

Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, June 7, 2010
6:30 p.m.

**[Minutes are NOT verbatim
Recording Secretary: Helene Rodgville]**

1. Public Participation

- a. Bob Howard, 217 Chandler Street: I'm here tonight in my function as a member of the Town's Economic Development Committee. I'm here to report an offer that the Town has received from the Delaware Economic Development Office to conduct a Branding Resource visit. The subject is branding for the Town. This offer came to me, because I've been going to workshops in connection with investigating the Main Street Initiative and I met Diane Laird a couple of times in one of the workshops I went to with was a branding workshop; where the people who will conduct this visit, Arnette Muldrow and Associates, presented the workshop on community branding and what they do and it was a half day of them showing us their capability and what they had done for various cities. The offer is to provide a visit from Arnette Muldrow & Associates from South Carolina, to visit Milton for a period of three days. They would visit with the Town's stakeholders. The first day would be a workshop where they gathered information on the town; the second day they would go back, do their magic; the third day they would present their recommendations for the different organizations in Town, as far as branding goes. The email that Diane Laird sent me has a connection to a web-site which shows the work that they recently did for Milford; the City of Milford; so there is a fairly extensive list of what they had done and that shows what they can do. I sent a copy of the email to the Mayor, to the Town Clerk, and to the City Manager and I would be happy to share copies of the email, anybody else, members of the public, members of the Council; I just didn't have time to do that yet. I'm in the process of contacting stakeholders of the various stakeholder organizations in Town to try to see if there is interest in doing this. The value of the workshop, the contract with Muldrow & Associates is roughly \$7,500. That's what they charge for this three day service. Other organizations in some towns have had quotes from other organizations from anywhere as high as \$50,000 to \$90,000 for the same service. These guys are pretty efficient at what they do and they present a whole host of information that's turned over to the Town and the different organizations to do with as they like. The strings attached to this offer are that we, the Town, be able to come up with at least 20 people to attend the focus groups and the workshops and that we make minimal use of the products that they offer us. I don't think that means buying it from Muldrow, they turnover artwork; web-site design; logos; letterhead design; poster design; banner designs; all those kind of things that they dream up for the town. They turn the artwork over to the Town; or the different organizations and then they own it.

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

What I think DEDO was looking for is that at least some of the organizations in Town will implement that or use some of that material. They don't, I think, like to commit to provide this and then have nothing done with it at all. They're also asking for, and I don't know how we commit to this ahead of time, but they're asking that the implementation would include spending of in the neighborhood of \$1,000 total for procuring material that implements the brand. I've seen some of the stuff that's done in Milford; I've got to believe they've spent way more than that right now; they've got banners up and new signs; and wave side markers; and they've adopted a lot of logos and letterheads and that kind of thing; so I'm sure they've spent more money than that. But that's something that we need to address once we find out whether or not there's interest. I'm telling you tonight and the members of the public because the Town is one of the stakeholders in Milton and the Town is one of the organizations that ought to participate in this and then look at what they provide and decide whether or not they would use that. The deadline for response to DEDO is June 15th, which doesn't give us a lot of time.

Mayor Newlands: Tuesday.

Bob Howard: So, I think if the different organizations we can get enough expressions of interest, then we'll start discussions with Diane and see whether or not our commitment is enough for her to go forward with it. I don't think I mentioned the date; she had originally offered a date of October 17th to 19th and in a couple of email exchanges with her, we changed that to an October date, because the summertime was bad in initial contact for different organizations in Town. It would be prudent for an October date to do this.

Mayor Newlands: Two questions: if it's still October, do we still need June 15th to make the decision?

Bob Howard: We still need June 15th for a response.

Mayor Newlands: Who's paying the \$7,500? Is that DEDO or us?

Bob Howard: DEDO is paying it with grant money.

Mayor Newlands: They're paying. They only want a \$1,000 commitment from us for the usage of the materials.

