for the State which made it possible

for FEMA to come in; and also the funding would go through DEMA which is Delaware Emergency Management and there were funds that would be available. Those Emergency Grant offerings could be reimbursed up to 50-75% of those expenses. You have in your packets some of what those expenses were. The town submitted the totals to Sussex County who collect that information and then they would send that forward to see if we could be reimbursed for any of those funds. The totals included approximately \$20,000 for equipment costs that were used; \$2,450 for equipment rentals that we had; \$2,664 for supplies; \$1,700 in fuel costs; \$154 for meals; \$15,861 for labor and benefits and \$3,000 for damage to vehicles. The total that we submitted for the Town of Milton was \$49,809.16. Dealing with these issues in the past, it takes approximately 6-8 months before we would see any of that funding, depending on what was approved. The State was waiting for a meeting in Newcastle. As some of you saw *The News Journal* this morning there was an article in there where Newcastle and Kent County had set meetings for this money to be distributed; at least they are having meetings on that. Sussex hasn't set theirs, but we just got a message today, as a matter of fact almost at the end of the day today, that Sussex County will be having a meeting on Monday, April 12th to address this issue.

Mayor Newlands: Mr. Dickerson, there's about \$20,000 in the budget this month for snow removal; is that included in this figure?

George Dickerson: I'm sorry.

Mayor Newlands: There's about \$26,000 in the budget this month, the budget vs. actual that was handed out; is that money included in this figure?

George Dickerson: These are figures that we submitted of the actual costs were that we spent; our out-of-pocket costs. The budget figures I don't know if all the totals are in for that particular line item; I don't know if all the receipts were in; if we've received everything to date as of yet.

Mayor Newlands: The budget shows \$26,000 being spent; is that part of this?

George Dickerson: Yes, if it is showing that, then it has been expended; yes, some of those figures could be in there. Yes.

Mayor Newlands: Then I could expect that the number in the budget could go from \$26,000 could go to \$49,000 at some time shortly?

George Dickerson: The expenditures which in the line item... Did you take wages into consideration also; salaries and benefits?

Mayor Newlands: No I didn't break any of that down; it just has one line item figure that says snow removal \$26,000 and change.

George Dickerson: Okay and I can get a listing; although that is encompassed there, it wouldn't include wages and benefits; however, what I can do for that line item that could be broken out specifically for what those totals are.

Mayor Newlands: I would just like to know how that balances to this, that's all.

George Dickerson: Okay.

C Prettyman: Mr. Dickerson, on April 12th what time is that meeting starting?

George Dickerson: I did not write the time down, only that it was. I can get the time for you.

C Prettyman: Okay, thank you.

George Dickerson: The next thing that I have is that obviously with the closing of March and our six-month budget review process, the staff will start to present at the May meeting the re-cap of where we are at the six month period; so staff will be working that issue.

Mayor Newlands: I want that to be a re-cap and re-cap only; no reallocation of money. We're doing budgets annually; not semi-annually.

George Dickerson: The next item I have is an Ordinance Policy Review and Comparison. The staff will be meeting to review and compare the entire Milton Town Code with regard to the Charter as to how to make recommendations for changes of those Ordinances; even though we went through that process with General Code. A lot of those were just to get the general code to have the Ordinances codified. At that particular time they need to be reviewed.

Mayor Newlands: Can I get a list of what was changed from the older PDFs to General Code.

George Dickerson: There were no changes in PDFs.

Mayor Newlands: I'm hearing that there are.

George Dickerson: Okay.

Mayor Newlands: I know there was wordsmithing done; it was mentioned at the meeting when that was presented; it was mentioned that there was some wordsmithing done; some adjustments being done and I know there are notes in the general code that says right now that certain sections were changed to clarify other ordinances to bring them up to date; which is fine, but can we get a list of what actually was changed.

George Dickerson: Absolutely, there's a whole manual that goes with that, yes.

Mayor Newlands: And do we know who did the Quality Assurance check from the old PDFs to the new ones? How was that done?

George Dickerson: That was done by me and staff.

Mayor Newlands: And staff?

George Dickerson: Yes.

Mayor Newlands: Okay.

George Dickerson: Also due to the fact that the proposed Employee Handbook, the actual Personnel Handbook was submitted to Council, or to the Personnel Committee in September of 2008; it's now 2010; staff never heard back from the Committee with regard to the Personnel Committee; the rewrite. Obviously there are new changes, such as FMLA and some other issues; Fair Labor Standards that have been changed and we're going to be working on making those necessary changes to be presented. Next item would be property tax appeals for 2011. The town will begin the process in May, which requires public notice. Stephanie puts that notice out. If you are going to appeal your taxes for 2011, it's necessary to come to Town Hall and fill out a Property Tax Appeal Form at Town Hall.

Mayor Newlands: When is the Appeal? Obviously this year it was because of the assessment, it was changed. Normally it is September?

George Dickerson: Actually the process starts in May, when we have to give notice.

Mayor Newlands: When is the actual appeal date by, is it by the end of September?

George Dickerson: It is defined by the Charter, but the first notice has to go in May; that's why we are giving notice now.

Mayor Newlands: Okay, so it's going to go in the paper.

George Dickerson: Then, at a later time, we will identify which those dates are.

Vice Mayor Betts: Can I ask a question? Have there been any changes from the tax appeal?

George Dickerson: No, this is just to notify people of the upcoming tax year which would be 2011; if they choose to appeal.

Vice Mayor Betts: But has there been any increase or decrease?

George Dickerson: No there have been no changes. You can appeal each year no matter if there are changes or not. I had a meeting with Georgia Dalzell with the Chamber of Commerce. I met with her regarding the Horseshoe Crab Festival which will be held on May 28th and 29th this year to see what the Town can provide for the Chamber. Also, there is a letter in your packets with a request from the Chamber; they want to have a car show in a municipal parking lot on September 24th. It's not on the agenda to vote on.

Mayor Newlands: We're going to do this in the parking lot, that's been flooding a lot lately. Do we have an alternate site in case we have a problem with the flooding?

George Dickerson: No.

Mayor Newlands: Can we look at or think about an alternate site in case we have weather problems?

George Dickerson: Not that the town has; I don't know where that would be.

C Prettyman: Well we could possibly look at Mariner Middle School and also we could look at Ace Hardware, that shopping center out there, but Mariner Middle School; I'm pretty sure there shouldn't be any problems there.

Mayor Newlands: Well, they're hosting an event...

C Prettyman: As a School Board member I can talk with Mr. Dermacek and see if we can do that.

George Dickerson: Georgia can you take care of that?

Georgia Dalzell: Sure.

C Prettyman: And if you need any help, Georgia, let me know.

