

**Milton Town Council Meeting**  
**Milton Library**  
**121 Union Street**  
**Monday, May 13, 2013**  
**6:30 p.m.**

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

1. Call to Order – Mayor Jones called the meeting to order at 6:30 p.m. There's a slightly different order tonight to your agendas.
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

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

5. Public Participation
  - Valerie Valeska, 204 Atlantic Avenue: As I put on there about police services to nearby towns, I was talking with someone today and was told that Milton vehicles have been seen in the Town of Ellendale and I was wondering, do we provide services to the Town of Ellendale, or other nearby towns; and if so, are we reimbursed for those services; or is that provided for by a grant or the circumstances, if it is in fact true?  
Chief Phillips: I'm not exactly sure what days you're talking about that we'd be there. If we were there we would be there either backing someone up or something like that; but without dates and times I couldn't give you good answers for what you're talking about.  
Valerie Valeska: Would that be more under mutual aid?  
Chief Phillips: That would be correct, yes.  
Valerie Valeska: Okay, thank you.
  - Jeff Dailey, 211 Gristmill: Thank you Mayor and Council for the change in the agenda and allowing us to speak after the meeting has begun. I hope that you all will continue consideration of neighbors living in neighborhoods, allowing them the ability to speak right alongside the so-called experts; which are usually brought in by builders and developers. I'd like to address just a couple of things tonight. The Cannery Village Large Parcel Development Overlay has not been addressed since the sale of nearly 40 acres to Dogfish Head some time ago. Fire suppression needs to be looked at. Is it sufficient for all of the building that's taking place on the newly acquired Dogfish Head property? Are rights-of-way secured for homeowner's, given that the LPD overlay has been pretty

much; I know this is a strong word, but, decimated by the sale of the 38 acres. This ties in with the current proposal that I believe is still before Planning and Zoning on the propane tank farm and I would task Mayor and Council with as full an investigation as is possible, to make sure that in fact there is enough land there for that farm; that is in fact owned by the developer, because the propane farm builder will be a contractor, I believe, of Chestnut Properties; Poore's Propane, the people that put in the infrastructure. Of course, as do many Miltonians, we're wondering about Tidewater and the wastewater treatment plant; the increased use of that; and I hope that that will come up in some way, shape or form this evening. The one other thing I'd like to mention, I have spoken from this podium before about quality of life issues in Milton. I am a lover of architecture. The greater the variety, the better, but Milton has recently acquired what can only be described as an eyesore in the new annex to Dogfish Head Brewery. Unfortunately, the town gave away too much when that property was sold; the 40 acres; and they gave away way too much when they approved, without looking into the details, this latest annex. It is unfortunately great architecture that should be sitting out in an industrial park, on about 20 acres, with grass and trees around it. It makes absolutely no sense for the people who bought property in Cannery Village right across from it. My heart goes out to them. The electrical boxes that are exposed are also an eyesore; they are huge; it looks like a utility plant. This is exactly what this Mayor and Council must try and avoid in future. What's it going to look like? How high is it going to be? What are the setbacks going to be? And if we need more tutelage to our Planning and Zoning Commission, then we better get it. This town can ill afford the kind of building that is there now, that's going to stand for years to come; probably with that very interesting facade, but a facade that belongs again in an industrial park with 20 acres of grass and trees around it. It is just a horrible mistake and for a town that prides itself in the Historic District and everything we try and do to get people to visit Milton, that is a very sad shame and I'm afraid to say, a comment on the Dogfish Head good neighbor policy that they're representatives professed during the negotiations over the sale of the land and even more recently. We cannot be diligent enough in asking ourselves how will this effect the aesthetics and quality of life of not just the people living across from that building, but all of us here in Milton. Thank you very much.

- Ed Kost, 230 Sundance Lane: Mayor Jones, members of Council. At a previous meeting, residents of Cannery Village asked that the streets of Cannery Village be placed on the Council's agenda. It's on the agenda tonight, for that I thank you. We also requested that Council authorize the town's attorney to file suit against Chestnut Properties, to require Chestnut Properties to post a performance bond. I assume, tonight, because Chestnut Properties is on the agenda, that the streets are going to be discussed and there are two options the way I look at this. One is to authorize the attorney to file suit and force Chestnut Properties to post a performance bond. The other option is to negotiate a construction schedule with Chestnut Properties. For me personally, either option works. I think I would file suit, just to force Chestnut Properties to know you're serious and then negotiate a plan with them. To me, if you're going to negotiate a plan, the plan has to include all the streets. It's got to have a time table for completion. It can't be open-ended, that we'll get a street when we get a street. It has to meet all of the approvals that were given for construction of the streets in the original plans and it must meet all the requirements of the punch list. When a street is completed, it should be offered for dedication, promptly. I've been a resident of Cannery Village for six years. I've been

paying taxes. Some of my taxes go to fix streets and none of the money is being used for the streets I live on, the same for paying electric bills; so I would like to see something done; streets offered for dedication and they become the property of the town. And finally, a penalty. If Chestnut Properties defaults on an agreement, the performance bond, then they must post a performance bond. If all those things are done, we can get something out of Chestnut Properties that's going to make Cannery Village a livable place. Thank you.

- Marie Mayor, I reside in Cool Spring: I'm appearing tonight as the Chair of the Southern Delaware Tourism Council, which is comprised of all the Chambers of Commerce in the County. Tonight I'm speaking for the Chamber of Commerce here in Milton, to say thank you. Thank you for the support that you have offered in advertising the Horseshoe Crab and Shorebird Festival. It's a festival that's been expanded this year. We're going to start on Thursday at the Milton Historical Society with the Milton Art Guild. On Friday afternoon, of course, we'll all be at the Farmer's Market to have some food and come right out to our park, our Memorial Park and see a wonderful world premier of a murder-mystery about the Horseshoe Crab, sub-titled "Who killed the Horseshoe Crab?" It's sure to be a thriller and after that we'll wake up early on Saturday morning of Memorial Day Weekend and celebrate the traditional Horseshoe Crab and Shorebird Festival. We'll have music all day. We'll be in the Gazebo. We have 30 vendors. Then on Sunday, we're having more theatrical productions in the afternoon in the Gazebo, called A Walk Through the Woods. So we're now moving from a one-day festival to four different days with events. This will help us expand the number of tourists here in town and I appreciate your support for helping us advertise this. John Tretia and I are co-chair of the Festival and we are appearing on radio stations between now and the end of May, come on out that weekend and see us. Thank you so much.
- Ed Henry, Wagamon's West Shores: I just have three points to make and they all revolve around the same topic. The letter that you sent out to the community of Wagamon's West Shores telling us that the garbage collection will no longer return to our property; it will be left out in either the driveway or whatever. My question is three questions: 1) I moved here seven years and three months ago, so that means that Cliff Newlands had nothing to do with this; Don Post had nothing to do with this. We just had a very enthusiastic driver that just exhibited so much enthusiasm to just bring these containers back up to our houses and you decided to tell him that he can't do that anymore and I sent you a letter saying that your standard is now mediocrity. It's not excellence. 2) Why in the first month of a 36 month term, which is your time in office, are you even wasting your time on something like this? You should be putting together a vision for the Town; putting together your committee's; getting the people to run your committee's and I just don't understand you wasting your political capital on something of this meaningless thing. And with that, my point 3) is that I really question your critical thinking skills in that you decide to go and talk about moving trash cans, rather than having a vision for this town. I'm sorry, I'm that direct, but anybody who knows me knows that I don't pull my punches. I was the first President and I formed the Civic Association in Wagamon's West Shores. This has nothing to do with Wagamon's West Shores worth to the Town. I just don't know why you spend so much time on something as meaningless as this in your first month of your term. Thank you very much.

Mayor Jones: If you would like to wait, I'd be glad to answer you.

Ed Henry: I'm here.

Mayor Jones: I'd be glad to answer you as I did each member of Wagamon's West Shores who sent me an email. There was no letter sent to the homeowner's in Wagamon's West Shores in reference to the garbage cans. I sent nothing, I can assure you.

Ed Henry: Okay. I'll give you that, your honor.

Mayor Jones: The trash issue actually comes to me simultaneously; it was not first and foremost on my priority list; but I take complaints in the order in which they come to me and a number of residents once learning about the superior service that you had in your neighborhood, wanted to know what we could do to get that for them too. So when I spoke to the representative of Republic Industries, he said that we could renegotiate the contract. I cannot deliver that service to all, therefore, I have to stick to the contract, which speaks to curbside service. Anything less is not equitable for all citizens in the town and as I wrote to you, I understand that the adjustment can be very difficult, but when that trash contract comes to be negotiated again and Republic looks at how much time it takes them to complete the Town of Milton, everybody has to be... It has to be an equitable service. I'm sorry. Yours was not my first priority in what I needed to do; but it was what I needed to do when other members of the community, Milton, now Wagamon's West Shores, not any separate community; Milton as a whole was not getting that service. Now your driver, which shows exemplary behavior as an employee and no one is saying anything about his behavior, but he also didn't have the right to make that unilateral decision and so with that, it is what it is. The contract calls for curbside. I did ask Mr. Abbott to contact the representative and see when the contract comes back up, what we would have to pay more for service, like you have received.

Ed Henry: Madame Mayor, I understand everything you're saying; but I still believe that we have an individual in our neighborhood, this driver, that took great pride in doing a menial skill and brought it back. I don't care. I could walk back out to the driveway and bring it in; so can anybody else; but this man took so much pride in his job and you then robbed him of that pride and you set up a standard of being mediocre.

Mayor Jones: Mr. Henry, A.J. did not deliver that same service to every citizen in this town who pays a trash bill. For that reason, the contract reads curbside; the contract will be held to curbside.

Ed Henry: I understand by the yawning of this audience that I don't have the support here; but I just pride myself in knowing people that really try to do a really great job and I'm just furious that this man is not allowed to do that anymore.

Mayor Jones: And as I wrote back to you in our email exchange, this had nothing to do with your driver. I assure you.

Ed Henry: I made my point, I thank you for answering my point.

Mayor Jones: Thank you.

- Jim Welu: I haven't really paid that much attention in the past to the community building out in Shipbuilder's Village as I probably should have, but in the most recent article in one of the local papers, they mentioned something which I kind of forgotten, that the property was appraised at \$220,000 and I have nothing against having a community center, or trying to do something with it; in fact that I wanted to bring to your attention that I can remember when Elizabethtown was on the discussion block, that the YMCA of Milford was interested in coming down and establishing a community center of some sort for youth. I don't know whether they still are. I don't know under what conditions; but I think that's something that should be looked into. But getting back to the appraised value, I have no idea; I haven't seen the appraisal; I don't know on what basis they came

up with that figure; but it certainly seems to be the most outrageous amount for that building. I would think that \$224,000 or whatever it is, minus the \$150,000 that it's going to take to bring that building up to standard, might get to a more realistic value of the property as is. I presume that appraisal was only for the community building, not for the other lots. It was for the lots, as well, \$224,000? If that's true, then the other thing you have to look at is individual value of those lots. A lot on a finished street is not really selling in the new development out there between Bay and Atlantic for even \$30,000, \$35,000 a lot; and that's with a street in front of you. I have no idea how the street layout of those vacant lots is that would give them any value; so even at seven lots, it may be well less than \$30,000, \$35,000 a lot, I would think; because there's no infrastructure, no electric lines, no sewer lines, no water lines to service those seven lots at this point; they would all have to be installed and I just think that really needs to be looked at very, very closely before the town ever decides to give any money to Artesian Bank. Thank you.  
Mayor Jones: Thank you. That will close the public participation portion at 6:51 p.m.

6. Additions or Corrections to the Agenda

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

7. Agenda Approval

Mayor Jones: We're going to make a change to the agenda under New Business, Item 15d. The applicant has withdrawn that request for this evening. Any other additions or corrections?

Hearing none, do I hear a motion to approve the agenda.

Councilman Collier: Move to approve the agenda, as correct.

Councilman West: Second.

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

8. Presentation and Approval of Minutes: April 1, 2013, April 10, 2013

Vice Mayor Booros: I move to accept the minutes of April 1<sup>st</sup> and April 10<sup>th</sup>, 2013.

Councilman West: I'll second that.

Mayor Jones: Any discussion?

Councilman Cote: Just a couple of notes. Page 17, April 1<sup>st</sup>. Near the bottom of the page, the 4<sup>th</sup> comment from the bottom of the page and it says "Do we need somebody who wrote it to be the second?" And it should say, "who voted for it to be the second?"

Mayor Jones: Can you confirm that, correct Robin? Okay, so page 17 of April 1<sup>st</sup>'s minutes.

Any other corrections or additions? Nothing. We have a motion and a second. All those in favor say aye. Opposed. Motion carried.

9. Mayor's Report

Proclamation Supporting Friends of the Milton Public Library

Mayor Jones: Is Dennis Hughes here by any chance? Would you come forward? This is a proclamation for the Friends of the Milton Library and if you could try to get someplace close to a microphone. The Friends of the Milton Library celebrated last weekend a rather large anniversary. This is "A Proclamation honoring the Friends of the Milton Public Library. The Mayor and Council of the Town of Milton congratulates the Friends of the Milton Public Library for it's 25 years of service to our community. The Friends of the Milton Library was founded in 1988 to assist and support activities of the

Library. Their work includes sponsoring special programs and providing funding for extra materials and equipment. The Friends Gift Shop is a valued part of the Milton Community and has served as a valuable fund raising mechanism for the Library. In 2000, the Friends' organization raised \$400,000 to support the construction of a major new wing and the modernization of the existing Library. The Milton Public Library is a landmark commercial building at the head of the Broadkill River, erected by William W. Conwell in 1912 and 1913. The building has been the home of the Milton Public Library since 1980. The Mayor and Council of the Town of Milton commend the Friends of the Milton Public Library for a quarter century of dedication to literacy and community centered activities that support our Library. This Proclamation honoring your service, comes with a sincere hope that the Friends of the Milton Library will enjoy many more years of success in their mission.” Thank you very much.

10. Discussion of Written Committee Reports

a. Water Committee

Councilwoman Parker-Selby: Mayor Jones, I would just like to say that after reading the report, I was impressed to see that there have been improvements from past months and the year and I guess I have a question. Do we think we will continue to have these types of improvements, such as the amount of gallons that were recorded as pumped in 2013, as opposed to April, 2012? We have less gallons of water recorded. That's a good thing, a good sign, or what?

Mayor Jones: Those gentlemen right there.

Councilwoman Parker-Selby: Will this continue?