Bob Howard: For implementation, after the fact, right. She said in the email within roughly a three month timeframe; after that originally in a conversation I had she said six months; but I think that's negotiable, how soon we spend the money. At one point, they had said that Towns could implement things if, for example, we decided on a logo and it meant changing letterhead paper, that they were comfortable with people using up all the paper they had and then ordering new stuff with the new logos on it; that kind of thing.

C Duby: I have a question. Have you talked to local business people about this, at all? I was just curious about what their level of enthusiasm was?

Bob Howard: Not yet, the Chamber is one of the organizations that we're talking to. At the last Chamber of Commerce meeting the subject came up and we didn't have this offer at that time. Kristin Patterson from Ocean Imaging was extremely interested in the subject and she emailed me that she wanted to be kept informed of what's going on; so at least are out there. The only feedback that I've gotten so far is the Historical Society is very interested

in this project and is willing to participate in it. I haven't actually got half of the organizations that I'm trying to get to yet; but I have sent a copy of Diane's email to about 6 different organizations in Town so far.

C DUBY: I would suggest that you definitely talk with the Milton Community Foundation about it.

Bob Howard: They're on my list and I have talked to them. They've gotten my email; but I haven't gotten any feedback yet.

Mayor Newlands: Is there a way to delay this another month so we can have a chance to get this on next month's agenda?

Bob Howard: I'll ask. She originally wanted us to take an August date, then she said October; then she said well there's a possibility of a November date too; but she's trying to fill up the calendar and commit the grant money that she has before she loses it.

Mayor Newlands: So we're committing with this year's budget; with the 15th?

C DUBY: It would be her this year's budget.

Bob Howard: It's her budget.

Mayor Newlands: Right, so the 15th is locked in because of the budget.

Bob Howard: Well I think it's her 2011 budget actually; but I don't know what their fiscal year is.

Stephanie Coulbourne: Their fiscal year starts July 1st; so she would probably need to know by the 15th to include that in her budget for next year.

Bob Howard: My understanding is that the money that she is going to spend on this is grant money that she has from the USDA.

Stephanie Coulbourne: The Town could use the \$1,000 in their fiscal 2011 budget.

Bob Howard: Right, it doesn't necessarily have to be the Town; it's the cumulative number from all the organizations in Town; and I think it's a soft requirement; I don't know how hard or soft it is; we'll have to go back and test that. Initially to see if there's interest is my initially thrust anyway.

Mayor Newlands: Okay, can you get us some information either passed to me or Stephanie and we'll get to the Council on what the branding is? We already have a logo for the Town and stuff; and this is branding for the Town; and I'm assuming for Main Street, as well, right? This goes hand in hand with Main Street?

Bob Howard: This goes hand in hand with Main Street; if there's a Main Street organization, they would develop branding for that organization. As I understand it; what they did for Milford and most extensive community work that they have done, that I've seen, was for Stanton, VA; where there were I think maybe a dozen different organizations that they all tied all their logos and their letterheads and things together so that you recognized immediately with the colors and some of the symbols. They weren't all the same logo, but you could tell they were all connected together.

Mayor Newlands: Right.

C DUBY: Could you give us the web-site that has the Milford stuff on it so that we could look at that and see?

Bob Howard: Yes, it's in this email and I can send you; I did send you earlier the web-site that had all the material that he presented in the branding workshop that included the Stanton, VA branding information and I think it's pretty awesome.

C DUBY: That would be great.

Vice Mayor Betts: Mr. Howard, are you planning on checking with all the rest of the committees, like the Chamber and all the other foundations; are you going to get to all the other ones before the 15th?

Bob Howard: I plan to, yes.

Vice Mayor Betts: How many organizations do you have?

Bob Howard: The people on my list are the Historical Society, the Town, the Theater; I'm not exactly sure of the name of that.

C DUBY: The Milton Development Corporation is the name of that.

Bob Howard: The Milton Development Corporation; I have sent an email to Ellen Passman, who I believe is the Chairman.

C DUBY: She's out of town right now.