George Dickerson: The town currently banks with Wilmington Trust and has since I've been here, four years. It doesn't cost the town anything; it's sort of like a credit union; but we met with Patty Hastings who is with Wilmington Trust and it's called a Bank at Work Program; where they offer some incentives to employees; free checking; some of those things. We met with her and there is no cost to the town. It's similar to what we also participate in now which is the Delaware Federal Credit Union; our employees can participate in that, if they choose to; it can save them some money on checking accounts that type of thing. With the weather and the rains the flag poles in Memorial Park which were donated by VFW we were able to get up with the Commander; he supplied us with the verbiage that we want for the plaque (Ms. Duby, I'm sure you are aware) and we will be getting that plaque, since we now have the verbiage; they actually want to dedicate that flag in the park on flag day which is in June and that's at the

request of the VFW; so that's when they want to do the dedication and we'll have the plaque ready to go for them at that time for flag day.

Mayor Newlands: Is that area finished off? When I was talking to Ms. DUBY about this awhile ago it seemed that that area was not finished off because I guess the concrete post that the flagpoles were on...

George Dickerson: Those are special in-ground mount have to be different to take the flooding that goes on in there, so they were special in there; and there had to be a settling process in there before we could go work the ground up in there right now. It doesn't call for anything; it would perhaps nice to look at some future brick work or something in there.

Mayor Newlands: A little shrubs around it or something.

George Dickerson: It would be nice to do that, yes.

Mayor Newlands: Are we going to grass that park?

George Dickerson: There is no money for that at this time. We've expended all the money we have for there.

Mayor Newlands: It's going to be an issue.

George Dickerson: The end of January, February, March obviously that quarter ending we sent out utility bills; we sent out 1,450 bills totaling \$183,315.69; those bills will be arriving. Also there's a flyer at the request of the Concerts in the Park. The persons receiving those bills, they will be receiving those bills inside of those flyers, which will be giving you a list of what the Concerts in the Park will be. I had Robin Davis contact the Christiana Excavating for Shipbuilder's Village drainage update and it looks now that if we don't get any more rain causing problems and delays; within the next couple of weeks they are going to start to work on the drainage issue to put in the connector from Shipbuilder's Village down to the outfall into Wagamon's Pond; so hopefully we'll get that.

Mayor Newlands: It's going to go to the upper pond, Lavinia Pond.

George Dickerson: Lavinia into and outfalling to Wagamon's. That's all I have unless there are any questions.

Mayor Newlands: How are we doing with the taxes? The taxes should have been paid by March 31st?

George Dickerson: Actually, to the budget, we've collected almost 100% of what we had projected, revenue-wise that we projected for the tax line item. There are always some outstanding; there are always some sheriff sales; tax sales, those types of things.

C Lester: I would like to go back to the upcoming review of the budget in May. We have yet to see last year's fiscal 2009's year-to-date statements and we're six months into the current year and I think that's a regrettable stage. You can't look at the future budget; in fact we don't even know if the current statements are correct statements are correct or not. I would like to know why we have not received last year's...

George Dickerson: This has been answered several times and I've addressed...

C Lester: No it hasn't.

George Dickerson: Well, let me finish please. You asked a question. The issue is that the adjustments that are made after the audit; we have those. This Council historically has always voted on the budget to approve the audit when it's audited.

Those figures are included. There's no way, other than to force those numbers that the auditor has given us; we can give you a report; it's just that all it's going to reflect is that it is not going to be approved by Council. We will be happy to produce you one like that; which will balance to the audit; it's exactly what it will do.

C Lester: I would like to see that; because I've tried to reconcile some of the numbers to the audit and they simply don't reconcile; from the September budget statement; they just simply don't reconcile.

George Dickerson: Well, as far as the adjustments that are made, once the adjustments are put in for the end of the year or the final statement; they will balance to the audit and they'll be the same figures as reflected in your audit report.

Mayor Newlands: There's a list of those adjustments given out to Council?

George Dickerson: They are not; they have not.

Mayor Newlands: Can they be?

George Dickerson: Yes, I don't see why not.

Mayor Newlands: I don't see how we can proceed approving this tonight without them.

George Dickerson: That's up to Council. Anything else?

Vice Mayor Betts: Can I ask a question? Did you perform this for the Council, is that right?

George Dickerson: No.

Vice Mayor Betts: The response to Chief Phillips memo, who did that?

George Dickerson: Jennifer Cornell did that report based on what was found in the...

Vice Mayor Betts: Has a copy been given to the Chief?

George Dickerson: No it hasn't; nor was a copy of his given to me.

Vice Mayor Betts: I just asked the question, George. So he hasn't seen this, is that right?

George Dickerson: He has not. No.

Vice Mayor Betts: Thank you.

George Dickerson: Anything else?

Mayor Newlands: Thank you.

12. Written Reports

a. Maintenance

C Prettyman: I make a motion that we accept the maintenance monthly report dated March 10, 2010 as prepared.

C Abraham: Second

Mayor Newlands: We have a motion and a second; all in favor say aye.

C Abraham: I have a question, though. Just a question in the park with damage apparently, vandalism, I'm assuming to the gazebo; do we report that to the Police Department? That's all I was checking.

Chief Phillips: What I recommend is putting some sort of motion lights out there, so that when people go out there, we'll be able to cover out there a lot easier then with no lights at all.

C Abraham: Okay. Thank you.

Mayor Newlands: Mr. Prettyman, I'm being told that your motion was for the March, 2010 maintenance report?

C Prettyman: March 2010 Maintenance Report.

Mayor Newlands: We have a motion and a second. All in favor, aye. Opposed. Motion is carried.

b. Project Coordinator/Code Enforcement

C Prettyman: I make a motion that we accept the Project Coordinator/Code Enforcement report dated March 2010 as presented.

C Abraham: Second

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

c. Police Report:

C Prettyman: I make a motion that we accept the Milton Police Department report dated February 21, 2010 through March 20, 2010, as presented.

Vice Mayor Betts: Second

Mayor Newlands: We have a motion and a second. Any discussion? Chief, on Page 3 we have criminal adult arrests; they went from I think it's 10 arrests in December-January time period to 118 in the January-February time period and then back down to 14. It seems like an awful high spike. Can we get an explanation of that at some point; a breakdown of the different categories of what's going on here and why we had such a large spike. It seems like about 10 times what it was the previous month.

Chief Phillips: I can take care of that by the next meeting, yes.

Mayor Newlands: Okay, thank you. We have a motion and a second to accept the police report. All in favor, aye. Opposed. Motion carried.

d. Finance Expenditure/Revenue Report

C Lester: I move that we not accept this report for several reasons: 1) the new members of this Council have not had an opportunity to really examine the Financial Statements and 2) the Charter calls for a Statement of Revenues and Expenditures and the statement that is being prepared monthly is not that statement; so I move that we table this.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to table the finance report for this month. Any further discussion? I have many, many questions on this and I don't want to go through this tonight. We have a motion and a second to table this report.

C Duby: I have just one thought. Obviously, Mr. Lester as an accountant and you obviously have some expertise in this area as well, I would greatly appreciate it because I think you all have ideas and thoughts on how this should be done; my own preference would be that the two of you meet with the staff, at least the Town Manager and the Finance Director to resolve some of these issues so we can sort of cut down on the amount of time that this

takes here and frankly some of the animosity here; and I'm not being critical of the animosity; I'm just saying it's not pleasant for any of us and rather than have a lot of this discussion at the public meetings; I'm not suggesting anything be hidden and I think everything you decide on should come before the public. I think it would be helpful from the standpoint of actually getting something done that change the way this is done; if that's what your preference is; or get some of the questions answered.