Win Abbott: Yes, Ma'am. I think that it's important to note that there are two sides to our conservation effort. One is in more accurately recording that which we're using and the other is in the collective effort of the citizens and our business to more conservatively use this limited resource that we have. I cannot attribute exactly where the savings have come from; whether it's change of use patterns or it's entirely having to do with having better equipment, but I can say this; we do have much better equipment now. As previous reports had indicated, when the pumps stopped working, system pressure was pushing water back into the wells and we were pumping the same water again and again and again; thereby inflating the number of gallons that we had recorded as pumped; while not really having pumped much more water. The accuracy of our reporting is going to get better as each quarter goes by. We would like to be able to record what is being used at the point of consumption, the meters, on a more frequent basis. Right now we do it quarterly. It would be nice if we could do it monthly, however, many of the meter pits that are throughout town are in places where the groundwater level is high or they're in a geographic location where it collects rain water and they don't transmit very well when they're under water. The last quarter, we had 117 different pits that had to be manually pumped out before the radio signal could get out for us to be able to read them. So this diminishes our efficiency. If we were to attempt to record these things monthly. In the end though, the answer to your question is yes. You're going to see much better reports, because we have better equipment and I expect that our citizens are being more cognizant of their water use habits.

Councilwoman Parker-Selby: Thank you.

Mayor Jones: Did you want to say anything Councilman West?

Councilman West: Yes. The Committee recommends that we look into next year funding

in the 2014 budget a \$17,000 for the development of drawings and a design for Shipbuilder's Village tower foundation and rehabilitation is estimated at \$73,000; that's for construction, construction management and inspection. This sum should be authorized as part of the 2014 budget; but the \$17,000 to come out of this year's budget, out of the water fund. So I would like to make that a motion that we appropriate \$17,000 of this year's budget from the water fund for the development drawings, designs of the Shipbuilder's Village tower foundation.

Seth Thompson: Councilman West, I think we should wait until we get to the mid-year budget review and possible amendments, because that's really the more appropriate place on the agenda to talk about it.

Councilman West: Okay, so then I'll just withdraw the motion. So when we do that budget review, Mayor Jones, I would appreciate if that was included.

Mayor Jones: It will be right there.

Councilman West: Thank you.

b. Personnel Committee

11. Town Manager Report

Win Abbott: Madame Mayor and Council, I'm going to respectfully defer on reading through this, because we have such a large agenda. The one point I wanted to make is that we've been very diligent in upgrading the total content that is available on our website. For this particular Council Meeting there was quite a number of documents that were available for the public to be able to download and print out, or read at home on their own and that increases the transparency of this government. There have also been upgrades in the amount of information that we share about our community for prospective home purchasers and tourists and others; so that's one thing that I wanted to encourage people to do is to bookmark Milton.Delaware.Gov on their web-browser and visit often and everything that I have to say, is there.

Mayor Jones: Thank you. Any comments on that report or any questions this evening?

Councilwoman Parker-Selby: Yes, Mayor Jones, a question and I have questions because I wasn't here when a lot of things were discussed, but I keep hearing about the Cannery Village and I know where that is and I've been out there and looked around; but not like I should. Evidently I'm going to get some people who live out there, so they can tell me some more about what they're talking about, but the paragraph here where the streets have not been dedicated to the Town of Milton; I guess I need clarification on what that's about and the statement that State Grants cannot be used for private roads. Could you clarify me on those two items?

Win Abbott: Yes, Ma'am. When a developer and Mr. Davis and our Town Engineer can speak to this more specifically, but in general, when a developer owns a piece of land, they wish to subdivide that into smaller lots and develop it into individual residences and something that was once a large parcel, they still own all the property and they're selling off lots; but they continue to own the streets on which that larger property was developed; until such time as they meet all of our construction standards and go through a punch list of items that are compliant with our sub-division standards for streets, sidewalks, curbs and so on and when they've accomplished that punch list and our engineer has certified as such, then the streets will be dedicated to the town; it won't cost anything to the town. After they've been dedicated to the town, they become public property; when they become public property, they are added to the inventory of streets that the State of Delaware uses in their calculation to determine how much of the \$5 million Municipal Street Aid fund that the Town of Milton gets and that Municipal Street Aid fund is

used to supplement our capital budget for the maintenance of Streets and Sidewalks as well as the streetlights that go along there. Until such time as the town owns those streets, then we can't use these public funds to do that particular job.

Councilwoman Parker-Selby: Thank you.

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

Councilman Collier: I have several questions on the Public Works report. I was interested. You have on here an item where you cut down brush on the ditch on Magnolia Street. I looked on Magnolia Street and the only thing I could identify as a ditch, is actually on private property; is that the ditch in question?

Dustan Russum: Yes. Ever since I've been here, we've always trimmed up the debris that grows out into the roadway...

Councilman Collier: Okay, so you just trimmed at the end, not along the length of it?

Dustan Russum: No, we did on back to where the Farmer's Market butts up to. We cleaned the trash and debris out of that area.

Councilman Collier: Is that really our responsibility if that's on private property?

Dustan Russum: It's just something we've been doing ever since I've been here.

Councilman Collier: Alright, well, Mr. Abbott could you look into that and maybe get a clarification as whether it's our responsibility or that of the property owners?

Win Abbott: Councilman Collier, this Town Council and the Town Council that has preceded it had established particular policies and standards of performance. If this Town Council collectively wishes for us not to do any maintenance there, where we have public events, then I'll be glad to take that as direction. Until I receive direction otherwise, I think that we should continue in following the standards that will allow us to put on public events in these public places. So I'll be glad to take your direction, but I'm not about to change that at this moment, until I receive definitive direction from the Council collectively.

Councilman Collier: Well, Mr. Abbott, being that I've been around town awhile, I remember about 4 or 5 years ago, maybe longer than that, when a private entity came down and cut it down because it was actually growing to the point where you couldn't see from one side to the other and I don't know at what point in time the town picked up cleaning it and I'm aware of where the ownership lies on one side and the other and who paid for it to be cleaned privately and that was the only reason why I question that. It kind of relates, almost along the same lines as the issue of trash cans in certain neighborhoods. I just don't want to see our efforts spent where they don't need to be. It's all my question is. Of course, it's at the discretion of Council and if they choose to direct you, that's fine. It was only a question.

Mayor Jones: Mr. Abbott, perhaps you would collect the information for us, for Council's further consideration.

Win Abbott: Absolutely.

Councilman Collier: Okay and the only other thing I have and this isn't related to your report, but this is a request. I know that in the park you place trash cans on the weekend and I'm going to replace one in one particular spot, because you should know which trash can's always overflowing, so it might not hurt to put a second can beside it for the weekends. It would make a big difference.

Dustan Russum: No problem.

Councilman Collier: Alright, thank you very much. That's all I had.

Councilwoman Parker-Selby: I guess the front page, I read it says read meters two times; I'm sure that's not supposed to be twice. Correct?



Dustan Russum: No, it's supposed to be one.

Councilwoman Parker-Selby: Okay. That's okay.

Dustan Russum: Alright.

Councilwoman Parker-Selby: And then tamped whole. Is that t-a-m-p-e-d? What does that mean? Tamped whole?

Dustan Russum: It's relating to the hole over here in front of the old post office; we have problems with the ground pumping, so we had to keep tamping it to compact it before we hot mix it.

Councilwoman Parker-Selby: Okay, thank you. I'm trying to figure these things out. Thank you. That's good.

Vice Mayor Booros: Since I also heard back from the grants for FEMA that I applied for two years ago, what did we hear back?

Dustan Russum: Well I applied for a grant a couple of years ago for some security fencing around the water towers and the shop. They told us that we're approved for the money, but there are some questions relating to the Davis-Bacon wages, I believe it was.

Vice Mayor Booros: Gotcha. I understand.

Dustan Russum: Okay.

Vice Mayor Booros: Thanks.

Mayor Jones: Anything else on Public Works? Next would be Project Coordinator, Code Enforcer. I continue to have a question about the Code Enforcement paperwork; if you could relay this to Mr. Trotta; we are given dates, address, violation action taken, done. I'm supposing we only get a Y or an N as the choice; when it says Y, does it mean talked to the owner and the trash and debris were removed; or does Y mean talked to the owner, confirms I had contact? Does it mean the project's been completed and it's been remedied? That's my question about what these Y's mean in each one of these columns; whether or not all this grass has been tended to and whether or not furniture in the front yard, toilet in the front yard, things like that, have been actually addressed?

Vice Mayor Booros: I can tell you those two were addressed, because it's across the street from me. I know they were addressed; but on that same note, the non-approved fence put up; talked with owner, done, yes. They took the fence down? They put the fence... What did they do? They came and got a permit for the fence after the fact? They got approval for the...

Mayor Jones: That's just...

Vice Mayor Booros: It's the very first one on the list.

Win Abbott: Mr. Davis, do you have an answer?

Mayor Jones: I'm sorry, to qualify. I wasn't asking him exactly for an answer; if you would actually pass it on to Mr. Trotta, so Mr. Trotta could supply us with an answer.

Win Abbott: Okay.

Robin Davis: Yes, I'll have Mr. Trotta supply more information on his report, to give you more detail.

Vice Mayor Booros: Thank you.

Win Abbott: Madame Mayor, if the Council was done with their critique of this department's report, can I have a word.

Mayor Jones: May I say one more thing?

Win Abbott: Yes, Ma'am.

Mayor Jones: My concern, which I relayed to you, I'll relay it in public. The certified letter to Chestnut Properties concerning the debris on the dirt pile on Village Center Boulevard, complained by a resident of that property; the town has now invested \$485 in cleaning up that

debris pile and I am concerned about getting that money back from that developer. I just want to go on record as saying that I understand that we need to clean up the eyesores. My point is I worry about recouping the money. And now, please.

Win Abbott: Madame Mayor and Council, when I began my tenure as the Town Manager, I went to some lengths at each Council Meeting and in weekly reports that I share with the Council to celebrate the accomplishments of individuals and departments and we got away from that. I want to take a moment here to recognize Mr. Davis for his extraordinary efforts in getting this certified local government's grant lined up for the Town of Milton. This is something that would have slipped between our fingers. Vice Mayor Booros came to visit me in my office a couple of months ago; discussed some ideas; there were some practical matters that would have made it difficult for us to do; but it's through Mr. Davis' efforts that he was able to secure quite a large grant for us. It will take some time to play out, but he worked together with the University of Delaware in order to bring us several... Mr. Davis, was it approximately \$9,000?

Robin Davis: The total will be over \$16,000.

Win Abbott: No money out of pocket for the Town of Milton, for us to re-inventory all of our historic homes; so that we can keep on top of our designation with these historic homes in our district and it took quite an amount of effort on his part, coordinating things with people at the University of Delaware. Several years ago Melinda Huff did this as a volunteer on our Historic Preservation Commission and because she was affiliated with the Museum, there wasn't much thought given to the Town of Milton's involvement with this during the past administration and when I brought this to the former Mayor's attention, it was kind of passed off as something that they do and we don't. Truly it was something that the Town of Milton does and with very little notice, Mr. Davis jumped on this opportunity and made something happen and I want to congratulate him for a job well done.

Mayor Jones: Thank you. Just to qualify, this does state that it is within the District only. Police Report, any questions?

13. Finance Report and Revenue/Expenditures Report

Mayor Jones: We're onto the Town Manager's monthly finance report.

Win Abbott: I'll be brief, Madame Mayor. The big difference between this year and last year is our change from a cash basis to a modified accrual basis; that's most evident with regard to the property tax collected. When we billed out for property tax this year, we counted all that money as if we had already earned it; last year we only counted it as we put it in the bank. That's a difference between a cash and accrual or modified accrual method. This changed methodology is something our auditors recommended; however, it really skewed the comparison of this year's dollars to last year's dollars. As we have been collecting the receipts we've been getting closer and closer to our realistic view of this year vs. last year. By next month it should be almost the same. Other than that, I think you have everything you need here.

Mayor Jones: I do. I would like to bring up, however, over on page 2 in the number of Council Meetings is exceeding that which was projected. I would like to continue a discussion. I know that Councilwoman Parker-Selby had also an issue on minutes and that is that the transcription of minutes is appearing to me to be quite cumbersome. I've been to two Economic Development Committee meetings where minutes have yet to be available for review. Is there a particular reason we shifted to... I don't mind the recording of all the smaller committee minutes, but is there a reason we've shifted to transcribing those the way we do Town Council minutes?

Win Abbott: It is my understanding that the manner in which minutes are recorded, not just an

electronic recording; but written into the record in one manner or another should be consistent from one meeting to another and not inconsistent; however, our Solicitor is in a better position to answer this question.

Seth Thompson: It would be good to have a uniform policy. Frankly, people expect to see a transcript at this point, so it just looks precarious when one committee doesn't follow that. Now under FOIA you can keep just minutes; you don't have to do the verbatim transcript; that's not what is required under FOIA; but I can tell you having had to review some of your old minutes, it's helpful when it's the actual transcript.

Vice Mayor Booros: Would it not help if we also had the recorded minutes by the Secretary of the Committee; whatever it is; as well as the tape put aside, in case it needed to be transcribed at some point?

Seth Thompson: And if it's a cost issue, then that...

Vice Mayor Booros: As opposed to having everything transcribed and giving it to 2 or 3 months later.

Seth Thompson: Right and again you guys can do that if you want to.

Vice Mayor Booros: And the cost.

Seth Thompson: It's just that...

Vice Mayor Booros: Then I make a motion that we NOT transcribe every single meeting; we can record them all, but that we not transcribe maybe just the voting committee's that mean something.

Seth Thompson: So your Boards, as opposed as opposed to your recommending...

Vice Mayor Booros: The Boards, as opposed to the Parks Committee or the Economic Development Committee and that those minutes be just kept by the Secretary of the Committee and they be recorded and the recordings be kept until such time as they may be needed to be transcribed, if at all.

Seth Thompson: I think procedurally, we should probably put it on next month's agenda for a vote; because you're probably going to want to hear from your...

Vice Mayor Booros: Works for me. Then I withdraw my motion and we'll put it on next month's agenda for a vote.

Councilwoman Parker-Selby: Well, can I say something to that, as well. I am wholeheartedly... That was one of my first concerns when I read the first of minutes. It took me I don't know long, as I mentioned in my first meeting to read the minutes and I'm wondering why we can't get the main idea written and then anyone who wants to hear the verbatim taping is what you're saying, right John? I think and the public I feel would feel more happy to go home and read the minutes and not have to read all night long; every word what have you; but just have our main important points and then if they want to hear everything they can hear the tape.

Vice Mayor Booros: And if something legally comes up, we can have them transcribed at that time.