Bob Howard: She's out of town now?

C DUBY: She'll be back on the 12th; but if you want to send it to me, I'll be happy to get it to the rest of the board of the theater.

Bob Howard: I'll send it to you either tonight or tomorrow morning.

C DUBY: Okay.

Bob Howard: The Milton Foundation, the Garden Club is on my list, the Lion's Club, the Friend's of the Library, the Fire Department, and, I intend to talk to Dogfish Head Brewery, separately. I'm not sure yet I think its Charlie Fleetwood, I don't know what organization organizes the summer concert series?

C DUBY: It's basically the Town does the administrative work on it. Charlie gets the bands and so on. The money that people donate is passed through the Town, so technically it's a project of Parks and Recreation Committee; but Charlie heads it up.

Bob Howard: Okay.

Vice Mayor Betts: You are planning on getting up with all those organizations prior to getting back to our Mayor; so we'll have a number that is willing to go; to be included?

Bob Howard: Yeah, I hope to do that, yeah.

C DUBY: Theoretically, if the Town isn't committing any money...

Mayor Newlands: Well, we have to just commit \$1,000 to spend afterwards.

C DUBY: No, we wouldn't have to commit anything; it's the entity of the Town; not the Town government; but the entire Town organizations and so on have to make a commitment to spend \$1,000 together, right?

Bob Howard: That's what she's asking for, yes.

C DUBY: So technically, there doesn't have to be a town vote per se, or a Council vote.

Mayor Newlands: The branding if I don't remember from the Virginia one you sent me, that's the Town branding that they changed, right?

Bob Howard: The Town in the case of Stanton, VA agreed to participate. The Town in the case of Milford agreed to participate.

Mayor Newlands: So this is the Town logos and Town branding.

Bob Howard: But it's not necessary.

C Duby: Not necessarily.

Bob Howard: It's not necessary to do this for the Town to commit to do it. They could do the workshop; they come up with the recommendations and whatever is on the Town letterhead or the Town signs and the Town decides, whoever makes that decision decides not to implement that, I think that's acceptable to these people.

C Duby: And the other thing is, I've talked to several people in Town and I know that some folks in the Chamber and possibly the Community Foundation; there's some discussion about working together to try to get some grant money or to fund some new signs in Town; that would be great for tourists.

Mayor Newlands: John Pataki's working on it.

C Duby: Yes, John Pataki is working on it and they already have a design for the sign and a preliminary...

C Duby: What I was going to say is that would be an example of the kind of thing that if, in fact, this was going to happen, maybe they could put that off and use, if they like it when it's done, the logos that this thing would develop; which might or might not involve Town government; I mean there are a lot of things that could be done. Organizations as you've just said could use elements of the logo and so on; so it isn't only the Town government; it's the interest of the businesses and the organizations in Town. So it seems to me if there was a lot of enthusiasm, but we didn't have time to vote, since we won't have a meeting until after the deadline, since we're not committing Town money; it doesn't technically need to be voted on.

Bob Howard: Can I see you after the meeting and get the names of the people that are working on other things, too?

Mayor Newlands: We spent a little bit more than three minutes on this thing. Thank you.

Bob Howard: Thank you.

Mayor Newlands: Since you were the only one tonight, thank you.

2. Mayor Newlands called the Town Council meeting to order at 6:50 p.m.
3. A Moment of Silence was led by Mayor Newlands.
4. The Pledge of Allegiance to the Flag was said by all in attendance.
5. Roll Call was called by Mayor Newlands