Mayor Newlands: We will be meeting with staff to go over all this; get the correct reports out and make sure the reports balanced.

C Duby: I assumed you would but I just wanted to get the point out.

Mayor Newlands: So we have a motion and a second not to accept the finance report this month. All in favor say aye; opposed, motion carried.

13. Old Business

- a. Review and vote on the acceptance of the revised Water Ordinance.

Mayor Newlands: We've discussed before about the Water Ordinance that we were going to table this Item 15 a. until next month. Now we need a month for that.

C Prettyman: So moved.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to table this item for next month. All in favor, aye. Opposed. Motion carried.

- b. Possible acceptance by Mayor and Town Council FY 2008-2009 Town Audit

Mayor Newlands: Now we have the town finance audit, this is the 2008-2009 Town Audit; we are not required to actually accept this audit and I think until we see the adjustments to the audit I think there's something that we need to look at and learn what's in those adjustments before we do anything with this.

C Prettyman: We can table that. I make a motion that we table Item 15 b. the FY 2008-2009 Town Audit.

C Lester: Second.

Mayor Newlands: We have a motion and a second. All in favor, aye. Opposed. Motion is unanimously carried.

14. New Business

- a. Approval of 2010 Town Council positions (Vice-Mayor, Secretary, Treasurer)

Mayor Newlands: I know I didn't give anything out and I've been slapped on the hand for not doing that; what I would like to propose is that we keep Vice Mayor Betts as Vice Mayor; that we keep C Abraham as Secretary; and that we nominate Norman Lester as Treasurer and Noble Prettyman as Assistant Treasurer. I guess none of the four of you can make a motion.

C Martin-Brown: Mr. Mayor, I so move.

C Duby: I second.

Mayor Newlands: We have a motion and a second to nominate our Town Council positions. All in favor, aye. Opposed. Motion carried.

- b. Approval of 2010 Town Committees as presented by Mayor Newlands (Ethics Forms required)

Mayor Newlands: The next item is the town Committees and what I said during my campaign as to what I would do is I would not nominate them myself; that I would leave these open to the public. We have Planning and Zoning has three positions that just expired, so we have openings for the Planning and Zoning and I would the Press to let the public know that we have openings to those Committee positions. We have one opening on the Board of Adjustments. So what I am asking candidates to do is to please send a letter to town with your qualifications; we are not per se looking for a resume, we're looking for your qualifications for these two boards. At the next Council meeting we'll review those and we'll vote on accepting candidates for these two committees. There are three positions on Planning and Zoning and one position on Board of Adjustment. We want to remind people that anyone applying for those positions that the Ethics Form needs to be filled out for those positions. The Ethics Form can be found on the last couple of pages of the Town Charter on the town web-site.

C Lester: Mr. Mayor, do you want to discuss the formation of a new Finance Committee.

Mayor Newlands: We haven't discussed this in the past month, any of us; but we haven't had a Finance Committee in four years; so we do want to have a Finance Committee, so we also will be taking applications and letters of qualifications for the Finance Committee and we should at least have a minimum of four people on that Committee.

C Duby: Mr. Mayor, as to other Committees are we to assume that the Committees are staying the way they are?

Mayor Newlands: For now, yes until I get a handle on things.

C Duby: And there are some Committees that C Hudson and Mayor Post were serving on and/or Chairing that they will have to be replaced on.

Vice Mayor Betts: Mayor Post was on all of them. That's a standard.

Mayor Newlands: I'm being advised that we have to fill out Ethics Forms for everybody that was on a Committee, renewed every year. Okay, so every member of every Committee has to fill out an Ethics Form and it has to be notarized and turned into Town Clerk.

- c. Discussion and possible vote regarding Cannery Village – which Phases are approved, which Phases are in the process of approval, and a requirement that a bond for infrastructure be in place prior to any additional approvals

Mayor Newlands: Now I've only gotten a little background on this from Robin's email, which wasn't all that clear, as far as what development is going on out there. I know Mr. Dyer and Mr. Reed are here in case we need any clarifications from them. Mr. Dickerson can anybody shed any light on this particular item.

George Dickerson: As you know, several of these agenda items were put on the agenda by the former Mayor Don Post. The discussion here was that required by our sub-division ordinance. Bond is supposed to be put forward

by the developer for infrastructure. It appears that Cannery Village back in 2001-2004, somewhere along that line; there was no bond ever placed out there, or any guarantee for any of the infrastructure. When this came to light, it is my understanding that Robin Davis made an attempt to contact Mr. Pret Dyer or Joe Reed or one of the owner's of Chestnut Properties and ascertained if they could produce a bond in their files; because we could not find any bond when Cannery Village work group came to us and asked if there was a bond for Cannery Village. It appears it was never done; there was never one out there whatsoever; or one we can find. Our request to Mr. Dyer; as well as to Mr. Reed, I'm really not sure who Robin Davis had the contact with; there's never been a response as to any bond issued at this time. There are additional Phases and each time a Phase comes on with regard to the development they are required to go through Planning and Zoning, as well as approval of Council. At that time, because of the sub-division, the oversight of not having the bond before; the request was that bond should always be and is required by Ordinance; but it needs to be brought to Council's attention so that the working group at Cannery Village would like to see that bond in place, before anything else went out there. We do have a house that one contractor actually wants to get started and we have not allowed that, because we need that bond to be in place.

Mayor Newlands: I think it's been known throughout the Council for many, many months, if not a couple of years, that there has been no bond out in Cannery Village; and development has been going on out there week after week; new houses have been going up; there are three under construction right now; there may even be more than three right now out there. And there's one little section that they are trying to get done, which is six units; there's four units of the six that are sold; and my understanding is that the three things that need to be done here will get done during the course of building those homes, because the CO couldn't be given to those homes without these three things built. That's the storm drains, the water laterals, and the paving behind the homes for parking; so I don't know why we're holding on a... We've shown traditionally that we haven't done anything up until 2C.

George Dickerson: Also, traditionally, we also had an Engineer, Bob Kerr, who stood before the Council at one time and said that he was pretty sure there was a bond out there for these requirements, until we got looking for one and found that there wasn't one.

Mayor Newlands: We have three homes under construction right now; we're holding up Capstone from building four more homes because of something that has been going on for 4 or 5 years.

George Dickerson: Well, it's been longer than that; it has been longer than 4 or 5 years.

Mayor Newlands: That's fine, but I think we need to let them proceed forward...

George Dickerson: Whatever Council decides is fine.

Mayor Newlands: And not stop development on four units for something that we're going to be in discussion with for months with these guys. Phase 3 is coming up and we know we we're going to get a bond on Phase 3.

George Dickerson: We are; we have no knowledge of that; you must have private information on that. I don't.

Mayor Newlands: I've just discussed that with them in the last couple of days; they know we are going to be asking them for a Bond.

George Dickerson: Okay, what you are doing by doing that is you are violating Charter in the sub-division regulations. You are violating the sub-division ordinance. I'll go on record by saying that.