Councilwoman Parker-Selby: Correct, it would be there in writing, but we don't need to have every word and cough and everything for everybody to read on the internet. I like that so.

Mayor Jones: I do like the idea. I've served on committee's that have routinely taken minutes within the committee. Now perhaps for the sake of consistency we might consider those committees submitting those minutes on a routine basis to Town Hall to become part of the record.

Councilwoman Parker-Selby: That's fair. I like that.

Mayor Jones: Rather than moving everything into a transcribed state; so it's something to be considered for next month. Are there any other comments on the Town Manager's financial

report?

Councilwoman Parker-Selby: One comment in this regard. The expenditure highlights in the last statement. I like that and I hope this is really going to carry on. It says "In this regard the Town of Milton is on budget." Very seldom I hear that in groups, so thank you. I commend you for that.

Mayor Jones: Councilman Cote the Treasurer's Report. Does anybody have any comments?

Councilman Cote: I signed my life away on the affidavit and there's still a lot here that I still have to learn about and I'm taking them as we come and because we have the Statement of Revenue and Expenditures which I had been through and I don't see anything glaring and the Budget Transaction Audit Trail which gives you a little bit different look at the expenditures.

Vice Mayor Booros: I'd like to make a comment; a good comment on the Budget Transaction Audit Trail; it appears that we're getting more detailed information as to what the check was written for. I don't see one instance on the entire thing where it was written to Citibank for a MasterCard; because we didn't buy a MasterCard, we paid a MasterCard bill, but it still never told us what was being paid for with that MasterCard. This month's report details every expenditure and exactly what was spent and what it was for. So thank you to whoever did that, Kristy or Mr. Abbott.

Councilman Cote: That would be Mr. Abbott.

Mayor Jones: Mr. Abbott, in setting up this report on the expenditure percentages, would it be possible on your master, or however this is done, Departments, Admin Department, Police, Parks, Code; could that particular line item be bolded to draw the reviewer's eyes to the break from one account to another?

Win Abbott: Yes, absolutely.

Mayor Jones: That would be so helpful.

Win Abbott: As a matter of fact, later in this meeting where we have the mid-year budget review, you'll see where it was exported to an Excel format with the department levels sub-totals; so yes, we can do that on a regular basis.

Mayor Jones: Okay, thank you. Chief, my only concern is in your auto maintenance account, you're having particular problems with your Fleet? That would be on page 4 of my expenditure sheet. I was just commenting that at 103% at six months; do you have anything in particular that you identify a problem with the vehicles that's driving the maintenance up so high?

Councilman Cote: That would be account 5450?

Mayor Jones: Yes, I'm sorry. I'm on page 4, account 5450, Repairs and Maintenance Auto, under the Police Department.

Chief Phillips: Other than just a few vehicles needed tires and brakes, etc. and the normal wear and tear and things like that; that's about all I can explain from what I'm looking at right here.

Mayor Jones: Okay, but my concern is that at 6 months we're at 103% of your budget.

Councilman Cote: You've already exceeded the annual budget.

Chief Phillips: Right.

Mayor Jones: I just didn't know if you had some particular target of an issue, rather than just routine maintenance that was driving that up this year?

Chief Phillips: No, there's just a couple of big things that occurred.

Vice Mayor Booros: On that same note, Chief, right above that 5390, Gasoline Usage. The amount budgeted on this report says \$30,000; didn't we budget more than \$30,000 for fuel in the Police Department this year?

Councilman Cote: I wasn't on the Council then, but I did sit out and I do remember...

Vice Mayor Booros: I remember \$40,000.

Councilman Cote: I remember Mayor Newlands putting it up to \$40,000, because at that time, in 2012 they had already exceeded \$40,000.

Chief Phillips: The Sussex County Grant was to offset that. So much went into that, but I can't remember... I'm looking for the number now.

Mayor Jones: \$10,000 from Sussex County.

Councilman Cote: Well this year we did that differently, because we put all the expenses in the expense category and all the grant revenue in the revenue category, so there shouldn't be any offsets. It should be this is the expense and this is the revenue; one line for revenue, one line for expense and no netting them together. I had that same question when I looked, because I thought it had gone to \$40,000, as well.

Chief Phillips: I believe it's just because of the grant.

Councilman Cote: But the accounting of it would show them separately; it would show revenue and expense and I thought the budget was going to be \$40,000 and the good news is we seem to be well under the \$40,000 rate.

Vice Mayor Booros: Unless they're showing the expenditures somewhere else, for the other \$10,000. That's my question.

Councilman Cote: Mr. Abbott, would they show up anywhere else?

Win Abbott: The answer is no. I don't personally make all the entries for Revenues and Expenditures, but Mrs. Rogers has been very diligent in following through on that which I proposed and this Council did adopt at the last budget time, and that is that revenue shows as revenue, all expenditures show as expenditures, and as Councilman Cote says, we're not netting out the difference; we're not putting grant revenue as a negative expenditure on that line and diminishing the true cost of things. So our true costs and our true revenues are showing on your report this year. Now as to whether or not \$40,000 or \$30,000 was adopted; I don't know.

Vice Mayor Booros: It was \$40,000. I remember the \$40,000.

Win Abbott: After August, I was just here as a bystander, because the budget that I proposed was not used and I was just here.

Vice Mayor Booros: I understand.

Win Abbott: So all I can say is Mrs. Rogers has been very accurate and diligent in her efforts. I'm sure that what she put in is what it is that Mayor Newlands had said that she should put in.

Councilman Cote: When I see her tomorrow... it's possible that we're a little behind on the payments, I don't know; but it seems we're less than halfway through the gasoline budget; gasoline hasn't been that cheap, so I'll talk with her tomorrow when I see her.

Mayor Jones: Anything else on the finance report?

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

a. Committee Appointments

Mayor Jones: I have a few. I gave you this list this evening. We could go over it committee by committee; I'll just take instead of the roll call that I made a mistake and took on April 1<sup>st</sup>, I will just make a collective request of your approval per committee.

Councilman West: Madame Mayor, I make a motion that we accept the recommendation for these committee appointments.

Councilwoman Parker-Selby: Second.

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

b. Contract for Audit Services – Michael Kleger and Leslie Michalik of PKS & Company, Certified Public Accountants

Mayor Jones: We did visit this once as a very early Council, I believe, in April and we had not decided to make a decision at that point.

Michael Kleger, Pigg, Krahl & Stern, CPA: Good evening. Thank you for inviting us here today. I'm a partner with PKS & Co. in Salisbury. Joining me tonight is Ginger Heatwhole who is a Supervisor with PKS and she was leading the past two audits for the town. Our audit contract with the town ended with the September 30, 2012 audit and about 5 or 6 months ago, in November, we submitted an audit contract extension request for the next three years, which I believe you have a copy of. At that time, Mr. Abbott felt that with the upcoming election that they contract extension should be tabled until after the election, which brings us here this evening. In the letter, we outline a number of bullet points as to why we feel the town should consider the contract extension, which would be good for us, as well as the town. In addition to that, attached to the letter should be an article dealing with audit firm rotation and the potential negative effect on the quality of the an audit. I assumed that was included with the letter that you have tonight. We also encourage you to talk with the Town Management and the staff about PKS and the audit process, because this was our second time through last year. Prior to that, I believe, the 2010 audit was done by the State of Delaware, which I believe took almost six months to complete. Again, we encourage you to discuss with your staff about our firm from that standpoint. I do want to mention that we do have many municipalities that do renegotiate contracts and don't necessarily rebid. We've been doing, for example, Wicomico County for twelve years on basically a three-year renewal process; the City of Seaford for ten years; Berlin and Pocomoke we've done done for more than twelve years, as well, so it's not unusual to have a contract extension with renegotiation vs. rebidding. My understanding is that the Town Charter requires you to consider the audit contract annually. A lot of Town Charters basically exclude Professional Audit Services from that, but I don't think yours specifically says that. That's my understanding from Mr. Abbott. So we would very much like to continue our professional relationship with the town as outlined in our proposal of November 29<sup>th</sup> and we'd be glad to answer any questions you may have on the request.

Mayor Jones: Mr. Kleger, I can assure you that it has actually been tabled just because of the complexion of the new Council and the new seats that were filled this year.

Michael Kleger: There have been a lot of changes, I understand.

Mayor Jones: Is the Council prepared to vote on this tonight?

Councilwoman Parker-Selby: I think so. I'm ready.

Michael Kleger: We'll answer any questions that anyone has for us.

Seth Thompson: Out of curiosity, did the firm rotation; did the PCAOB pass that?

Michael Kleger: I don't recall, because I think that letter goes back to December of 2011; I don't recall whether that does. The PCAOB is an oversight board for public company audits, which is not really related to the government side; so we're not really a member of PCAOB, since we don't do public company audits.

Mayor Jones: And since our Charter calls for this to be reviewed on a yearly basis, are we well within our governance to go ahead and vote for a three-year term?

Seth Thompson: You can. The way your Charter reads, it's to be done at your annual meeting; presumably that's because you don't want your auditor to be picked by an outgoing administration. But it's a government contract. It isn't a policy. You guys have to do this. It would be the equivalent of signing a three-year lease for a copier; you're not prevented from doing that.

Michael Kleger: Let me also add to that, the outline basically discusses or proposes audit fees and we actually have a separate engagement letter per year; so for example in year two, for some reason, fees are not an issue, but something else is, then you could elect to say... this is really only dealing with the fee for the next three-years. If there's some other reason you want to make a change, the contract is really on an annual basis. We will issue a separate engagement letter for each of those three-years.

Seth Thompson: So just to be clear, the Council would be approving this Fee Schedule; it would then still need to visit and essentially engage your services annually.

Michael Kleger: And that's what your Charter calls for from what I understand.

Seth Thompson: Great. Was that clear to Council?

Mayor Jones: Any further discussion? Hearing none, do I hear a motion for action on this proposal?

Councilman Cote: I make a motion that we agree, sign or do whatever it is that we have to do to accept this three-year year plan.

Councilman West: I'll second that.

Mayor Jones: Any other questions, concerns, discussion?

Councilwoman Parker-Selby: Discussion real quick. I understand what you're saying, but I'm looking at the 4% increases after this year.

Michael Kleger: Yes, we had to do the same from last year.

Councilwoman Parker-Selby: We would be voting to accept 4%, even though we still come every year and decide whether we're keeping the same company, or not. Is that correct?

Seth Thompson: That's what we're doing. You're approving the Fee Schedule.

Councilwoman Parker-Selby: And you've done this in the past?

Seth Thompson: I don't know if they've done that in the past; frankly they've been playing catch-up on the audits; so those were bid together, but that's because they hadn't been done, I believe. I think.

Councilwoman Parker-Selby: I just want to make sure we can afford 4% in the next couple of years.

Michael Kleger: The fee for 2013, I believe is the same as last year. I believe that that's stated in the letter.

Councilwoman Parker-Selby: Yes, that's what it said here.

Michael Kleger: The 2012 should be the same as 2013 audit.

Councilwoman Parker-Selby: Okay.

Mayor Jones: Any further discussion? All those in favor of accepting this three-year contract say aye. Opposed. Motion carried.

Michael Kleger: Thank you all very much. We appreciate it.

- c. Request from Milton Park Center, LLC for a fourth one-year extension on the final site plan approval issued by Planning & Zoning for the expansion of parcel A & B of Milton Park Center (Food Lion Shopping Center).

Mayor Jones: Is there anyone here to speak on behalf of Milton Park Center, LLC?

Seth Thompson: I would respectfully request that the matter be tabled. It looks like there might be an issue under our Clean Hands Ordinance; there are potentially some unpaid Professional Fees, so the way the Clean Hands Ordinance works, the town wouldn't be able to provide any sort of approvals if that were the case. We need to make sure that is indeed the case, before we go forward.

Mayor Jones: That will be fine.

Councilman West: Madame Mayor, I'll make the motion that we table this until further research is done.

Vice Mayor Booros: Second that motion.

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

- d. Second reading – “An Ordinance to Amend Chapter 158 of the Town Code Regarding Weeds and Vegetation and Removal by the Town”

Seth Thompson: Mayor and Council, this is the second reading; this is, I think, one in a series where we've attempted to put all of the rates onto the Fee Schedule, so that the Council adopts the Fee Schedule once a year and it's easier for the citizens to go to one source and see what the town charges for it's various items. So the Ordinance is removing the \$50 per hour from the actual Code and it just makes reference to the Fee Schedule. I updated a reference there, the reference to the Town Clerk in there; that should really be the Town Manager. There are two of those references. The basis for what would be charged would be the actual and administrative costs. So, for instance, if the town has to hire somebody to go out and cut the grass, then the town can charge whatever they were charged and then some percentage that would be fixed on the Fee Schedule for the town having to go through the administrative elements of that.

Mayor Jones: I have three points if we may. The cost of removal by town, payment by owner, at the bottom of the page. The Fee Schedule “may” also set out an interest rate. The Fee Schedule “should” set...

Seth Thompson: That's fine. I just put may, in the sense that if the Council elected not to charge an interest rate when it adopted the Fee Schedule, that was fine; but we can change it to “shall” if the Council wants to make sure that there's one in there. I suppose you could put a zero percent interest rate at that time and you then decided not to charge interest.

Mayor Jones: But there has been a discussion, small as it's been in reference to our Accounts Receivable in there not being penalties attached and so this looks like an opportunity on this Fee Schedule to make sure we set an interest rate.

Seth Thompson: So I would change that rate and instead of “may” it will be a “shall”; it will be mandatory.

Mayor Jones: Well that's not my decision alone, but I'm wanting to get the idea from Council what they thought, because on the next page I'm in another sentence that has been changed “these amounts may be charged to the owner or occupier of such property”. You struck out “shall”.

Seth Thompson: I'm sorry, I changed the wrong “may”.

Mayor Jones: Okay, so it should be “shall”, right?

Seth Thompson: The one point of clarification on that was whether or not it would be a basis for turning off somebody's water and our Code says that it's not.

Vice Mayor Booros: No. No. And we had a lively discussion about that last year and it was...

Mayor Jones: However, the last sentence just still smacks of it. Such charges shall be due and payable by the owner at the time of payment of such water bill. So if you're in default of your water bill by not paying this charge...

Vice Mayor Booros: I think the discussions we had over this mess were, if somebody's grass had to be cut, because they didn't cut the grass, we tacked that charge onto your



water bill and if you didn't pay it we'd shut your water off and I think the comment the former Mayor made was, when somebody said that you would have to condemn the property if they didn't have water, sobeit.

Mayor Jones: Well I can't speak to that, but this still says that this charge will...

Vice Mayor Booros: Well it's in the minutes.