C Lester	Present
C Martin-Brown	Present
C Duby	Present

C Abraham	Present
C Betts	Absent
Mayor Newlands	Present
C Prettyman	Absent

6. Additions, Corrections and Approval of the Agenda
Mayor Newlands: Any additions or corrections to the Agenda? Can we have a motion to approve the agenda?
C Martin-Brown: I make a motion to approve the agenda.
C Abraham: If we want to include under presentation of minutes, the May 20, 2010 minutes for possible approval, as well as the April 29th and May 3rd minutes.
Mayor Newlands: We all received the May 20th minutes in preparation for tonight's Property Tax Appeal. Is everybody comfortable with including that? So we have a motion to add the May 20th minutes to the agenda.
Vice Mayor Betts: Second.
Mayor Newlands: We have a motion and a second to amend the agenda. All in favor say "aye". Opposed. Motion carried.
C Duby: I move for approval of the agenda, as amended.
C Abraham: Second.
Mayor Newlands: We have a motion and a second. All in favor say "aye". Opposed. Motion is carried.

7. Presentation of Minutes for April 29th, 2010, May 3rd, 2010 and May 20th, 2010.
C Abraham: I would like to make a motion that Council approve the minutes of April 29, 2010, May 3, 2010 and May 20, 2010.
Vice Mayor Betts: Second.
Mayor Newlands: We have a motion and a second to approve the minutes of three meetings. All in favor say "aye". Opposed. Motion carried.

8. Approval of Written Committee Reports
Planning and Zoning Report
Vice Mayor Betts: I make a motion to approve Planning and Zoning as per written.
C Abraham: Second.
Mayor Newlands: We have a motion and a second. All in favor say "aye". Opposed. Motion carried.

9. Written Reports from:
Maintenance Report
 - a. Mayor Newlands: Don't we usually do these altogether?
Unknown Speaker: Again you've noted that – approval of regular committee reports.
Vice Mayor Betts: I have a question for the maintenance. Allen, could you tell me; I had a question asked me about the watering of the plants downtown?
Allen Atkins: John's been doing that.
Vice Mayor Betts: Do they do it three times a week?

Allen Atkins: Yes, they've been doing it three times a week when they get a chance. The rain's been doing it.

Vice Mayor Betts: Well, I had someone call about that and said that they have not been watering three times a week.

Allen Atkins: Okay.

Vice Mayor Betts: I'm just saying what I was told and they asked if you could not water one of the three days; or whatever; if you would call and I have the phone numbers and who to call if you would like to get it after; would appreciate it; because lots of time they don't know it and they have to come down to water.

Allen Atkins: That's fine with us.

Vice Mayor Betts: Right, but they just asked, because they said that it hadn't been done last week. They thought it was going to be watered three times a week.

Allen Atkins: I wasn't here last week. They're supposed to be watering three times a week.

Vice Mayor Betts: So I have the names and phone numbers if you'll get them and I'll give them to you. Thank you.

10. Town Manager's Report

Mayor Newlands: I skipped over the Town Manager's report, so before we get on to the other written reports, Ms. Coulbourne's going to do the Town Manager's Report tonight.

Stephanie Coulbourne: The Town Manager isn't here, so he gave me his report to read into the record. He started the process for the 2010-2011 Budget and says that Department Heads, with the exception of one, have provided the Town Manager with their budget requests; and as in the past, Department Heads will meet with staff to process the requests and needs. The Ordinance Policy and Review comparison – the meetings have begun for that and they have started reviewing the employee handbook first. General Code – is the Codebook that Council accepted last year. Council was given supplements to that tonight, which you signed for, so if you could please make sure you pull out your old pages and insert your new ones to keep your books up-to-date. Upcoming Workshop – is available to review the Draft 2010 State Strategies for Policy and Spending – which the Mayor wanted me to kind of clarify to say that's the State's Comp Plan. That is going to be held on Monday, June 21, 2010 and Tuesday, June 22, 2010 from 6:00 p.m. to 8:00 p.m. I believe this notice was emailed to Council on June 3rd. Two things that I had to add to his report were the Annual Drinking Water Quality Report. Allen gave me that today to release to the public. I gave Council a hard copy of that tonight. I've put it on the Town web-site for anybody to access. If you go on the front page of web-site and look under news and notices, you can click the link to review the report; and also you can get a copy at Town Hall, if you would like. The last thing I wanted to state was the Energy Audit has been completed and I submitted an application to the State which we had to do by May 31st; to do some upgrades that were recommended by the Auditor. Some of the things that they wanted were retrofits for Town Hall; the Police Department; the well house and the maintenance