Mayor Newlands: That's fine. We can't keep these people from building their homes in this one development; we've been doing this for five, six years and there are about 150 homes sold in that development now at this point and the decision will stop here on this phase of not accepting a bond; but we have traditionally let them go on doing that and we should let them finish up this section.

C Doby: Mr. Mayor, if we do that and I'm not opposing that at all, I agree they need to be able to finish; but can we take some sort of official action to require that bond for future phases. I would be more comfortable doing that; than just having your personal assurance, based on your conversation with them.

Mayor Newlands: I don't know what we can do, other what we can other what the Charter says we have to do when they come before Planning and Zoning or when they come before Council for the next Phases; that we'll collectively just remember that they have to give us a bond on Phase 3.

C Doby: I'd like it to be a little more official than that. Our collective memory is somewhat faulty [not verbatim].

Mayor Newlands: I know that and I'm being advised that we can give them a conditional approval on these. Now also the little bit of site work that needs to be done for these four units and if they are not done, they will not get a CO on those units. So we give them a conditional approval and that would have to go with every unit, right? Mr. Dyer, how many lots do you have left in Phase 2 B and C?

Pret Dyer: For the record I am one of the members of Chestnut Properties. They are assorted throughout 2A, B and C; it's in the neighborhood of 65 perhaps assorted throughout those sections and the section in particular, that we are talking about is the six units coming in from the entrance where Dogfish is.

Mayor Newlands: Okay, I know where those six are. Mr. Dickerson, what I would like to do is with Council approval; we can't stop what they're doing right now. I don't see that that is good business; they have contracts on these homes; they have families that want to move down here and have to get out of where they are right now. I think it would be too difficult for them to hold these people off. They are going to lose business and then we need to go out and reevaluate this area and reevaluate what's going on out there. We can't

just all of a sudden this month say, hey, you don't have a bond; you have to stop building. That's not good business; we can't do that.

Pret Dyer: One other item, we have a development agreement and the bond is not included as a requirement in the development agreement, as well.

Mayor Newlands: I don't know anything about that.

Pret Dyer: I'm just saying, but that's the background. There wasn't an oversight; it wasn't included in the development agreement.

C Martin-Brown: Mr. Mayor, one of the things that you've been attending a lot of the meetings as well as we heard again tonight, when we looked at these pictures, the kinds of problems that occur in developments where the Town is brought in after the fact of a lot of these problems and somehow culpable for responding to legitimate grievances and I would hope that however we move forward that if I have to have Homeowner's Insurance that there's some protection for the taxpayer in the town with bonds as part of awarding the rights of annexation, etc.; because we have found retroactively problems that continue to plague honorable residents who have bought in good faith; so I do want to express some concern, Mr. Mayor.

Mayor Newlands: I have concern as well, I just don't want a knee jerk reaction because they are going for a permit on houses that they have contracts on and we're stopping them.

C Duby: As to those six houses that you're talking about, I don't think any of us has any problems with that; but when you start talking about another 65 lots...

Pret Dyer: No, those are already in those Phases that are already completed, so the roads and the infrastructure and all of that are in. The only thing in the entire Phases that you are talking about, which is Phase 1, which is what Mr. Draper did; and then 2A, B and C; the only infrastructure that is not in, is where these six houses are.

C Duby: So it's the next phases that we are talking about.

Mayor Newlands: Yes, Phase 3A and 3B that we would require a bond. Mr. Davis do we have a punch list for Cannery Village from the Engineers on the existing phases?

Robin Davis: There has not been one requested by the developer to go out there and check yet.

Mayor Newlands: I think we ought to do that on our own.

Joe Reed: I'm with Chestnut Properties. Just to further clarify these six units when you come in by Dogfish; the road that these units will front on and the sidewalk are installed, this is just the rear parking lot behind the units. So it would be somewhat similar to requiring someone to bond their driveway, but it's just a parking lot behind these units and I'm not sure that ever gets dedicated to the Town at some point? It certainly would have to be inspected before it's dedicated to the Town; but I don't know that it ever gets dedicated to the Town. But the road that these units front on is top coated; it has both coats of asphalt on it; and sidewalk installed and this is just the parking lot behind the unit.

Mayor Newlands: It's the parking pads, two pads per unit.

Joe Reed: In the rear of the units, correct.

Mayor Newlands: Did you sell the end two units on either sides; or which one is left open?

Pret Dyer: I believe it is the first two and the second two. I think the end two are the ones that are not sold.

Mayor Newlands: Okay, but we're going to require in the permits that all of this infrastructure that's laid out here, the strong drain pipes and you said the water laterals may have been done.

Pret Dyer: Yes, we think the water laterals have been located; the sewer is already in and there are two pipes and one catch basin.

Mayor Newlands: Can you get with Mr. Davis and have an inspection done of that, please.

Pret Dyer: Sure, absolutely.

Mayor Newlands: And then I'll talk to him tomorrow. We need a motion on this. I think if you want to make it right now, conditional on the six units; and how many more sales do you have going on out there, upcoming sales?

Pret Dyer: Currently, I just spoke to the sales agent and he was out of town; but I think there were 2 or 3 other pending building permits also.

Mayor Newlands: Mr. Davis, we're going to have to get there and take a look at that place. Can we get a motion on this?

C Duby: Can we get a motion to relate to requiring a bond on future phases, excluding the six units?

Mayor Newlands: Well, the current phases have 65 more homes in them. He's not talking about 65 homes in Phase 3A and B. He's talking about 65 homes in Phase 2A, B and C. But that's where all the site work has been done.

C Duby: So you do or don't want to bond for that.

Mayor Newlands: We haven't traditionally; I think we should not take one for the six units at least and I think anything near term, until we get a chance to look at the development; so for the next three months if they have any new contracts coming up, we should allow the permits to go through until we have a chance to get out there with the Engineers and take a look. This is coming out of left field and we're stopping his business; and he's losing the \$8,000 tax break ends in June, correct?

Pret Dyer: Correct.

Mayor Newlands: And they're guaranteed to give that back, out of their pockets to new residents; there are a couple of issues at hand here.

Pret Dyer: The other consideration is on Phase 3 and 4; they have been in for approval, but there's not Final Approval on those phases, so to talk about the bond is somewhat moot in that those have Preliminary but they do not have Final, so it really is probably not even maybe the best time to deal with that issue on those phases, as well.

Vice Mayor Betts: So all you're asking for is the six units, is that right?

Mayor Newlands: They're not here asking for anything; we started this fight. I mean the bond. This item here is saying for anything in Cannery Village.

Vice Mayor Betts: Anything.

C Duby: My understanding is there are no Performance Bonds out there for anything. My understanding is also that the reason that this was put on here was because the previous Mayor felt that we needed to consider requiring bonds. I understand that and I agree with C Martin-Brown that we all have had not just this, but many other things come to us about problems in developments and frankly, I'm not comfortable without understanding a little bit more about the liability that the Town is in for under all of this. I'm not comfortable making a decision about this tonight. I'm not comfortable either requiring something that is genuinely going to hinder the developer's business; but I'm also not comfortable with letting them completely off the hook, because we're hurting their business and in fact, incurring some possible potential liability for the Town. I would like to table this issue the May meeting and between now and then I would like to hear from the Town Solicitor, as well as the information you're asking Robin to gather or whatever, so that we have a little more information on which to make this decision and I'm arguing to table it, but I'm not arguing to table it indefinitely. I would like us to make a decision about this, or at least make sure that all of us understand exactly what we're doing by requiring it or continuing to not require it.