Mayor Jones: Will be due with that water bill. When that water bill is not paid in full, what happens? We obviously don't turn the water off, but what is the penalty?

Seth Thompson: Right, well what we can do is where it says these amounts and the suggestion was to change it to "shall"; I would perhaps make it clear by saying these amounts "shall be" listed or "shall be" reflected on the next water bill; to make it...

Vice Mayor Booros: I think that you need to separate the amounts they owe for these other things and it's not just grass cutting. This particular one is for the grass ordinance; there's a whole bunch of things that need to be listed and you can't tie every one of them to a water bill.

Seth Thompson: We could remove the reference. It's really Council's discretion. We could remove the reference to the water bills entirely. Frankly, I don't know why it was there other than it saves a stamp or somebody might just not realize that that was a separate charge; they might think they have a much higher water bill.

Vice Mayor Booros: Why should we be waiting three months to send them a bill for cutting their grass?

Seth Thompson: Right.

Councilwoman Parker-Selby: Let's take the water bill off. Just take the water bill off.

Mayor Jones: I agree with that.

Vice Mayor Booros: And while we're having this lively discussion, I've got another question. I remember several months ago we changed some of these things in the Fee Schedule to bring them down below \$100, so that it didn't end up in Superior Court or something like that...

Seth Thompson: It was a penalty for a violation, so not really a fee.

Vice Mayor Booros: I understand that, penalties for violations; was that across the board in our Code or was that for one or two particular things?

Seth Thompson: It was for and I can...

Vice Mayor Booros: Because I haven't seen them change yet on certain things I'm still seeing anywhere between \$100 and \$300 per day and every day is a new violation and I remember when we did it, I just didn't know if that applied across the board to all of the violations.

Seth Thompson: I believe we did it to the ones that were relatively close to \$100, so again your example of the \$100 to \$300, I believe we put it down to \$99.

Vice Mayor Booros: Yeah, I'm just wondering because it's still reading that way in the Code.

Seth Thompson: Is it online that way? Because it could be the General Code just hasn't updated it yet.

Vice Mayor Booros: Okay, I'll recheck that one.

Win Abbott: Yes, Sir. If I may, the updates to General Code don't happen automatically. What will happen is if you go to the online version, they do make those updates relatively quickly, but not to the main body of the Code. What will happen is you'll see Legislation Not Yet Codified, with a tab and an underscore and that will mean that this has passed; but it just hasn't been written into the Code yet, so it is effective and if you

go to ECode 360 for the Town of Milton, Delaware and you click on that little underscore where it says Legislation Not Yet Codified, you'll probably find this and the Code, itself, both the written version that you receive in your booklets and that which the public sees online, is changed twice a year.

Seth Thompson: I think it's on the left side of the screen if you're looking at ECode 360.

Mayor Jones: May we also go back, having also struck the information out about the water bill, should the last line still read “such charge shall be due and payable by the owner upon receipt”?

Seth Thompson: Seemingly you could say that it's due...

Mayor Jones: As long as it's not redundant someplace else, but definitely not having anything to do with that water bill.

Seth Thompson: Okay. Just for notice purposes, you could say “such charge shall be due and payable by the owner at the time of receipt of notice”; I don't know if you want to put in there certified mail? Again, that's an additional charge to the town. If that's what Council would like to do, that's certainly how we can do it, keeping it separate, but then also providing for the notice.

Vice Mayor Booros: How about within thirty days of the date of the charge?

Seth Thompson: The services that were provided?

Vice Mayor Booros: The services provided.

Seth Thompson: Uh-huh. Date of removal, I guess. Within thirty days of the date of removal.

Mayor Jones: Or service.

Seth Thompson: You can put the Notice provision in your Code. You could do both. You could say a copy of the bill, or a copy of the invoice shall be provided to the owner or occupant; we're charging just the occupant; no we're doing both, okay. If you want to do it by certified mail you can do that; I think it's around \$6.

Mayor Jones: It's expensive.

Seth Thompson: You could do a certified mail.

Mayor Jones: Well that's on a notice after you haven't paid.

Seth Thompson: So if they haven't cut their grass; the town lets them know they need to cut their grass; the town sends somebody out, cuts the grass...

Mayor Jones: And bills them.

Seth Thompson: Right, so then we're just saying that they have thirty days to pay that bill; so you would send out the bill after the... seemingly you should send out the bill immediately after the services are provided.

Mayor Jones: But not certified.

Seth Thompson: Okay, not certified.

Mayor Jones: Would you feel the need to send a first mailing certified.

Councilwoman Parker-Selby: Not the first one, no.

Seth Thompson: Frankly, they would have been contacted before...

Mayor Jones: Already.

Seth Thompson: Right. I can rework this. It sounds like these are more than just a couple changes.

Win Abbott: Madame Mayor, Solicitor, as your business manager, I would encourage you to consider making these amendments and doing this now; rather than a month from now; because at this point, we're not paying our town workers time and a half to do these jobs; we're still sub-contracting it and our sub-contracted labor to do these

remedial efforts, exceeds the amount that we have in our Fee Schedule.

Seth Thompson: Let me then read what I have down and if anybody has any question. Section 158-5, whenever the Town Manager designee has effected the removal of any unregulated growth by town employees, the owner (and I suppose we should strike that, since we're using...

Mayor Jones: "Or contracted service".

Seth Thompson: "by town employees or contracted services, the owner or occupier shall be charged at the rate set on the Fee Schedule in effect at the time of removal. That rate shall be based upon actual and administrative costs. The Fee Schedule shall also set out an interest rate, with interest accruing from the date of removal. Such charge shall be due and payable by the owner within thirty days of the date of removal. The town shall send notice and any invoices via regular mail to the owner or occupier."

Vice Mayor Booros: I have one question. Your words were great, but my question involves the fact that I know it's not easy to collect these. We have a list of uncollected services that the town has provided for years. Have we budgeted for contract services for this type of thing?

Win Abbott: No.

Mayor Jones: Well, I appreciate your encouragement to get this through and I can live with the amendment as read by our Town Solicitor. How does the Council feel about this?

Councilwoman Parker-Selby: Are we to vote on it tonight?

Mayor Jones: We can vote on that tonight, with the amendments that have been read.

Councilman West: I make a motion that we amend Chapter 158 with the changes that the Town Solicitor's made.

Vice Mayor Booros: I'll second that motion.

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

e. Cannery Village signage quote

Mayor Jones: You have the quote in front of you.

Councilman Cote: As you can see on the page that you have in front of you, the quote doesn't specifically meet the request. Series I seems to like the price of eight signs; Series II, the garage signs, are of a size that they can be smaller and there were specifications provided to the Town Manager on the size that needed to be met and the quote was for a larger sign, so I have to assume that the price for the larger sign is more than the price for a smaller sign; and, Series III does not address the issue that that committee was trying to resolve. I think we have to get back to the bidder and get these things re-quoted for Series II in the right size and the right number of signs and posts in Series I and we also need to be certain that they meet the standards for 2015.

Win Abbott: Just to go back for a moment, the Cannery Village Ad Hoc Signage Committee met on several occasions, came up with specifications. The specifications were written into a Request for Proposal which was widely advertised and put on the website. We had one respondent. So the critique that you have here is of the one respondent, but nonetheless we've done our due diligence with trying to solicit competitive bids. Now it makes sense to go back and work with that one respondent, so that we get something that is more accurate that we could move forward with. Now the last item that Councilman Cote brought up is a change in the retro-reflectivity standards

put out by the Federal Department of Transportation with regard to signage in general. Wherever this project goes, the fact is that we're going to have to be living with these signs for some time in the future. It makes sense to have signs that meet standards that are going to become the law of the land in just a couple of years. So, addressing that, along with some of these other accuracy issues, would be a good next step.

Mayor Jones: So can I ask that we'll come back next month... Well if we could ask Quillen's for a revision in their quote to meet the needs. Councilman Cote would that then also include duplication of this Series III, which you're saying does not meet the need or does not need the committee's initial issue with the signs? Is that necessary to have on the proposal? I'm just asking in general.

Councilman Cote: If we're going to go back and talk to Quillen, possibly someone from the committee should speak with Quillen about Series III so it's more clear what problem the committee is trying to solve.

Bob Frazier, 227 Summer Walk Boulevard, Cannery Village: I was going to make one suggestion piggybacking on the comments that Councilman Cote and Mr. Abbott made and that is when you go back to Quillen, I think our committee pretty much agreed what we're calling the hotel type signage and the unaddressed lane signage are really the key elements for the safety issues for EMS personnel and those were two of the issues that the County Emergency Management People really stress. The garage signage will help, but if you look at that bid, the garage signage is a major cost driver, so when you go back to Quillen you might want to talk to them about making some modifications to doing this in a couple of iterations, therefore you might be able to come up with a lesser amount of money to do the real key ones, i.e. the hotel signs and the unaddressed lane signs, so you could defer or look for other funding sources for the garage type signs, because they're the third priority. I think our committee agreed on that.

Mayor Jones: Well Mr. Frazier I think part of what is driving the cost of that garage signage is that it has been quoted as something that Councilman Cote said, much larger than the need. What I think you went back to is a revised vertical sign, underneath the outside light, as opposed to over the top of the garage; so I think that will be a cost driver as well.

Bob Frazier: It's possible that it should be less cost, as well.

Vice Mayor Booros: Can I ask a question? When we sent out this Request for Proposal did we just put it online or did we put it in the paper?

Win Abbott: Yes, it was also in the paper.

Vice Mayor Booros: It was advertised and only one company came in.

Win Abbott: That's correct.

Councilman Collier: I have a question. Regarding the garage signage, I'm not sure why... I'm making the assumption first that we're looking at the town ultimately paying for all this signage. Am I correct?

Mayor Jones: I do not believe that's been decided.

Councilman Collier: Well, let me just make one point from where I sit and that is, at my house, when I got my address, I had to put my own sign on the house to identify my house; nobody bought it for me and I'm not so sure that the town should get in the habit of putting address signs on individual homes, no matter what neighborhood they're in. So with that being said, that reduces a \$16,000 item considerably. I think that that should be on the individual property owner and if the Homeowner's Association wants to identify a particular style or type of sign, that's all well and good, but it should be the

responsibility of the homeowner to identify their home; just like it is everywhere else in town.

Councilman Cote: Councilman Collier, fortunately or unfortunately, the approved plan for Cannery Village requires numbers on the back of the house, which, unless you've been there and walked around and tried to find some addresses and some of the Council has been, it's really difficult and I'm going to... because they are identified only by a number, and it's not necessarily when you stand there and look at the number on the garage, you don't know whether the number belongs to the street, the lane you're standing on, or the road in front of the house. The Police Department searched the wrong house because the number was correct and they were standing on the lane, except the front of the house was on a street and was addressed to the street, not the lane. Unfortunately we have a number of homes that are addressed to their back door and to solve that... some of that was approved by the town. Putting the numbers on there was approved by the town.

Vice Mayor Booros: And they were paid for by the homeowner when they bought the house; the numbers on their house were paid for by the homeowner in the cost of the house.

Councilman Cote: I believe so.

Vice Mayor Booros: So they have paid for them once.

Councilman Collier: Well, on my street I can pay for as many numbers on my house as I want, but I still pay for them.

Councilman Cote: Well, we have to have two, because the town approved it; one for the front and one for the back.

Mayor Jones: And tell me something in terms of your review with Emergency Management and mapping and addressing it with the County; was this the county's recommendation to change the signage on the garages?

Councilman Cote: Yes, they did agree to that.

Mayor Jones: Not agree. Did they recommend it?

Councilman Cote: Interesting choice of words. It was discussed and they said, that would help a lot. Now they agreed to what the committee had worked on.

Mayor Jones: Okay. We'll be putting this aside and visiting it again with some more figures? Very good.

Councilman Cote: Hopefully, next meeting?

Mayor Jones: I guess that will be on Quillen's and giving our estimate and getting that back to us in time to review that Councilman Cote.

Councilman Cote: Thank you.

f. Cannery Village paving & bond issues

Seth Thompson: Okay, I sent a letter to the developer and then followed up with a phone call and I expect to receive their plan for paving. I think we gave them a deadline of two weeks from Friday, I believe; so it would be in time to post for the next Council Meeting. So I sent them the language from the new Ordinance that requires paving at the 80% mark, or you need to show cause as to why that shouldn't apply; so I think they're on the same page... they need to show what they plan on doing for paving the entire community. So I expect to hear that at the next Council Meeting.

Councilman Cote: That would be great.

Seth Thompson: I know it's been a long time coming.

Mayor Jones: Excellent.

Councilman Cote: I believe it was Mr. Kost, earlier in public participation who mentioned, we should consider having a penalty clause in there for their non-performance if they don't do what they said they were going to do.

Seth Thompson: Right. Understood. That's right.

Mayor Jones: Anything else on that issue.

15. New Business

- a. Request from Fernmoor Homes for a partial reduction of the bond for the completed work in Phase 2B of Heritage Creek

Mayor Jones: Do we have someone from Fernmoor Homes to speak?

Ben Gordy, Ocean Atlantic Management, representing Fernmoor Homes: We're here tonight to request a reduction in the bond that is posted for Phase 2B of Heritage Creek. This phase is currently under construction. You will see a slight discrepancy with Fernmoor Homes estimates and the estimate from Bob Kerr. Fernmoor Homes sent their estimate in and they listed a few items that were complete, that actually were not. Their estimate was based on the site work contractor's schedule, which didn't take into account some construction delays that we had, mainly the rain and we had an issue with the surveyor and things like that; so we've reviewed Bob Kerr's estimate and we agree with the amounts he has listed.

Mayor Jones: Mr. Kerr, in the second paragraph of your letter to Town of Milton when it talks about the review of the construction progress was made; actual quantities were not measured or computed.

Bob Kerr, CABA Associates: The estimate, as an example, calls out for 2,550 linear feet of curbing. We didn't measure to know whether there's 1,100 or 1,050; it was a visual inspection that this street is done or not done; this street is close to half done; that type of thing, as opposed to an actual so many feet. At the time they were also pouring curbs; though it was changing by the minute.

Mayor Jones: Mr. Thompson, have you reviewed this?

Seth Thompson: I have. I haven't seen the actual bond. Are you guys using the same bond company as before? I know that you need the approval before you go to them.

Ben Gordy: It would basically be the same bonding company would issue a reduction letter to the town. Currently it is in the amount of \$832,000 and our request is to reduce it to \$419,154.38.

Seth Thompson: Just so the public knows, that's 125% of the estimated costs that remain. But it's acceptable to me.

Mayor Jones: Council, any questions?