building; as well as new insulation in the Police Department in the attic; Programmable Thermostats were in there; and switching out all the light bulbs; so that was pretty much it. There wasn't anything drastic; over than I've asked them if we can use some of the funds to change the light bulbs around the street lights around Town. The only issue we have with that is the Town does not own the street lights. We rent them from Delmarva Power. Delmarva Power has not given us permission to do that yet. So we are still trying to get their permission so we can use the funding that we've been given for the \$35,000. So I've submitted that report and we have two weeks to amend it if we need to if we get the approval from Delmarva Power.

C DUBY: How long have we been waiting for Delmarva Power?

Stephanie Coulbourne: Probably about two and a half weeks. This is actually the State Energy Office that is contacting the Delmarva Power, because we are not the only town that rents their street lights and would like to change out the light bulbs. We're trying to get a blanket okay from them and they've not responded for the other towns, as well.

Mayor Newlands: Thank you.

Stephanie Coulbourne: I'm sorry; one more is the fire hydrant maintenance. I left the copies in the back. I don't know if there are any still available. June 15th through June 18th, the Town is going to be flushing out fire hydrants and Allen says he hopes to get them all done within a couple of days; but during this time you may have a temporary drop in pressure; your water may be rusty or cloudy in color; so please let it run clear and we're also cautioning anybody that's washing any white laundry to make sure that your hot and cold water is clean before you do that.

Mayor Newlands: Thank you.

9. (Continued) Written Reports from:

Mayor Newlands: We'll do the Maintenance, the Code Enforcer and the Police Report together; can we get approval on the three?

C Abraham: I would like to make a motion that we approve the monthly Maintenance Report dated May, 2010; the Code Enforcer's Report and the Milton Police Department's monthly report.

Vice Mayor Betts: I'll second.

Mayor Newlands: We have a motion and a second; any questions; any comments? Yes. All in favor, say "aye". Opposed. Motion is carried.

d. Finance Expenditure/Revenue Report (April 30, 2010)

Mayor Newlands: C Lester do you have any comments?

C Lester: Mr. Mayor, yes I do. In the packages of April 30th, and once again I was not given the opportunity to review the report and provided the opportunity to sign off on it, as the Charter requires. I have not reviewed this report, the April 30 report that's in the packet. The Charter requires that I review the books and actually sign an affidavit to go along with this report; and I have not looked at the books and have not signed an affidavit.

Mayor Newlands: We'll do a better job on getting that report out earlier and we have to do some other reconciliation reports, I think, before we do this.

C Lester: Yes, we do.

Mayor Newlands: Okay.

C Lester: The books are not quite correct as of September 30, yet.

Mayor Newlands: Right, so once we all think that's all balanced, we'll be able to get these out in a little bit faster turnaround.

C Lester: With fingers crossed, yes.

Mayor Newlands: So, we're just going to table this Finance Report for now.

C Lester: Okay.

Mayor Newlands: So I need an actual motion to table these.

C Martin-Brown: Mr. Mayor, I make a motion we table this Finance Report.

C Duby: Second.

Mayor Newlands: I have a motion and a second to table the Finance Report. All in favor say "aye". Opposed. Motion is carried.