C Prettyman: On top of all of it, C Duby, I would like Mr. Bob Kerr to be here, because he also has some knowledge about what is going on and we do not have that, so I think it would be best for Mr. Dyer and Mr. Reed to have Bob Kerr to be a part of this mixed gathering.

Mayor Newlands: I would like to get the permits approved for the four units.

C Duby: Well, what's holding that up? If this just came out of left field, don't they go on as usual?

Pret Dyer: We applied for a building permit and the building permit was denied. We have a development agreement. The development agreement does not require bonds; this would relate to real estate transfer tax; it would relate to revenue to the town and we have signed contracts on this. We applied for it and the bond was raised as an issue. We have sold 150 homes plus in there and we've never heard anything about a bond requirement and now all of a sudden now, we have a requirement bond and it's creating extreme hardship. In today's economy to have four units sold is a blessing from the Lord. So waiting until the May meeting, may seem prudent to you, but to us it is disaster.

C Duby: I'm talking about long term; I'm not talking about the May meeting for those. If we have to take some action for those, I would be in favor of doing that. For the six, right?

Pret Dyer: There's six units total, we've sold four; but we have to put in the parking lot for all of it at once and all we're talking about is the parking lot; one catch basin and two pipes. The sewer is already in; they've located the water line and the main road... This is a parking lot.

C Duby: And so it's four units that you're talking about now. I just said six and the Mayor told me it was four. Is it six or four; and I'll make the motion.

Pret Dyer: We sold four and there are six in that block.

C Duby: And you need building permits for those six.

Pret Dyer: We have to do the construction on the site work for all six and we have sold four of the six units.

C Duby: What is it that you can't get building permits for that we need you to allow you to get building permits for?

Mayor Newlands: Its four units on Village Center Boulevard.

Pret Dyer: Its four units within six parking lots.

Joe Reed: I hate to bring this up, but I would also suggest and how many years have we been developing there; but this is the first we've heard of this bond requirement and in fact, we've also done; I've been involved in another project here in Milton; Phase 2 of the Preserve on the Broadkill and there was no bond requirement there and that's been within the last couple of years so; whatever the ordinance says, it's not been enforced consistently. There's another project that there was no bond required on and I'm sure there are others in town.

C Duby: This is why I'm asking for the Council to get information from the Town Solicitor and various other resources to talk about that broader issue. I will make a motion now; my colleagues can do what they want with it that will help you out on the six units.

Joe Reed: I was going to suggest to you that it would create a hardship that you make a commitment to deliver in 90 days and for the first time in 5 years you go to get a building permit and they say, oh by the way you have to get a bond, because it will take probably 30 to 60 days to get a bond; to get a bank to post the bond; it's not something that's easy to get in today's market; there are appraisals required and the banks are not just issuing those bonds, as easily as they used to.

Vice Mayor Betts: Mr. Dickerson, do you know why they asked for it now and didn't ask for it prior to, without the bond, and now they ask?

George Dickerson: This came about from the Working Group that Cannery Village meeting with staff and myself and raising the question and being concerned that if, as we saw at Wagamon's; we saw a developer, but contractor's pull out in some issues with some houses. If that happened that those people who owned the homes; that they not be stuck with those costs and where they go with this not being put in, as was required. I think it was an oversight and simply that. It came up as an issue of the Working Group of Cannery Village asking if there is a performance bond; what happens if the developer pulls out; what happens if the developer fails; who puts in the infrastructure; thus the requirement for the bond under our sub-division regulations. I think the ordinance was never enforced before.

Vice Mayor Betts: So it was just picked up recently.

George Dickerson: It's probably been out there a year.

Vice Mayor Betts: I meant this was just brought to the attention of Mr. Dyer and Mr. Reed.

George Dickerson: I would have to defer to Mr. Davis, but I believe... When was the last...

Robin Davis: Final Approval for Phase 2C was in 2008.

Vice Mayor Betts: And no bond was required at that time, is that right?

George Dickerson: I think that's correct.

Joe Reed: We pulled a permit in the last; well we've pulled lots of permits for houses; but we pulled a permit for the Clubhouse and the Town accepted the \$40,000 permit fee without requiring a bond for the Clubhouse and the Clubhouse site work, which is right next door to this and there was no mention of a bond at that time and there hasn't been any mention of a bond for any of the other 150 building permits.

Vice Mayor Betts: And this is the close-out of Phase 2, is that correct?

Joe Reed: No, its, no.

Mayor Newlands: They have 65 homes, he said.

Vice Mayor Betts: No.

Mayor Newlands: There are three Phases in Phase 2 and there are 65 homes.

Vice Mayor Betts: There are six they're starting, four with two.

Mayor Newlands: This is a little street that they have four out of six to get done.

Joe Reed: The parking lot...

Vice Mayor Betts: So you were not asked until now.

Joe Reed: Correct and then after this, this is kind of a private parking lot behind these six units; it adjoins Phase 1 that Tom Draper developed, those four-plexes; but if I'm not mistaken after that, essentially, what we will have, the only infrastructure that we will really have left to do is to topcoat the roads; is to put the final coat of pavement on it.

Mayor Newlands: Mr. Davis and I will get together and go out and take a look with the Engineers and find out what infrastructure needs to happen out there to see if this has to come out to the table again.

Vice Mayor Betts: Fine. I just think it's a shame; they've done it all this...

C Prettyman: Are we letting them go and go ahead?

C Duby: Mr. Mayor, I would like to move that staff be instructed to grant the building permits to the developer at Cannery Village for the remaining four units that we've been discussing, without a performance bond being produced.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to have the Project Coordinator get these building permits for the four units approved. All in favor, aye. Any more discussion?

C Duby: And I further move that the issue of performance bond related to future phases of Cannery Village be tabled and that we gather additional information and that it be put on the agenda for the May meeting.

C Martin-Brown: Second.

Mayor Newlands: So we have a motion and a second. All in favor, aye.

Vice Mayor Betts: I just thought he meant he had to have the building permits and to finish off the streets for the six units, not the four. Is that right?

Mayor Newlands: This is a little enclave of six building lots; the parking lot is for 12 cars and the parking lot has to be finished for everything.

Vice Mayor Betts: That's what I'm saying, yeah.

Mayor Newlands: And the street itself is already finished.

Vice Mayor Betts: That's what I'm saying.

Mayor Newlands: This is the parking lot behind the homes.

Vice Mayor Betts: So it's really for six.

Mayor Newlands: The streets the main entrance to Dogfish Head.

Vice Mayor Betts: Okay, fine.

Mayor Newlands: Okay, we have a motion and a second. All in favor, aye. Opposed. Motion is carried.