Vice Mayor Booros: I make a motion that we approve the reduction in the bond to the amount that CABA Associates has recommended of \$419,154.38.

Councilman West: I'll second that motion:

Mayor Jones: Any discussion? Let's take a vote. All those in favor say aye. Opposed. Motion carried. Thank you Mr. Gordy.

- b. Request for the removal of a streetlight located on Mill Pond Avenue between lots 105 and 106 in Heritage Creek Phase 2A

Ben Gordy, Ocean Atlantic Management: This was actually just brought to my attention a couple of weeks ago, during construction of lots 106 and 107. There was an electric

transformer that was located too far onto the property of lot 106, so we had to relocate it. It was actually on the property line of 105 and 106 and there was also a streetlight in this location and the owner of lot 105 asked me if it was possible to remove that streetlight because there's another streetlight on the property line of 104 and 105, so he basically has a streetlight on both sides of his property, so they're about 70' apart. We also talked to the buyer of lot 106, it's a home under construction and he prefers that that streetlight be removed as well, so we're here tonight to ask permission to remove that streetlight since it was shown on the approved site plan.

Mayor Jones: The only question I had, Mr. Gordy, just so that I understood it, that at the time Delmarva Power moved the light to 105, because there was not room on 106; I'm going to assume construction?

Ben Gordy: They moved the transformer to the property line of 105/106. The streetlight has not been reinstalled yet.

Mayor Jones: Okay.

Ben Gordy: It would be kind of tight to put that streetlight; I guess it kind of would have to go behind the transformer. There's not really any room to the lot to the right with the 5' setbacks for each lot.

Mayor Jones: But this is a request to remove it. Didn't you say it had not been reinstalled?

Ben Gordy: Yes, it was removed when the electric transformer was relocated the streetlight was taken down, so we're requesting to NOT have to reinstall it.

Seth Thompson: By not reinstalling it you're still compliant with the 300' maximum; the distance between the two isn't more than 300', right?

Ben Gordy: No.

Seth Thompson: And that's what your Code calls for. That's the maximum distance between your streetlights.

Councilwoman Parker-Selby: I move that we honor the request to remove the streetlight located on Mill Pond Avenue.

Vice Mayor Booros: Second.

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

- c. Referral of subdivision application for Phase 5 of Heritage Creek to the Planning & Zoning Commission. This property is identified by Sussex County Tax Map & Parcel #2-35-20.00-56.00

Mayor Jones: You have that in front of you

Seth Thompson: This is just the referral phase of the process; where, again, it gives the public the opportunity to know that Planning and Zoning will be hearing the application. You don't need to do anything beyond just referring it to Planning and Zoning. That's how your sub-division ordinance is set up.

Councilman Collier: I would like to move that we refer this sub-division application for Phase 5 to Planning and Zoning.

Councilman West: Second.

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

- d. Referral of subdivision application for the dividing of the existing vacant land in Heritage Creek into smaller individual parcels to the Planning & Zoning Commission. The property is identified by Sussex County Tax Map & Parcel #2-35-20.00-56.00.

Mayor Jones: As noted, Item 15, d has been stricken.

- e. Naming of the private drive for the Dogfish Brewery warehouse. The private roadway extends from Atlantic Street to Village Center Boulevard

Mayor Jones: You have that package and drawing in front of you. The folks at Dogfish are requesting that the name of their new road be Off Centered Way.

Councilman West: Madame Mayor, I make a motion that we allow them the right to call it Off Centered Way, because if you've been on that road, it is off center.

Vice Mayor Booros: Second.

Mayor Jones: Any further discussion on this issue? Let's take a vote on naming the new Dogfish Head road, Off Centered Way. All in favor say aye. Opposed. Motion carried.

- f. Lions Club Capital Campaign for train and tracks in Memorial Park

Mayor Jones: I don't think I have any information on this.

Councilman Collier: I don't have any paperwork for you. I'll speak for the Lion's Club as the members of Council and most of the public know, the train actually belongs to the town and is operated by the Lion's Club. The train's been in town for about 20 years and she's getting old. She's 51 years old this year and parts are an issue to find, as well as the track over a period of time has begun to settle and everything else and the Lion's Club would like to see the train be here for another 20 years and what we're requesting is the town's permission to move forward with a Capital Campaign to raise funds for the refurbishing of the train and tracks and we have a targeted amount of \$50,000. So the Club did not feel they could move forward with the Campaign without the town's blessing.

Councilman West: Madame Mayor, that train has done a lot of good for a lot of people in this town and I make the motion that we allow the Lion's Club to do their Capital Fund Campaign to keep it going.

Councilwoman Parker-Selby: I second. The children love that.

Mayor Jones: Any discussion? All those in favor of allowing the Lion's Club to go forward with a Capital Campaign for train and tracks in Memorial Park say aye. Opposed. Motion carried.

Councilman Collier: I would like to abstain for obvious reasons.

- g. Clean up Grant – courtesy of Representative Smyk

Mayor Jones: Mr. Abbott?

Win Abbott: Yes, thank you very much Madame Mayor. I believe Representative Smyk was in attendance at a Town Council meeting perhaps six or eight weeks ago when there was some concern voiced about litter in the town. The litter was taken care of and subsequent to that I was contacted by a person from his staff saying we have a Clean-Up Grant for you. The standard letter that the Delaware Solid Waste Authority provides for legislators was included in your packet. The purpose of this grant is to clean-up litter in areas, whether they be in town or in the unincorporated parts of a Representative's District. I did a visual inspection of the town. I didn't see any concentration of litter; with the exception of these small places; like some caught in the trees on the corner of Lavinia Street where it meets Sand Hill Road outside of the town limits, no particular place stood out to me. I had discussed with our Public Works Director the idea of getting the seaweed, for lack of a better road, off of the rocks that protect our shoreline; but



that's not an issue this time of year. That happens in August after we've had a dry spell and then a hard rain where it causes an algae bloom. In the Town of Fenwick Island where I was the Town Manager, we had a once a year bulk pick up where people could put out chairs and small refrigerators with the door taken off it and other things, just to do some housecleaning and yard cleaning of stuff that was sitting out behind the shed and it was a great benefit for the town. We calculated the value of this \$500 and that value in terms of the dollars per ton that's charged at the Delaware Solid Waste Authority is about what we could put inside a 20-cubic yard container, if we had put it down at the Public Works Yard and told people they could take their "stuff" there. But at this point, we don't have a precedent for this. We don't have a targeted area, but we do have a gift that has a very limited time offer; so I'm putting it in your hands. What would the Council like to do with \$500 of free tipping costs for us to use?

Mayor Jones: From experience, when we were doing the rollbacks, before the town decided to have a carrier take our yard waste, Mayor Newlands had attempted to do a rollback at the Public Works Building and it became not such a pretty sight, with people climbing over and in trying to get their stuff in; potential hazard; liability. Needless to say everybody has "stuff" and it all arrived at one time, so there wasn't even capacity; so that is my only comment about the placement of that. Does anybody else have any other ideas?

Win Abbott: Yes, I don't know, so I'm just putting it in your hands here.

Mayor Jones: And we have a little while to use this, is that correct? Fiscal year 2013. Is that the State's?

Win Abbott: Basically we have until June 30<sup>th</sup>.

Vice Mayor Booros: Does it have to be used for tipping fees?

Win Abbott: \$500 in tipping fees.

Mayor Jones: Debris.

Win Abbott: Just as an example, the delivery and pick up of a 20-cubic yard container would end up coming out of the town's budget and the volume of trash that was in that would be paid for \$500 and then it would be over; so sure, if we put out the word, as Mayor Jones had said and we have four times as much show up; we'll have four times the expense.

Vice Mayor Booros: I guess my question was... that night that he was there, it was about the garbage going up Front Street.

Win Abbott: Correct.

Vice Mayor Booros: So it wouldn't pay to pick up the garbage going down Front Street; it pays for the tipping fee to dump the dumpster.

Win Abbott: Correct and if you notice, there's not that much garbage there anymore.

Vice Mayor Booros: It was cleaned up the next day. I understand.

Win Abbott: Right. Can we get back to this next month. I just wanted to put it out there.

Mayor Jones: Alright, I would just encourage you all to consider what would serve the community the best. We'll revisit it again next month.

Councilwoman Parker-Selby: You don't want to give it back, if they're going to give us \$500.

Mayor Jones: Right, we don't want to give it back; that's right.

Vice Mayor Booros: We're going to have to figure out how to deal with it.

Mayor Jones: Okay.

h. Boat Dock rental policy revision, with proposed lease agreement

Mayor Jones: You all must think that the Council is made up of attorneys. Go ahead.

Seth Thompson: As you can see, this was the prior Boat Dock Rental Agreement. I drafted something a little more comprehensive. For instance, requiring insurance; allowing for the town to get a security interest in the boat, in the event that somebody doesn't pay; that sort of thing. So, I don't know if there are any questions on the draft and that's why I changed it from Boat Dock Rental Agreement to Boat Dock Rental Policy. Obviously that was just a quick change.

Win Abbott: Madame Mayor and Council, I just want to let you know that our Solicitor is humble in saying that he made something a little more comprehensive. He made it a lot more comprehensive. I spoke with our one very good tenant today and it's more comprehensive than even he would care to see; however, let it not be said that we're not trying to do something about our situation that we have there. So whether the Council decides to do something, nothing or something in between, it's out there.

Seth Thompson: And if the Council wants, I can go through individually to explain each term. It's really up to Council in terms of how in depth you want me to go into it.

Councilwoman Parker-Selby: We have six slips, I see. Are they filled usually?

Seth Thompson: Mr. Abbott is saying no.

Win Abbott: They have been filled all the way and they could be filled in the next month if we advertise them as such and I would love to see them filled. A problem is that we have one slip that has been occupied by a non-paying person for an extended period of time and then we don't have proper signage or the leverage necessary to enforce compliance that all persons that are docked at those slips are actually paying for the slips; so having signage and a better contract would help us to not just have the slips filled, but also have the ability to make sure we have good tenants in those slips for the long term.

Councilman West: But that problem with that one boat was supposed to have been addressed two years ago and it slipped through the cracks. I know whose fault it was; they are no longer with the town; because this boat was supposed to have been taken care of through the Maritime Laws and he was supposed to have been served the papers, the whole nine yards and it got dropped; because it was supposed to have been taken to Lewes to be sold and it is of no fault of the Town Manager or the Town Solicitor.

Seth Thompson: That's really one of the issues that I put in here was the security interest, that the town would be able to file it's UCC filings with the State so that in the event that it isn't getting paid, it could go against the boat the same way a financing company would against a car; you then have to provide notice and a reasonable means of selling the item, but currently the town doesn't have that ability. The way it works now, we need to get a judgment and then execute on that judgment.

Councilman West: Like I said Mr. Solicitor, this was supposed to have been done two years ago when we did this ordinance then and it slipped through the cracks. But I'd also like to make another change onto this; we've got a yearly fee, \$1,200 in advance and to know that somebody during the summer months was going to do it for six months, if they wanted to pay for six months at a reduced rate, I would like to see that be \$700.

Councilman Collier: You would have to define the time period, which you consider summer.

Councilman West: Well April through September.

Councilman Collier: Okay.

Councilman West: Because you see it says summer months April through September and winter months October to March.

Seth Thompson: So you would propose a \$600 total fee for April through September?

Councilman West: No \$700.

Seth Thompson: I'm sorry, \$700.

Councilman West: \$700, which is over half of the \$1,200.

Mayor Jones: So you could still get it a month at a time, but you could also get a package.

Councilman West: Right. If you paid it up front, then we're assured of the money, rather than they use it for six months, or not; we're guaranteed our money.

Councilman Collier: I have to say that I appreciate the section about related obligations, particularly because I have seen and continue to see a lot of junk laying in front of certain slips and it went from laying in front of slips to now it's in the water and in the slip, but it's still junk nonetheless. The only question I would have is what teeth do we have to go after them and tell them to clean it up or get out. I don't see any provision for enforcement of these desires in that respect.

Vice Mayor Booros: We're just adding them to the list of \$70,000 that's added to everything else we do.

Seth Thompson: This new agreement, again this would be for people coming in this season; they would be required, if the Council approves it, to sign this Lease Agreement, as opposed to just what we had before which was the Dock Rental Agreement that you see on the first page.

Councilman Collier: Yes.

Mayor Jones: The attorney's among us are going to cringe at this statement. I'm looking right at Alex Donnan. Can we not have a comprehensive boat slip agreement without it being six pages of which any reasonable person would probably want to turn this over to their attorney before they signed it? That's my only issue with the volume of this agreement. I'm not saying that it will not hit the mark and therefore might take care of the things that we suffer from now in not being able to recoup old funds; but it seems cumbersome. That's my only comment. It feels as if we tried to include everything. Are there no other municipalities in our general area that rent boat slips that they may have something that works. This looks like you put this document from word one to the last and didn't copy anyone, but this is a really big document. That's one of the things I heard from the person who visited you today, was trying to keep these policies, agreements, contracts simple.

Seth Thompson: I certainly understand that...

Win Abbott: Pardon me, if I might say when this project was first started, the first call that I made was to the Indian River Marina, which is a privately run, state-owned marina and the issues that they had to deal with which we might not have seen yet, they have and were included in this more comprehensive document; so the degree to which the town wants to insulate itself from unplanned outcomes, things that may never happen, but if you want to protect yourself from that, that's it. You can pick and choose which things you think are less likely to happen in order to make this a simpler document; but the Solicitor, after receiving some direction from me and I made calls to state-owned facilities, this is what he came up with.

Councilman West: Well Mayor, there are three boat docks in the Milton area. One is at Smith's Campground; one is at Sharp and Sons and the other is at Steamboat Landing;

so is it possible to talk to those three and get input from them to see what would be more localized, what we do and get an understanding from them and see what they do.

Councilman Collier: I would be interested in what their costs are vs. what the Town of Milton is putting, because one of the indications I got in my contact from the public was that the rate had increased dramatically in the last couple of years and we've got to face it, we're at the end of the line. If they want to go anywhere, they've got a long way to go. Normally you pay for the convenience of being close to something; well, I guess you're convenient if you live down the street from it too. For curiosity's sake, I would like to see how our rates compare with that, but that's not an issue. That can be addressed at any time. It doesn't have to be addressed in advance of this agreement, because it can be altered. I don't know, we've got a lot of questions. Does this merit further study and maybe needs to come back again, or do we need to get on this and get it done because we're at the season?

Mayor Jones: Do we have a contract that stands for someone who wishes to rent the boat dock at this time.

Win Abbott: That's on page one.

Mayor Jones: Okay, not much.

Councilman West: Mayor, I feel we should do some more research before we vote on this.

Mayor Jones: May I ask when you do a boat agreement like this, say you have someone who's in there for multiple months, do you ever ask for anything like last payment in advance, the way we do with rent someones; well security deposits, if you're afraid of damage?

Win Abbott: The short answer is no. Now here's the thing, there's a fine line between administrative decisions that I could make, independent of Council, just because it makes good business sense and making a major policy change. I brought this before the Council because I thought it was a major policy change, so I wasn't about to do it by myself; however, there are smaller things that I have done and could do, that's one that makes sense and I wouldn't necessarily have to go to Council; we could make a change where we require the first month's rent to be paid in advance and so on. There are minor changes that we could make to this without having a comprehensive reform; but I didn't want to make any changes until we had a talk about it.

Councilman West: Is it possible for us to get that rate in there, for the six months for \$700; because if somebody wanted that for six months, that would eliminate that first and last month's rent and then you would have your money up front, knowing that it's paid for.

Win Abbott: The rate is on the Fee Schedule. You have to vote to amend the Fee Schedule.

Councilman West: Yes.

Win Abbott: That wasn't on tonight's agenda, so we would have to put that off until the June 3<sup>rd</sup> meeting.

Councilman West: Okay, that's fine, can we get that on the June 3<sup>rd</sup> agenda then?

Win Abbott: Yes.

Councilman West: Thank you.

Mayor Jones: Mr. Abbott is that perhaps also we can have further discussion on some of the particulars, like what I just said; if we could get a last month? I understand the prepaids, but something like that security deposit on somebody that's only going to be

there a short period of time; further discussion?

Win Abbott: Absolutely and frankly I'm glad for any input that I have from the Council. It would be great.

Mayor Jones: Okay, we'll visit this again, we'll talk and discuss more about this?

Councilman West: That's fine, that is great. Because that gives us more time to do more research and come back to the table.

Councilman Cote: Just a quick question before we leave this. If we wait until next month, are we as likely to rent the slips as if this were in place now?

Win Abbott: Really, there's no telling, however, in the past we've never advertised that we have these slots available and we haven't had a sign in front of it. I have put off doing this because I wanted to address this issue as the Solicitor said, more comprehensively. I'm inclined to advertise, as well as to put signs up there, letting people know that these slips must be rented through Town Hall. You can't just pull up and tie up there. With advertisement I feel confident that we'll be able to get those rented. We simply haven't tried before and in some cases we've had them full because people have known about it and in other cases they've been empty, because the rate went up for those people who knew about it and for those who didn't know about, well they continue to not know about it. I'm inclined to advertise and to get those slips full; but that's the answer.

i. Recommendations of Water Committee

Mayor Jones: Of which I have no paperwork.

Councilman West: It's on the Water Committee Report.

Win Abbott: I put it on there, just in deference to them and recommendation specifically as Councilman West had indicated, is inclusive of the mid-year budget review, where there was a proposal.

Councilman West: If you would like, Mayor Jones, I could read what...

Mayor Jones: No I read, but I just didn't have it standing here. I put it in my committee reports up forward. Thank you.

j. Mid Year Budget Review and possible vote on amended budget

Mayor Jones: So we are at the mid-year budget review.

Councilman West: Is this where I need to make that? Okay. I'd like to make my recommendation of what the Water Committee recommends for the town that the Council authorize an expenditure of no less than \$17,000 for the development of the drawings and the design for Shipbuilder's tower foundation in this year's budget and that the rehabilitation of the foundation is estimated to be approximately \$73,000 for the construction budget, management, inspections. The sum could be authorized as part of the 2014 budget. So I recommend that we do the \$17,000 in this year's budget and the the \$73,000 in the 2014 budget.

Mayor Jones: Right now Councilman West, I think we're just going to take that recommendation of \$17,000 for this amended portion of the budget.

Councilman West: That's fine.

Mayor Jones: We'll take that under consideration.

Councilman West: Then I'll just withdraw the recommendation for the \$73,000 in the 2014 budget.

Mayor Jones: And we'll discuss that when we get to the budget further in the year.

Councilman West: That's fine.

Mayor Jones: Great.

Councilman Cote: Mr. Abbott, would you just prefer that we ask questions or are you going to make a presentation of what you've got?

Win Abbott: You can ask questions. That's fine.

Councilman Cote: I guess the first question has to do with the FEMA reimbursement of \$11,000; we wanted to add that to the budget and then we also want to add an equivalent dollar value in new expenses.

Win Abbott: Correct.

Councilman Cote: The FEMA money should be, it's my understanding and correct me if I'm wrong, is reimbursement for money that the town spent already during the hurricane.

Win Abbott: Not 100%. Allow me to elaborate. For example, you will find and you have the complete reports in your packets here, that there was a dollar for dollar reimbursement for the cost of replacing the safety chips that were washed away; the ones that are a little more expensive than regular mulch, because it's underneath the children's playground equipment; they washed away and there was a dollar for dollar reimbursement for that. There was also a reimbursement for the cost of overtime for Public Works and the Police Department, however, when you go back and you examine the actual overtime costs of the work, there was some differential. I imagine part of that was worked into the regular personnel budget, however it was; but there was a differential and when it came down to that, the actual cost that exceeded the 50% mark of overtime for each department, was truly reimbursed; only the difference was set aside. There were, however, a substantial number of dollars that were refunded to the Town of Milton for the use of equipment. Equipment that cost us no more to use than we actually own or would have used otherwise. Example, Police Department car used as a physical barricade when Union Street was so flooded that it was impassable. For this, we were given \$20 an hour for every hour that it was used and it was used for 30 some odd hours, or whatever the case might be. You have all the details in here. So it didn't actually cost us that much. We don't have such a fine depreciation schedule that would show the dollar value per hour, but FEMA does; so this is like found money for that purpose.

Councilman Cote: I hate that phrase.

Win Abbott: Nonetheless what I had proposed is that these particular expenses be used for physical fitness and occupational health needs. Now we have a recognized gap in our budget where we do not provide for the cost of physicals, for CDL drivers, for which in order for them to continue to have their commercial driver license, they should have annual physicals; we don't have a budget for random drug testing for CDL drivers; we don't have a budget for pre-employment physicals or drug testing; we don't have a budget for the physical fitness testing of our Police Officers who should be doing that every year in accordance with the Standard Operating Procedures. We don't have a budget for any of that stuff. Not only is not a good way to operate, but it also opens us up for the opportunity of greater risk for worker's compensation claims for injuries on the job and as well, it diminishes our standing with the insurance companies for implementing the insurance policies that we say that we're doing; so the dollar for dollar trade-off for what we received from FEMA, which we did not expect, where there were

actual costs, such as the replacement of chips, or for overtime expenses, which were over and above that which we would have had at 50% of the year and all these expenses occurred at that time are fully reimbursed. Anything extra from that was set aside for the use of occupational health services.

Mayor Jones: Although the Personnel Committee is very early in policy-making stages, we touched upon physical standards, occupational health and wellness; but I do believe that that committee at least is in a position of a policy-making stage, as opposed to implementation, trying to get it pushed through in the last six months of this budget year.

Win Abbott: Respectfully, Madame Mayor, the town already has a policy; we just don't fund it.

Mayor Jones: For me, if I've not been made aware of that policy, my concern is still funding, but it's also a good deal of thought before we jump into that. I don't remember in discussions at Personnel understanding that there was any policy towards occupational health in the pieces that you just said about the CDL's and the random drug tests and the like. I ask the question, as not an accountant, but of Councilman Cote and Mr. Abbott; if that is \$11,109 windfall and we have committee's right now that are making recommendations to increase rates because of the improvements we need to make in town, does anyone else consider it prudent to put this into the bank or capital expenditures, whatever may come our way?

Councilman Cote: We have talked about starting capital expenditure planning. This is not a huge sum to start that with, but it is a start. I'm not sure that we're basically eight months into the year; we didn't budget these health and occupational things for 2013 at all. I think I'd rather see it just start in 2014, then have a longer discussion about it than...

Win Abbott: Since we're on the subject, and I have the whole Council here, we have the potential need for hiring new employees; are we suggesting that we not do any kind of physical fitness screening or drug testing, pre-employment, for our new hires? Because we haven't, even though it's in our policy, but there's no budget for it; or then do we simply do it and put it in another place in the budget and show it as a budget overage?

Mayor Jones: Is the physical and drug testing part of the policy for hiring?

Win Abbott: Yes, it's always been there. We simply haven't funded it.

Councilwoman Parker-Selby: Is it the policy that the town pays for or the individuals have to pay for?

Win Abbott: It is in the Employee Handbook now. Once again, since the town's not paying for it, I haven't sent people to do it, but we're in a position now where we need to do it, so before I take on the risk of hiring somebody who might have a back condition for a Public Works position, without having them do a back evaluation, I want to know from you, should I choose to do that and have the town pay for it, or not do that?

Councilwoman Parker-Selby: I'm all for the pre-screening and so forth, but if the town cannot afford it and we're looking at saving money; individuals... I've had to do that and I worked 30 some years for the State and then when I did something in retirement, I had to pay myself out-of-pocket to get a background check. So if people want to work, they have to take it out of their pocket; if we can't afford it. I don't think we should help up waiting for us to be able to pay for it if we can't. If we can, fine, but if not, that could be something the individual knows they have to do in application for the position.

Win Abbott: I don't want our conversation to go to far afield. It is about a proposal that I

had made for a mid-year budget review where we've had a windfall, but we never had this discussion about occupational health to this extent and we're kind of at a crossroads now with regard to hiring and we have an opportunity to address some of these outstanding issues. If you choose not to move forward with that, that's fine. I just want to be sure that the risk management of these choices is a shared thing; between myself and this Council and not something that I chose not to do and then got the town in trouble for or that I chose to do, because I thought it was prudent and the Town Council holds me accountable for doing something that wasn't authorized. This is in the Employee Handbook.

Mayor Jones: Mr. Abbott, two things. One is that this right now is a six-month budget review and it's a very difficult time to take up the discussion of occupational health. That's the first for me.

Win Abbott: That's okay. I didn't mean to push it too far.

Mayor Jones: The second is that you cited an example of requiring these tests, but not giving them because we don't have a line item; I see this as a certain amount of liability for the Town of Milton sitting right there, with a very recent example. I'm not sure where we are going to find the line item money folks, but if it is required that these physicals are given and drug tests are given for pre-employment, we need to do it. It increases our liability when we don't do it; even if we don't have a line item for it.

Councilman Cote: I agree we should do it and if it shows up as a budget issue, I don't think this money goes in those budget line items; we should do it and if we're over budget on that line, it means we need to plan better for 2014.

Vice Mayor Booros: I agree.

Win Abbott: That's a reasonable response. I appreciate that. Thank you Council for entertaining this discussion.

Vice Mayor Booros: On this same note, let me make one more comment. In reading the Employee Handbook and some of the other stuff, the only indication I got on random drug-testing of employees, was once there's an accident and if there's a car accident and bodily harm, or there's somebody injured, then we're going to test the person to see whether or not they had been drinking or they've taken drugs and I've got a real problem with not having random drug-testing for any employee that's going to drive a company vehicle or operate a piece of heavy equipment in this town, because if they hurt themselves driving a tractor, a front-end loader, whatever it is, that's a problem. I've never heard of an organization that didn't require random drug-testing for anyone that wasn't driving one of their vehicles and we don't call for it and apparently we don't budget for it either.

Win Abbott: If I may, you have a good point; that would be another policy discussion overall. To go back to the CDL requirement, it's a Commercial Driver's License; this is apart of the Federal law requirements that we just simply haven't been consistent with, however, one of the things that sometimes dissuades small organizations from having this random drug-testing for the CDL drivers is the selection method and the very small pool that they have and the fact that if you do that, just amongst yourselves, the cost could be quite prohibitive. In the Town of Fenwick Island, we had just the same as in Milton, a four-person Public Works Department and what they did was subscribe to a consortium of similar size municipalities throughout the Mid-Atlantic states and it was administered by a third-party and I would just get a random fax; it would show up on my desk and I'd say, okay, Paul it's your turn, go now.



Vice Mayor Booros: However it's done.

Win Abbott: The fact is though on an annual basis for our four persons, it might have cost \$300, because on a given quarter we might have two guys go and then we might not have anybody go for six months because you weren't selected because we were part of this much larger pool that was randomly selected.

Vice Mayor Booros: And that's why they call it random; you're always subjected to getting the call. So you better watch your butt because you're always subjected to being the one that's going to get the fax tomorrow. However it's done.

Win Abbott: The point I was trying to make was for the CDL drivers, if we join one of those, it doesn't have to be prohibitively expensive.

Vice Mayor Booros: I'm not talking about CDL drivers; I'm talking about anyone driving a town vehicle. Period.

Councilman West: But somebody's requiring them to have CDL licenses.

Vice Mayor Booros: Well I don't necessarily know that driving the town pick up truck or the town SUV for the Code Department requires a CDL license.

Councilman West: No, but when they drive that dump truck they're required to have a...

Vice Mayor Booros: I don't care about that. I'm talking about every employee that drives a town vehicle; you do not wait until after the accident has occurred before you send them for a drug-test.

Councilman Collier: Is a CDL a condition of employment for a Public Works operator?

Win Abbott: It is for upgraded applications within a period of time. So we have one Public Works employee that signed on quite awhile ago for which that was not a requirement, when they signed on; for others it is and will continue to be.

Councilman Collier: Okay, well, a yes or no would have been fine for that answer, but I appreciate the information that you shared with me. Second question, I'm trying to review in my head the fleet of equipment that we operate in town here and what piece requires a CDL license; because I think the dump truck falls just under the limit, does it not?

Dustan Russum: No, the large dump trucks has air brakes and she's over 26,500.

Councilman Collier: She's over 26,500, because I wasn't sure and that's why I asked. That's all. Okay, because I know that what Vice Mayor Booros is referring to and the CDL requirements are a different testing program, so to speak, or at least they are in the agency that I work for, because I don't hold a CDL, but because I have a vehicle assigned to me and I operate it over three days a week, I'm subject to random testing. I agree that we should budget in the future for this stuff and the idea of belonging to a consortium; a lot of small, private companies use the same thing, where they might join forces with seven or eight other companies and then the random selection might be two guys from this company this month and maybe be one from another company the next month; but that's certainly one way of putting the coverage in place and not making it to the point where everyone knows that this is the third month, it's my turn. If we don't have a line item in the budget, I agree with the pre-employment thing, I think it's essential that you screen employees nowadays. It's rare that it's not done. I think they even make you do at least a drug screen to take a job at minimum wage at a lot of places. If we don't have a line item, then perhaps you can give us an estimated cost and maybe we need to find someplace in the budget because I'm sure there's some place we can cut.