- d. Discussion and possible vote on alleys within Cannery Village (this needs to be reviewed as Vice Mayor Betts brought to Town Council that all alleys in Town should be maintained by the Town)

Mayor Newlands: I don't know why this is on the agenda. This was discussed back in November.

Vice Mayor Betts: I brought up an alleyway that needed some work done and we did that; we agreed that; it had nothing to do with Cannery Village. It was an alleyway that had been in the Town of Milton for some time; and then they thought that it was the Cannery Village in the back of their homes. It is something that I think we need to look into to see who owns the land behind them.

Mayor Newlands: I think that's already known that the homeowner's own the lands behind their homes.

Vice Mayor Betts: So it's not an alleyway.

Mayor Newlands: Do we know why this is on the agenda? Mr. Dickerson, please?

C Duby: One issue may have brought this up, I don't know whether it did or not; but we voted at a recent meeting...

Mayor Newlands: The November meeting.

C Duby: That the Town would take responsibility for all of the alleyways in Town, with the exception of Cannery Village. I voted against that motion because I thought it was way too broad and as Mrs. Betts has said, she brought that one alley to everyone's attention and that's all that was brought to us and yet the motion was made that we would take responsibility for all of the alleys, excepting Cannery Village. I assume, and Mr. Dickerson can enlighten us, that now the Cannery Village is being brought to us because it was accepted from the other one, I don't know.

Vice Mayor Betts: I only brought that one alley.

George Dickerson: C Duby is correct. This was placed on the agenda; as you know the Mayor sets the agenda; this was a request of his to be on there. The issue was exactly as you stated; that the Council had voted on the alleyway Vice Mayor that you had put on there and it did include all alleyways; it did exempt and it did mention that Cannery Village would not be a part of that motion.

Vice Mayor Betts: It was the alleyways that were on the map in Milton; the old alleyways. It was not including the lanes behind a house, it is my understanding.

George Dickerson: The question was the reason it was placed on the agenda, is for consideration of those alleyways; does that present any legal issue for the Town with regard to that decision.

Mayor Newlands: Those alleyways are not like the alleyways throughout the rest of town, like Strawberry Lane and near the Federal Street Gallery; these are different alleyways than in Cannery Village from my understanding; so I think we need to table this and get more information on this. Because those alleyways are deeded to the homeowner's; those lanes are their parking lots in the backs of their driveways.

Vice Mayor Betts: That's right.

C Martin-Brown: Mr. Mayor, may I make a motion to table?

Mayor Newlands: Please.

C Martin-Brown: I so move.

C Lester: Second.

Mayor Newlands: We have a motion and a second to table this item until further notice. All in favor. Aye. Anybody opposed? Motion is carried.

- e. Discussion and possible vote on alleys within Cannery Village, Preserve on the Broadkill, and Heritage Creek – Town to pay street lighting cost as is currently being done for Wagamons West Shore even though streets have not been dedicated

Mayor Newlands: This item is coming up on the agenda because?

C Martin-Brown: I move that we table this Mr. Mayor.

C Lester: Second.

Mayor Newlands: We have a motion and a second to table this item, Item 16 e. about street lights in various developments until further notice.

C Duby: I just have one item. I think the Shipbuilder's resident who mentioned beforehand that Shipbuilder's was not included in this, if this is brought back up; and if we look at this; I think Shipbuilder's should be added. I'm a former resident of Shipbuilder's and it is dark out there and so if we're going to do it for all the rest, we should do it for them. I'm not advocating we do not it, but...

Mayor Newlands: On Shipbuilder's I think we need a separate item to actually investigate the lighting issue. Paying for lighting out there is one issue. But getting more lighting out there is a totally separate issue that we need to address and that is a more important issue, I think.

C Duby: Yes.

Vice Mayor Betts: Right.

Mayor Newlands: Okay, so we have a motion and a second to table this item. All in favor, aye. Opposed. This item is unanimously carried.

- f. Discussion and possible vote to approve repair costs not budgeted for two locations caused by water main breaks (Church Street/Federal Street and Mulberry Street in front of the Iguana Grill). These are required to be repaired due to a public safety issue and to protect the repairs made to the

water main lines and standards for which they are to be repaired are mandated by the Delaware State Law

Mayor Newlands: We've had a couple of water main breaks in Town, not budgeted for. We have bills in here.

George Dickerson: That is correct. That work is scheduled to start Thursday of this week. The issue there at Church Street, anybody that has been by Federal and Church you can see the barrels that are out there. What happened was that we had a water main break there; the repair costs are for several things. One of them is obviously to blacktop the road after the repairs are complete; but right now we have band-aid fixes on the Church Street location and the one in front of Iguana Grill on Mulberry Street. Those are only band-aids; only temporary. They have to get in there and do a permanent repair to those water lines. This is also to repair the road surface when complete; they are only temporary patches right now and anybody that has been by there; the traffic erodes those and causes rutting; it's bad. But we picked this particular week to try to start Thursday to have them do Church Street because the kids are out of school. A lot of parent's park on Church Street and their kids come up to that crosswalk and walk across there. This was the safest time to do that. The General Fund monies will be reimbursed by the Water Impact Fees, that's the purpose of them to replace infrastructure costs when these types of repairs need to be made. The total that you have there I think is \$49,000, I believe.

Mayor Newlands: \$39,000.

George Dickerson: But it does require Council to vote on that, to approve it.

Mayor Newlands: This is \$39,000 I have here.

George Dickerson: \$39,000, yes.

Mayor Newlands: Question though. In talking, I think it was to Mr. Kerr a week and change ago; he had mentioned that the valve may have been installed incorrectly on Mulberry Street.

George Dickerson: I have no knowledge of that.

Mayor Newlands: Okay. Can we look into that?

Allen Atkins: It had nothing to do with a valve.

George Dickerson: Nothing to do with the valve.

Mayor Newlands: That was the new water main that was put in about three years ago, wasn't it.

Allen Atkins: It was the one that the State redid; they moved the water line.

Mayor Newlands: Right.

Allen Atkins: It was an HTP pipe; directional bore underneath the Mill Dam that came loose from that 90 degree fitting.

Mayor Newlands: Was the fitting installed correctly?

Allen Atkins: Exactly.

Mayor Newlands: If not I would like to get the money back.

Allen Atkins: I don't think you're going to get anything back; after a year you're not going to get anything back.

C Abraham: Will the State bear any of those costs because Mulberry Street is State maintained?

Allen Atkins: It's our water line and our storm sewer; Tidewater put that new line in.

C Prettyman: They're the one that put in the new sewer and water lines. Mr. Atkins, when they moved the water line and did all that, the State did that; okay then why aren't they responsible?

Allen Atkins: They are only liable for one year; and this was done over a year ago.

C Prettyman: I've got to call somebody up there.

Mayor Newlands: Thank you. And Mr. Dickerson we're not going through competitive bidding because this is an emergency?

George Dickerson: That's correct.

Mayor Newlands: I just want to make that clear to the public. So we need a motion to spend \$39,000 with Mr. Horsey.