Win Abbott: As Councilman Cote had indicated, there's a miscellaneous line in every

single department, as long as this Council is cognizant of the reasons for doing these things and we're taking a look at the overall budget, it works. That's all.

Councilman Collier: Well, I for one am in agreement that you need to screen new employees and I know that you're somewhere in the process of filling two positions in town and I think it's essential that you do that.

Vice Mayor Booros: Are you entertaining questions on this budget? Under Building and Code, we currently have 62 less rental licenses issued this for 2013, than for 2012.

Mayor Newlands indicated when we were sending those letters out with the tax things, asking people to certify from the beginning of the year whether or not they had a rental property or not, that we were getting all these extra people that were coming forth for rental licenses; did that go by the wayside? Or was it not true? What's the...

Win Abbott: Are you speaking of rental licenses or business licenses; because business rental licenses are part of the total business licenses right now.

Vice Mayor Booros: We currently have 62 less rental licenses issued for 2013, compared to 2012.

Win Abbott: I do not have an answer for you. Let me...

Vice Mayor Booros: Because he indicated when we were sending those little Affidavits out for everyone to certify, with the tax bill; how many additional people fessed up and payed for the rental licenses? Having 62 less, to me is an issue. That's one. And the second thing is right below that, the business license issue and Robin and I have discussed that and I guess with both of them, our ability to enforce those portions of the Code to recoup some fines from people who don't have a rental license. If they had a rental license last year and the house is still rented this year and they just didn't get the license; are we doing tickler files to send them a letter saying by the way you didn't renew your rental license this year? I don't know what we're doing. That concerns me that in both of them... I know about the business license issue; that's got to be dealt with, and I'll have to check and see if that part of the Code has been updated as to the penalty; before I would do anything with that. As far as the rental license, that's revenue that we're missing out on, for some reason. And under the next one, Building Code Department. I've contacted Robert Karin... I have reviewed the ICC website for upcoming seminars and conferences. Please make a plan to use this money. What are we just picking... This is under Building Code Department, the very top, 650-5180, 1%. Please make a plan to use these; we're only at 1%. Apparently there's some training out there and they haven't used it, so we're telling them just to find something to go to? To spend the money? Or...

Win Abbott: No Councilman, we had a detailed proposal for the budget which I had put together and I know we didn't use that which I put together, but I think everyone saw the documents. They included specific goals for increasing the professional capabilities of people in each department. So that's a commitment that the Town made and has an expectation that the employees are going to fulfill, by using, and therefore bring more value to their position within the Town. We didn't want to let that slip by.

Vice Mayor Booros: I understand that. We're six months into the budget and we've spent 1% of the training money. 6 months, 1%; there's a note here that says please make plans to spend this money.

Win Abbott: That's correct. Those are my notes directly to the department. I expect for them to meet the expectations that the Council has set by virtue of giving them a budget for their training. If the Council wants to decide not to have their employees receive any

other extra training, that's another kind...

Vice Mayor Booros: I wasn't questioning the training. I would have put on there, something like please make plans to get all your required training in this year. Not please make plans to spend the taxpayer's money and that's what the note said. That's why I'm questioning that note. Okay? That's the only reason.

Win Abbott: Okay, well I think there's probably a lot of times when I use the right words; perhaps that was one time when I used the wrong words. My apologies. The intent there is for us to fulfill our goals.

Vice Mayor Booros: It was also on the 1%, which had me concerned that we haven't started six months into the year going after those goals. And the Jailhouse \$350, \$485 for the dirt pile. If we haven't been able to get this lady, who I assume has passed away, that owns the Jailhouse; now it's in an estate somewhere; do we have any hope of recouping the monies that we're now spending for contractors? I don't know if that was even a contractor on the Jailhouse and the dirt pile. The dirt pile was a contractor. I don't know what we did to the Jailhouse.

Win Abbott: We can certainly put a lien on the house, or the Jailhouse location, but we all know where that's at. That's not just a property maintenance issue, that's a Economic Development issue that needed to be addressed.

Vice Mayor Booros: Right.

Win Abbott: We made a business decision there. Like I said we could put a lien on the place; but we addressed an issue that's in a highly visible part of town.

Councilman Cote: On the transfer tax, you're suggesting increasing that budget by \$12,000 on the revenue side and increasing the spending to cover the Shipbuilder's shortfall that wasn't covered in the original... that cost more than we thought it was, when the budget was made. I assume that's the \$7,500 on the expenditures and the software is the most current version of that software? Microsoft Office.

Win Abbott: Just to be clear, so the mid-year budget review and proposal is something that the Council can choose to move forward with or not. It could be set aside all together. Understanding that, yes, when you take a look at the trends for property sales and the Council even received item by item, every single transaction to see that there were no outliers, something that would have skewed the numbers. It appears that our very conservative outlook for property sales, which come to realty transfer tax revenues for the Town, are on a trend to far exceed that which we predicted for this year. And taking that trend and dividing it in half; that is saying if things are only going to be half as good as it looks like they're going to be at the end of the year, that would come to an extra \$12,000 in revenue that we had not budgeted for this year. Yes, when the Town Council made the decision to pave those streets in Shipbuilder's Village, they had no money set aside for Capital Improvements for streets. None whatsoever. They were relying upon that which was left over in their Municipal Street Aid Fund, a state grant, and the legislator's funds. When you add those two together and you take the actual cost of the Shipbuilder's project, it was going to leave us with a significant shortfall. I'll tell you that we just got the bill for Shipbuilder's. It came in about \$6,000 less than what we had estimated it to be. So that's a good thing but the bottom line is this, with the cash flow predictions that I've done, we're not going to have enough money in the Municipal Street Aid Fund to pay for those streetlights every single month of the year before the next check comes in from the State for Municipal Street Aid Funds. The money's going to have to come from somewhere; whether it's budgeted or not, the streetlights are going

to have to be on. So this is a way to show that we've budgeted for the fact that we're going to pay for those streetlights out of the General Fund and this is where the money's going to come from. Whether or not we budgeted, the money from the realty transfer tax revenues continues to come in and the lights will continue to be on and be paid for. This is just a management decision that we have to make whether we want to show it on paper or not, but in January when the Town decided to move forward with the Shipbuilder's project, it did so with the full knowledge of the cash flow projection that I provided, and it's going to pan out that way.

Councilman Cote: So, in fact, the \$7,500 that's in here, was that really \$13,000 and we've reduced it, or...

Win Abbott: No, the \$7,500 is referenced in the January memo; I didn't know at that time that we were going to be saving money on our estimated value. The interesting thing about the Shipbuilder's paving project, is that we did it differently. When we did our last paving project over in the northeast corner of town with the three streets; that was a flat price bid. We said what is your price - you're going to have to stick with that; but when we did the Shipbuilder's project, it was a unit price bid. What they had to do was to try to accurately estimate what the number of cubic yards, or whatever, of hot mix they were going to have to put down and the cost of hot mix at the time that they did it. As it turns out, it was less. The dollar value was less and we paid off the tickets. As a consequence the job cost about \$6,000 less than what Jerry's had bid it for and we only paid what it cost, not what they bid it for.

Councilman Cote: So do we need the \$7,500?

Win Abbott: Not all of it. No.

Councilman Cote: It sounds like just \$1,500.

Win Abbott: Close. It might be more, it might be less.

Councilman Cote: Round numbers.

Win Abbott: Yes, round numbers and once again, truly it's academic. Whether you choose to amend the budget or not, we have the money and we will pay for the lights and this is just a document for management purposes.

Councilman Cote: We have the money. Okay. I agree with the transfer of Helene; I forget what the titles are, moving that money into salaries.

Mayor Jones: Mr. Abbott, what account will we charge for the \$17,000 towards the base of the Shipbuilder's water tower fixture, which we passed to amend this budget with?

Win Abbott: That is the Water Department. It's a proprietary fund, rather than the General Fund and what you would be doing is simply transferring funds from your Reserve Account.

Councilman Cote: Isn't there a surplus there, just from normal operations?

Win Abbott: There is.

Councilman Cote: Do we need to transfer, or can we just use the operating funds that are there.

Win Abbott: You can. What matters to me is that this Council authorizes the money, so we can make a plan.

Councilman Cote: Okay, right.

Vice Mayor Booros: The software for the computers at Town Hall. Do the computers have enough RAM memory to be able to accommodate the newer, updated versions of the software?

Win Abbott: We have conferred with our consultant who comes in every week and does

our updates with us about the upgrade and he has not indicated that rain of access memory needs would be exceeded by this upgrade. Just to be clear for everyone, yes we're currently operating with Windows XP and the Microsoft Office 2003 version and we're looking forward to having an upgrade to 2010. Now I know there are some patches to make things compatible and this request for an upgrade for the office is not terribly critical, but it's something that diminishes productivity. This software is 10 years old.

Vice Mayor Booros: Yes and I understand, if you're running 10 year old software, were the computers up-to-date enough to take the new stuff on? Because you said you were running XP. I thought I read something recently where Microsoft is going to stop supporting XP.

Win Abbott: This is true.

Vice Mayor Booros: So are we going to have to...

Win Abbott: Sure, there's always a possibility we might have to add a little bit more RAM. It's going to be a huge consequence, but the software upgrade for all those computers would be, because we've been changing them out once very couple of years, so that the computers themselves are not real old, but the software is.

Vice Mayor Booros: Okay.

Councilman West: It's not hard to move that stored memory over to a different Operating System. If they went to Windows 7 or something like that.

Vice Mayor Booros: I don't know if anyone, when I was out of the room, asked this question, but the cost of the eleventh officer; it wasn't offset because we took the grant money; so it didn't come out of salaries. How about everything that was associated with that eleventh officer, for instance, the car, the gas, all the other things, the uniform allowance; did we pro-rate any of that stuff?

Win Abbott: Vice Mayor Booros, we have not drilled down into the numbers, in order to find a value for each one of the associated costs with the eleventh officer. I can only say this, that what you see on your Statement of Revenue and Expenditures is what it is; there have been no reverse expenditures or anything like that. It's accurate and up-to-date. So you're thinking about, what were the diminished expenses pro-rated over the period of time we didn't have the eleventh officer; I can't say at this point. Certainly it will be part of the budget preparation for next year when we do a comparative analysis, but for right now, what you see in Revenue and Expenditures are truly what our revenue was and what our expenditures are; there's nothing hidden in those numbers.

Vice Mayor Booros: It's the budgeted amount, that I was worried about; not the Revenue and Expenditures because it was budgeted for an eleventh officer, wasn't it?

Win Abbott: True.

Vice Mayor Booros: And we no longer have the eleventh officer, so all that extra money that's budgeted in there for expenditures, does need to be expended and I just have a feeling that if it's there, it will be expended, whether we have the eleventh officer or not. That's my question. I'm looking for the taxpayer's dollars. It has nothing to do with your Revenue and your expense reports. I don't question that. It's the budgeted amount.

Win Abbott: Understood.

Vice Mayor Booros: That's all I was asking.

Councilman Cote: In the amended budget report, there's a suggestion of dropping \$33,552 from the salary line, the Police Department salary line. Is that correct?

Vice Mayor Booros: No, it came out of that COPS Grant.

Councilman Cote: Right, but when we did the budget, all eleven officers were in the salary line and the grant money was in a revenue line, so the eleventh officer's salary is in the salary budget line. I believe it is. I'm in the middle of the...

Mayor Jones: It did take \$33,562 away from \$351,000. Is that what you're talking about Councilman Cote; that's on page 4 of that proposed amendments?

Councilman Cote: It's hard to find which page we're on.

Mayor Jones: It is tough. I'm looking at a seven page document, which is titled "Proposed Amendments".

Councilman Cote: It's the middle where it has all the amendments listed? It's in the middle of the...

Win Abbott: You're looking at the right one. So yes, it reflects that value.

Councilman Cote: And I'm not sure we need to go to nth detail to do all the FICA and the Medicare and the...

Win Abbott: Right. I just did it for the big number, the salary.

Councilman Cote: Right, I think that's fine.

Mayor Jones: So my question is, is Council fragmented or is it helpful to go over this? Mr. Abbott, I am assuming or at least the way I've been looking at it, this seven page documents which contains the amendments that you're recommending is really the heart of this piece. Is it something we need to look at collectively, so we can finish this line item; meaning the Agenda's line item?

Win Abbott: Yes, Ma'am. That piece where it says the Proposed Amended Budget with the bold face items in various places; yes, that is the heart of it. Everything else builds up to that and then there are supplemental supporting documents, but that is the heart of it. Once again, Madame Mayor, I'm not pressing the Council to do it. My view is that we've done a review of the six-months; we look at the Town Manager's financial report for the year where it shows that departments are at 51%, 49%, 50%; that there's no compelling reason to change the budget mid-year, but what I provide you with is a thoughtful proposal that would do that. If you choose to table it, that's okay too.

Mayor Jones: And I appreciate that. I just looked around the room and I'm not sure everybody's heading in the same direction, all at the same time; that's why I kind of wanted to focus on this document and see if this would help us get on board. If we went over each one of the lines, just particularly there aren't a lot of them when you do look at this. The amendment is out to the right hand side; the recommended change. This does not include the \$17,000 recommended from the Water Committee. That is in addition. It is in here. I apologize it is in here. I just would hate to see the Council vote on something that isn't understood across the board. I do understand this is a six-month review; what I supposed I would ask you if Council is not prepared to make that decision and adopt these changes; is this something that may be revisited?

Win Abbott: Any time.

Mayor Jones: Does anyone here feel comfortable enough to make a motion to accept these proposed amendments? I personally wouldn't mind more time, but it's up to Council. I do think we'd have to go pretty much by line item, as the FEMA reimbursement which is laced through these recommendations; I think we have, or perhaps we have not, collectively agreed to put that into some kind of a savings, rather than into Occupational Health. I thought we agreed on that one.

Councilwoman Parker-Selby: I would like, personally, a little more time, because I'm not quite understanding the FEMA piece and to \_\_\_\_\_ it through what happened. I

mean, I looked at this and I'm still not... being new, I just think I need a little bit more time to digest it and ask questions.

Vice Mayor Booros: I make a motion that we table it until next month and come back and revisit it; that gives us 2-1/2 weeks, 2 weeks?

Councilwoman Parker-Selby: A couple of weeks.

Councilman West: I'll second that.

Mayor Jones: Is there any more discussion on tonight's amended budget, six-month review? All those in favor of tabling this budget review until next month say aye.  
Opposed.