C Duby: So moved.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second. Any further discussion? All in favor, aye. Opposed. Motion is carried unanimously

- g. Discussion and possible vote on replacement of skid steerer (bobcat) for the Public Works department. The one currently owned by the Town experienced severe mechanical failure during the recent snow storms

Mayor Newlands: We had a problem with the bobcat during the snowstorm, I gather. Is this an inoperable machine, right now?

George Dickerson: Actually, the engine blew up during the snowstorm; it's a 1984 unit. Which of you guys is best to describe this? We'll try to give you as detailed a description as possible. They use it all the time; they use it to unload trucks; it's used down in the Parks; it's snow removal; there are a lot of things; but, obviously, a 1984 piece of equipment the approximate replacement of the engine... Now there are other issues just in the engine that are listed there; this thing has pretty well served its life out. To replace it, it is very expensive; we can look at a lease/purchase option; there are several things that we can do to try to replace it. I rely on Allen and Dustan to tell me what they need. They tell me that they desperately need this piece of equipment. It needs to be replaced; perhaps even looking at a second hand something; but they need some input from Council as to what you want them to do.

Mayor Newlands: Without knowing the cost, except for the cost you gave me of \$46,000 for a new one.

Dustan Russum: It's going to be put out to bid; that's just an estimate.

Mayor Newlands: Right, but lease with option to buy. Can we get all those figures before we vote on this; so we can table this until the next meeting; can we get all those figures in; we can table this until next month?

George Dickerson: You can't lease it.

Mayor Newlands: You can't lease a bobcat?

Dustan Russum: No, if you go through bobcat; you can not lease the equipment through them being we're a municipality or a local government;

they give a major discount on it because you're a government; but no lease on it.

Mayor Newlands: Is there a local leasing company in Milford or Millsboro that we could lease from? Can we check into that?

George Dickerson: We do have a lease/purchase that's paid by a company; I can't think of the name right now; there is one that is available to us where we do that with some other equipment that we do; it's paid by the month. We could see; they finance a lot of things.

Mayor Newlands: Yeah, to do \$46,000 outside of budget time is a lot of money. Could we look into different options?

George Dickerson: Sure.

Mayor Newlands: And we'll table this until next month; and look into leasing something tomorrow in case you need something in the interim.

C Martin-Brown: Mr. Mayor, I so move.

Vice Mayor Betts: Second.

Mayor Newlands: So we have a motion and a second to table the bobcat issue until next month. All in favor, aye. Opposed. Motion is carried.

- h. Discussion and possible vote to incorporate the Code Enforcement Officer position in to the duties of the Project Coordinator. Code Enforcement Officer Joseph Huff has accepted a full-time position with the Milton Police Department. Combining these two positions will provide a savings of \$45,195.04

Mayor Newlands: I would classify the next Item h. as a Personnel issue and would not like to do this in front of the public.

C Abraham: I agree, because I had a couple of issues with doing a comparison of hours logged in by Robin in his present position and then tacking on more hours of a position that is vacated.

Vice Mayor Betts: I make a motion to table that until further discussion.

C Martin-Brown: Second.

Mayor Newlands: We need to move this to Executive Session.

C Duby: Yes and could we amend the motion to say that we will discuss this in Executive Session because it is a Personnel issue.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to move this item to Executive Session. All in favor, aye. Opposed. Motion is carried.

- i. Discussion and possible vote to repair, replace, or scrap the Dodge pickup used by the Code Enforcement Officer

Mayor Newlands: I understand has 64,000 miles on it.

George Dickerson: It is a 2000 but it is in very poor shape and we have the repair costs in your packet and its \$1,100 to do the repair costs on it. I think that may exceed the value of the vehicle. It's a two-wheel drive and in pretty poor condition.

Mayor Newlands: I would like to just table this so we can get more information.

C DUBY: So moved.

C PRETTYMAN: Second.

MAYOR NEWLANDS: We have a motion and a second to table this item until the future. All in favor, aye. Opposed. Motion is carried.

- j. Discussion and possible vote to repair the porch roof of Town Hall

GEORGE DICKERSON: The portico that comes over the top of the steps at the front of Town Hall; it's a flat roof and it currently has a metal roof there. The issue is that water stands on top of that and when we had it looked at as to why it wasn't draining properly; it appears that the drain that comes off the roof was blocked and there is some wood that is going to have to be repaired and also to replace it, instead of going with tin; that is for a rubberized roof which has a longer life expectancy, than the metal; to do that repair.

MAYOR NEWLANDS: Is the only reason that this is coming before Council is because it is out of budget?

GEORGE DICKERSON: That's correct.

MAYOR NEWLANDS: And the total cost on this is...

GEORGE DICKERSON: \$2,000 something.

MAYOR NEWLANDS: Yes, it was under \$2,000 without painting and over \$2,000 with painting.

GEORGE DICKERSON: If you add the painting on. I would like to add the painting, because it's going to have to be done.

MAYOR NEWLANDS: I agree. Can we get a motion to approve this repair work with the painting?

C DUBY: So moved.

VICE MAYOR BETTS: Second.

MAYOR NEWLANDS: We have a motion and a second to repair the portico on Town Hall. All in favor, aye. Opposed. Motion is carried.

- k. Discussion and possible vote on a Delaware licensed accounting firm for the annual audit

MAYOR NEWLANDS: Why is this coming up?

GEORGE DICKERSON: It is required by Charter at this meeting that you vote on an accounting firm.

MAYOR NEWLANDS: Do we have a list of accounting firms?

GEORGE DICKERSON: No you don't.

MAYOR NEWLANDS: Okay. Have we sent out RFP's to any accounting firms?

GEORGE DICKERSON: We have not.

MAYOR NEWLANDS: Can we do that?

GEORGE DICKERSON: Yes.

MAYOR NEWLANDS: I don't remember this coming before Council at this time.

GEORGE DICKERSON: I don't know if that was a Charter change.

MAYOR NEWLANDS: I don't know either. So we could table this item until next month until we get...

C PRETTYMAN: So moved.

C LESTER: Second.

Mayor Newlands: We have a motion and a second. Any discussion? All in favor, aye. Opposed. Motion is carried to table looking for an auditor until next month. Do we get RFP's out on this process? Do we have a procedure in the Charter as to what to do? We could discuss this during the month and get whatever we have to get out to auditors.

1. Discussion and possible vote for laptops for the Police Department (per Chief Phillips)

C Prettyman: I make a motion that we go ahead and approve this because it is being paid out through grant money, anyhow, so their computers are already outdated and slow and we want our officers to be safe out there; so I feel that we need to go ahead and approve this.

C Duby: Do we have a cost for this?

Mayor Newlands: We have a grant amount of \$5,000.

Chief Phillips: That's correct, \$5,000; from Sussex County Council.

Mayor Newlands: This is a grant, from what I understand is to be used for anything you need for equipment?

Chief Phillips: For equipment and things like that, yes, Sir.

Mayor Newlands: Now, we were discussing, the Chief and I, about looking at the age of computers. Some of his laptops are 6 years old and I would agree that 6 years old is a little old for computers.

Chief Phillips: I handed out a list.