Councilman Cote: Aye.

Mayor Jones: Still carried.

k. Proposed policy guidelines re: Off Street Parking Requirements waivers

Mayor Jones: In reading this document through, I have to tell you I was really struck; you're very candid, but I'm still struck by a paragraph three, which states there are regular occurrences of non-compliance with this ordinance and while a process for a waiver is provided, there is no evidence that this process has been followed. Would that indicate that this is a Code issue? I see the Code Enforcement Officer may find occasion to cite non-compliant residential behavior. And this kind of throws that all into the same? Is that correct? What's your reading on this?

Win Abbott: Every Friday afternoon for a couple of years now, we have people parking for the Farmer's Market and every Sunday morning we have people parking outside of churches in places that aren't parking lots; so it's a recurrence and nobody's getting cited for it, especially our non-profit organizations; so the main point of this, is not to show that our Code Enforcement Officer is or the Town Council, by lack of direction, is falling down on their duties, but the fact is that there are some situations, especially with the non-profit organizations where they have come forward and asked, how can we do this right? And they lack the funds, in order to do it exactly right. There is a place within our existing Code that says that the Planning and Zoning Commission may grant a waiver if somebody applies for one, but there's no direction from the Council citing the circumstances under which a waiver may be given. So this memorandum, which I sent to the Council about three weeks ago, provides you an opportunity to not change our existing Code, but to simply write a set of guidelines that could be shared with the Planning and Zoning Commission and if someone comes forward to them and asks for a waiver of the requirement to put in hard paving, curb stops and all the other things that are in it; then they can say the Council says under these conditions, we can grant you a waiver and then the churches or non-profit organizations that have come to that, can say we did the right thing and the Planning and Zoning Commission can say, we did the right thing and we haven't changed our Code. So what this is asking for is... and I could draft something, but it's asking for the Council to consider having some policy guidelines by which the Planning and Zoning Commission may offer a waiver to these churches and non-profit organizations and then everybody can say, we've done the right thing.

Councilman Collier: I know in the past that parking waivers have been granted by the Town Council, because it's always been a pet peeve of mine that they gave away the parking lot downtown; about 15 times in the last 10 years; and for obvious reason parking downtown has always been an issue and will continue to be. As far as

guidelines, it probably wouldn't hurt. You get into funny things when you start covering land with impervious surfaces, because we have ordinances that state how much of it can be impervious and then you have state regulations that say the same thing; so it probably wouldn't be a bad idea to develop a policy. As to who to appoint or to ask to develop a policy, I don't where to go with that. I think it requires a little more than just the usual expertise, because of the varied ordinances and conditions that could exist, that you have to meet, even outside of stuff that would supersede the Town of Milton's individual ordinances. It may be something you want to put in the hands of the Town Engineer, because of the level of research that has to be done. I'm not sure. It's just a comment.

Seth Thompson: There would be the possibility too of... It sounds like some of the issues are event based. Is that fair to say?

Win Abbott: Excepting the churches; where they're organized every Sunday.

Seth Thompson: I suppose with the churches, they could be pre-existing non-conforming uses where they wouldn't... unless they're changing their use, they wouldn't need to be subject to the parking requirements anyway, if they pre-dated our Code, basically.

Win Abbott: That might be the case for St. John's Episcopal, but it's not the case for Milton Wesleyan, who have also come forward. They have an overflow condition and so there's a lot next to them that they don't need every Sunday, but they do have occasion to need it and they've come to me and say we want to do the right thing, but that solution, doing it according to Code, is prohibitively expensive, especially when it's just for a couple of hours each Sunday.

Mayor Jones: Me, personally, I wouldn't be opposed to that, assuring proper upkeep to an unimproved parking lot, so that we do not return again to a Dry Zone situation; however, on page two of this my only... and it may just be me, but on the third paragraph "where appropriate the Planning and Zoning Commission may, upon the presentation of evidence..." Evidence is the word here that I have an issue with. What type of evidence? What type of evidence would it be that could vary the number of circumstances of the following parking spaces requirement? Is it a hardship, is it money, is it what? It's a relative term and I'm a little confused by just the word.

Win Abbott: Well, the word is what is in the Code...

Mayor Jones: Well I'm confused by the Code.

Win Abbott: Yes, so the resolution to your dilemma lies in your hands, Madame Mayor.

Mayor Jones: Mine alone?

Win Abbott: You and your friends out there. This is what the Code is. I'm not proposing that we change the Code, but what I'm providing to you is a framework by which you could make the guidelines that the Planning and Zoning Commission can... Because right now, they can say for lack of any other direction we're just going to have to say no; because the only direction we have is what's in the Code. The Code says you've got to have hard paving, curb stops, this, that and the other. But, if the Council says citing this particular paragraph, here are the evidence that they have to prove, hardship, whatever, temporary duration; whatever the case might be and the Council comes up with a set of guidelines, gives it to the Planning and Zoning Commission and when a situation comes up, they can pull it out and say we're doing the right thing, by way of Council. The Code says this and there's an opportunity for these persons, organizations, to ask for this waiver and here are the conditions by which we can do it. You meet those conditions,



we're good.

Mayor Jones: Are you in agreement with Councilman Collier, that this might be best placed in the hands of our engineer?

Win Abbott: That would be great.

Councilwoman Parker-Selby: I would like to say that I would hope churches would not be penalized in any way when these policies are changed, or what have you, because speaking like for Bethel A.M.E. over here and speaking for the Congregational Church out on 16; they are not there a lot and when they are sometimes they're parking in front of my house, wherever, when they have certain events, which are not a lot and many churches in the small towns parking more people; I don't want to have to see the churches be penalized with any kind of policies; afraid that the Chief is going to go give them a ticket or something.

Win Abbott: Sure and that's the whole point of this exercise, is to make sure that they're not penalized and for lack of us having any policy, they could be. So the development of this policy is going to make life better for the churches in particular.

Councilwoman Parker-Selby: So there is nothing written down, is what you're saying, basically.

Win Abbott: That's correct.

Mayor Jones: Except for the hard fact of curbing and spacing...

Councilwoman Parker-Selby: Right, that type of thing.

Mayor Jones: and painting and so really I'm glad Mr. Abbott said that, because it really is driven by the need of the churches to not incur these expenses for parking on Sunday.

Councilman Cote: I question whether the engineer is the right person, or the right entity, to decide about non-profit organizations needs, in terms of we don't necessarily want them to build anything. I may be one step ahead of myself, but all we really want to do is to allow them to park on the streets in front of the church and the streets on the side of the church.

Win Abbott: Yes, the engineers not uniquely qualified to do anything. Our Solicitor or I could do the same thing, but engineers deal a lot with land planning issues and other towns in unincorporated areas. I'm sure that they've had the experience and certainly have the network by which they could pool together a comparative policy. Yes, you're right, engineers are not uniquely qualified to do that, but they can do that work and I don't mind sharing the burden a little bit, if the Council is all for that.

Councilman Collier: To clarify my concerns, right now parking lots by ordinance shall be paved with a suitable all-weather surface, so St. John's is a very good example. They acquired the lot on the corner of Wharton and Federal. If they want to convert that to the parking lot, that's all well and good, but there are certain other requirements within land use laws that would limit the amount of paving or impervious surfaces. Now when it comes down to waiving these things, it still should be on a case-by-case basis and should still probably come before the Council. My concern is that we don't want to get to where we give them a waiver to pave the entire lot and then find out later on from the environmental people, or soil conservation or whoever might have something to say with it, that you let them create a 100% impervious surface with no stormwater considerations or anything else. That's become an issue.

Vice Mayor Booros: The waiver is, they can't afford to pave the lot at all.

Councilman Collier: And that's fine, so then the easy way out on this, is that all parking waivers are on a case-by-case basis to be heard by the Town Council.

Vice Mayor Booros: Works for me.

Councilman Collier: Let this body decide and that's as simple as maybe one little statement in your parking ordinance. You just have to be careful, because once you start granting these waivers, then you're going to have commercial entities who come to you and say we want to start a business here, but we have to have a parking lot and we can't afford to pay for it. So you have to be careful about how you waiver these things.

Win Abbott: Okay, so Councilman Collier, what you're proposing is that we change the ordinance, because the ordinance says that waivers shall be granted by the Planning and Zoning Commission; what I had proposed was that the Council provide guidance by which the Planning and Zoning Commission could execute the duties that are already within the Code.

Councilman Collier: Well, you know, it's not that important. If the Planning and Zoning Commission wants the responsibility, so be it. It's just that a lot of things that Planning and Zoning does, even though they make a recommendation, it's not binding and it still has to be heard before Council and this may well be a case, because, like I say, they may decide to waiver on a business, just because they want them here and maybe that's not within the best interests of the town. It's a difficult thing and I'm just a little uncomfortable with going out on a record and saying we'll waiver anybody's parking lot at any time.

Mayor Jones: Well right now, what I hear is a recommendation to have this reviewed; this once reviewed and a recommendation came back from an engineer, would be the Council's responsibility to review it again. Mr. Abbott, can you tell me if Mr. McCabe is available to review this project for us?

Win Abbott: Yes, Ma'am. He is.

Mayor Jones: Alright. That would be my only request; would be if he's available to look at this. Does Council need any more time to review this to send this on, or make just the recommendation to send this on and in your recommendation are you citing anything, such as Councilman Collier's concerns? It will still come back to us for review. Hearing no more discussion, do I hear a motion to refer this onto the engineer for further review and consideration?

Vice Mayor Booros: So moved.

Councilman West: I make a motion to send this on to the engineer.

Councilman Cote: Second.

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

1. Proposed Ordinance regarding Vacant Properties

Mayor Jones: This has been presented to the Council for your consideration by the Economic Development Committee. Mr. Michael Clark is here on behalf of the Economic Development Committee. If you have any questions or concerns about this proposal, or these recommendations.

Councilman Collier: I only have a comment and basically, because this is something I've followed for some time in other areas and I know that recently the City of Dover revisited their ordinance regarding vacant buildings and found that they had to modify it somewhat, that they were maybe a little bit too stringent. I'm just wondering how this compared. Some of the issues that they had were you have a building that's multiple use; say it has apartments upstairs and store front downstairs. The apartments are rented. The

store front is not. How do you qualify that vacant portion of the building? Their ordinance treated it as though if it wasn't completely occupied, then it was considered a vacant building; and I'm not sure that that's really a fair and equitable way to treat a building owner, or a land owner, in that particular case. If they're actively seeking somebody, I'm sure that this addresses it, but there comes a time when how much actively seeking to rent it is active enough. We have store front for rent right downtown that have been for rent for years.

Mayor Jones: And those property owners have received notice about putting better For Rent signs in their windows, so that they can be viewed and they're not up in the top portions, covered by the trees. We talked about the Jailhouse Antiques. It is the poster child for which this recommendation comes to you, from the Economic Development Committee. I've not asked about this for a good long time. I understand one of the owners of that property has since passed. Just as it relates to this, what's the status of the Jailhouse Antiques. Nothing. This has certainly been something Council has talked about. I know it's been very active discussion in the Economic Development Committee. It comes at a time when we're going to need to look more at our Codes and Ordinances; specifically as they relate to streamlining business processes. That issue has come out of the Economic Development Committee as well and the vacancy in the properties through Milton, particularly in the downtown area, has concerned the Economic Development Committee for a matter of perhaps over two years, easily, in open discussion; so this comes to you and Mr. Clark can you tell me what kind of action did you hope to receive from us this evening?

Michael Clark, Economic Development Committee Representative: Basically what we're asking is this is a recommendation to Council to consider some punitive actions against owners of vacant buildings. We've looked at the Codes and the Charter and it does address certain things about vacant buildings, but there's nothing there that addresses what to do about a building that sits empty, like Jailhouse Antiques, for four, five, six, maybe I can go on further; I've been here 14 years and it seems like it's been vacant since I've lived here. So what we're asking you to do is consider I guess, a committee, or appointing somebody again, to make suggestions. We've included in there three Ordinances or Codes about vacant buildings, from Wilmington, Smyrna and New Castle. Wilmington, obviously, is a different situation than Milton; New Castle, although it's up north there, it's a small area. It's a very historic town. They have some very specific recommendations and Councilman Collier, to address your concerns, each town has it's own thing going on. We have no way of punishing anybody and maybe that's not the right word, but there's no responsibility for people having a building in town; Jailhouse Antiques being the one example, the shining star; there's nothing that we can do or have done by Code or through enforcement, by taxing, by having them register a vacant building and paying each year, that they're not... If the building starts to fall down, it becomes a liability to the town; it's a safety issue; you're looking to improve your downtown area. Something needs to be done and we're asking you to think about how we can do that and take a look at the examples of what we put there, in front of you, and maybe come back with an idea of where we can go with it.

Mayor Jones: I'm going to look to Mr. Abbott for a little direction here. I know Councilman Collier heads up the Charter Review Committee and I don't know specifically that we can yank someone like that to look specifically piecemeal. What would be your recommendation for, is this a feasibility study; is this a study of putting

together a small group to look at this; look at the examples of the Ordinances; try to put something together spot? We're just looking at a very specific piece here.

Win Abbott: If you're asking for my recommendation Ma'am, what I would suggest is that our Solicitor draft an Ordinance for us; the Council look at it and if they're not happy with the first view, to ask the Charter and Ordinance Review Committee to take a look at it at their next meeting. Their upcoming meeting has already been noticed, so I think that it's been out there as you say for two years, we have models. Frankly if I were in your position, I would ask the Solicitor to just do as he's done for other things; bring it up to Council; beat it up; if you can't come to some kind of consensus in the short term because there are so many unanswered questions and you could assign it to a committee of your choice; whatever that committee may be. The Council could assign it back to Economic Development Committee and say you, please, make some adjustments to it considering what you heard at the Council Meeting and then bring it up at a subsequent Council Meeting.

Mayor Jones: Thank you. Would we need a vote to refer that to Mr. Thompson for review?

Seth Thompson: That would be fine.

Councilman West: Then I'll make a motion that we refer this question to Mr. Thompson and bring it back to the Council with his recommendations.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Please, before you make a bee-line for the exit here, Helene our transcriptionist has asked me to remind each member of Council that sidebars are being picked up on tape; she has to work really hard to actually get the content out of the sidebars and she did feel that some sidebars were better not recorded or actually transcribed. She just asked if I would make that mention for all of us to be careful.

16. Executive Session: Discuss Personnel Issues, Litigation and Land Acquisition
  - a. None

17. Adjournment

Councilman West: I make a motion to adjourn at 9:44 p.m.

Councilman Cote: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. Thank you very much.