Mayor Newlands: We have some from 2007; five from 2007; three from 2003; one from 2001, which doesn't work; 2004; so we have five that you should replace.

Chief Phillips: Yes, Sir.

Mayor Newlands: And the other money, the rest of the money can go for...

Chief Phillips: Well, we also need to replace at least three bullet-proof vests and there is also a federal grant that will match that other \$2,500 and we can purchase the bullet-proof vests with that.

Mayor Newlands: Oh, really. How many vests are we talking about?

Chief Phillips: Three, maybe four; I'm not sure.

Mayor Newlands: Now these are on a certain rotation?

Chief Phillips: Yes, every five years the vests have to be replaced.

Mayor Newlands: So now we'll be able to get \$7,500; \$5,000 from Sussex County and then a matching, maybe \$2,500 for the vests.

Chief Phillips: Yes, Sir.

C Abraham: Second

Mayor Newlands: We have a motion and a second... I'm being advised that we can't vote on the vests, but just the laptops; so a portion of the money will be voted on for the laptops and the vests will have to come up next time.

Chief Phillips: The problem with the vests is the grant comes out this month and we have to answer that question quickly to match the Federal grant for that other \$2,500.

C Prettyman: I would take the money out.

Mayor Newlands: No, we're not matching; he's talking about the Federal Government. Generally, with your grants, unless they're very large, we don't vote on them, do we?

Chief Phillips: That's correct.

Mayor Newlands: I'm being advised that we don't need to vote on this, at all, for this grant money. We will sit down and detail back to the public next month; how that money was being allocated with the laptops and bullet-proof vests and the results of what we're going to get from the Federal Government.

Chief Phillips: Yes, Sir.

- m. Discussion and vote on possible date for Public Hearing/Special Meeting for Town of Milton Comprehensive Plan at which time the recommendations made by Planning and Zoning will need to be voted on

Mayor Newlands: This meeting actually was supposed to happen during March and didn't happen. We don't need to vote on this, we just need to schedule a meeting for the public. I was thinking of doing it on a Saturday afternoon possibly; instead of having an evening meeting. I don't know if that's doable; if time is available.

C Doby: What's the final date that we can vote with this? It's the May meeting, right?

Mayor Newlands: So we may have to do something... You need 15 days to notice the public; so that's at least... The May meeting is probably May 3rd, if I remember correctly. May 1st is a Saturday, so we're going to need something two weeks from tonight, pretty much; or two weeks from the day from tonight. We're running sort of...

C Doby: We generally have the third Thursday reserved for special meetings, right? That would be the 15th. The 22nd would be the fourth Thursday.

Mayor Newlands: We don't need any time between that meeting and the Council meeting, do we?

C Doby: Unless there was something that needed to be prepared for changes to the documents.

Mayor Newlands: Well, we have no choice.

C Doby: Thursday, April 22nd.

Mayor Newlands: Do it 15 days out from Wednesday; is that the 22nd? Is April 27th good for everyone? Okay, we're going to shoot for the Public Hearing on Tuesday, April 27th and there's no vote we need for this. Okay, we'll take a vote to have the Public Hearing/Special Meeting on Tuesday, April 27, 2010 at 6:30 p.m.

Vice Mayor Betts: I make a motion to have a Public Hearing for the Comprehensive Plan on April 27th at 6:30 p.m. at the Library.

Robin Davis: Mr. Mayor, if I may, there is a Planning and Zoning meeting that evening. It was moved from the 20th, at the request of the chairperson; so the Planning and Zoning will be meeting the 27th; so we're going to have a conflict on where we meet or...

Mayor Newlands: They need to meet here, don't they?

Robin Davis: Yes.

Mayor Newlands: They should be here, the Town Engineer should be here, you should be here, URS should be here, they should all be here. What's on the agenda for the 27th?

Robin Davis: A one year review of a special use permit.

Mayor Newlands: Small, large?

Robin Davis: Small. Should be quick. Should be.

Vice Mayor Betts: What time is it?

Robin Davis: Normally, Planning and Zoning is 7:00.

Vice Mayor Betts: 7:00?

Mayor Newlands: Can they go the next day?

Robin Davis: I've already moved it from the 20th to the 27th, at the request of the chairperson. It's just trying to get everybody together again. I can ask.

Mayor Newlands: And Planning and Zoning will have to be at this meeting also.

Robin Davis: If you request, yes.

Mayor Newlands: Yes.

Vice Mayor Betts: I will make an amendment to that motion to have the Public Hearing of the Milton Comprehensive Plan on April 29th, at 6:30 p.m. at the Library.

C Prettyman: Second.

Mayor Newlands: We have a motion and a second to have the Public Hearing for the Comprehensive Plan on Thursday, April 29th at 6:30; all in favor, aye. Opposed. Motion is carried.

14. Executive Session

Mayor Newlands: I need a motion to go into Executive Session.

Vice Mayor Betts: I make a motion to go into Executive Session at 8:17 p.m.

C DUBY: I would like to respond to Mr. Howard's request earlier of having a Workshop on the Main Street Program. Could we get that on the books, or can we not do that because it wasn't on the agenda.

Seth Thompson: It's not on the agenda, but my position has always been...

C DUBY: Is this a scheduling matter?

Seth Thompson: That's right. I take the position that if a Council Person wants it on an agenda, we can put it on an agenda. I don't think it requires further inspection.

C DUBY: So, if we could try to set a date for that, as well.

Mayor Newlands: What month? Sorry.

C DUBY: Very early May.

Mayor Newlands: We need to have this finalized by budget time, if we're going to give them any money.

C DUBY: Yes.

Seth Thompson: I guess we do it before that Public Hearing.

Mayor Newlands: I think at the May meeting we can discuss that.

C DUBY: If we have something on the books, then we'd know and we could save the date and then we could vote on it at the June meeting.

Mayor Newlands: That's a Workshop, so we don't have any problem with advertising those things. Okay. May 11th? I don't have a calendar in front of me; pick a date. The Council meeting should be May 3rd.

C DUBY: The Council meeting is May 3rd; Tuesday, May 11th; Thursday, May 13th; Wednesday, May 12th.

C Prettyman: The 11th is good.

C Abraham: The 11th is good.

Mayor Newlands: Okay we got the 11th.

C DUBY: Tuesday, May 11th, going, going, gone.

Vice Mayor Betts: What time?

Mayor Newlands: 6:30 p.m.

Vice Mayor Betts: Library?

Mayor Newlands: Library. That's for the Main Street Workshop.

C DUBY: Okay. I move we go into Executive Session.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 8:20 p.m. All in favor say, aye.

C DUBY: Mr. Mayor, I move we come out of Executive Session at 9:52 p.m.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session at 9:52 p.m. All in favor say, aye.

C DUBY: Mr. Mayor, I move that we pursue the course of action agreed to in Executive Session with respect to the Code Enforcer and Project Coordinator positions.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. Is there any further discussion? I guess we can't do that. All in favor, aye.

15. Adjournment

Vice Mayor Betts: I move to adjourn.

C Lester: Second.

Mayor Newlands: All in favor, aye. Opposed. Motion carried. Thank you all. Adjourned at 9:53 p.m.