11. Old Business

- a. Approval of 2010 Town Committees as presented by Mayor Newlands
Mayor Newlands: There was some confusion, mostly with me, back in April where we had Committees. Council has all these reports here and these are the different Committees, like Economic Development Committee; Dog Park Committee; Water Committee; these are the different Committees that don't have term limits to them, so we didn't go through them back in the last two months. So the Council has these reports in front of them and these Committee Lists. There are two changes that have to get done. One if you look at the Personnel Committee, the original one, that has C Duby on there; that should be C Abraham on there, on the Personnel Committee. And there's the Process Review Committee still has Mr. Post on there; we'll have to change that to my name.
C Duby: That Committee has completed its work; it was an ad hoc Committee.
Mayor Newlands: The Process Review Committee?
C Duby: Yes, to my knowledge, there is nothing further for that Committee to do, so it could be disbanded.
Mayor Newlands: Okay.
C Duby: Unless there's something you know that I don't.
Mayor Newlands: That's going to have to be part of a motion when we do it.
C Duby: Yes. I can do that.
Mayor Newlands: Okay. And then there are the Emergency Preparedness Committee; Health and Environment Committee; Historic District Expansion Ad Hoc Committee; Land Acquisition Commission; and the Zoning Ordinance Review Committee. Those we are all disbanding, we don't have a need for them anymore.
C Martin-Brown: Mr. Mayor, I would like to suggest we reconsider the Health and Environment Committee. Water contamination, air pollution, etc., etc. are part of the Health Agenda and we had the Health and Environment Committee

and there were some very good work going on in that Committee with trees under the leadership of Mary Hudson.

Mayor Newlands: The only reason we are disbanding this is because we haven't seen a meeting agenda in 6-9 months or a year in some of these committees; that's why we're disbanding them. They don't actively meet.

C Martin-Brown: That's true.

Mayor Newlands: If we need them to be a Committee, I would think they would at least meet quarterly.

C Martin-Brown: Absolutely, if you could designate a Chair, willing to conduct meetings, would you reconsider that?

Mayor Newlands: Oh sure, I have no problem with that.

C Martin-Brown: If somebody would be willing to pick that up and run with it.

Mayor Newlands: What I'll do is...

C Duby: I just am concerned about Zoning Ordinance Review. I think we're in desperate need of Zoning Ordinance Review and if that Committee that existed, wasn't doing it...

Mayor Newlands: They weren't doing it.

C Duby: That doesn't mean it wasn't needed.

Mayor Newlands: Well we can disband them and create new ones, because they weren't doing any work in the last 9 months or a year.

C Duby: Well can we commit to creating new ones then.

Mayor Newlands: I don't have a problem with that; as long as we get people who are going to come in and do work.

C Duby: If we take these and disband them now, it's sending a message that we don't think any of these Committees have any work to do; and I don't think that's true.

Mayor Newlands: We can strike the disbandment of those Committees, but I would like to strike all the members of the Committees right now; because they are not doing any work.

C Martin-Brown: Right.

C Duby: And that's your privilege; you could have struck the members from all the Committees; your prerogative, you appoint them.

C Martin-Brown: But if we could rename Health and Environment Committee and you get rid of all of us; and then we can find people that are really active because I should not speak publicly, but there's a fellow in town who was doing some really good work on that Committee and Mary Hudson was doing some very good work on that Committee; occasionally I would get into it; but I think this is an important Committee and that you ask whoever you want on it, as long as they agree to meet at least 6 times a year.

Mayor Newlands: I would give you quarterly, but that 6 times a year is fine.

C Martin-Brown: Thank you Mr. Mayor.

Mayor Newlands: So we have to work up a motion here where we're going to keep the Health and Environment Committee, in name only; same with the Zoning Ordinance Committee, in name only; we'll just stand the people in and reconvene these two Committees with new people for the next month.

C Abraham: I had a question. In these Committees, are we also going to have a Finance Committee?

Mayor Newlands: We already have a Finance Committee..

C Abraham: I thought it would be listed in this package of just Committees; unless I missed it, as I miss most things.

Mayor Newlands: Oops.

C Duby: I think we approved it.

Mayor Newlands: We approved it.

C Abraham: We did approve it, but it wasn't in here.

Mayor Newlands: Going through this, it just dropped.

Vice Mayor Betts: She wanted a list.

Mayor Newlands: Yes, it just got dropped accidentally, that's all.

C Duby: The other question that I had, all of these ones that were disbanded, was the Historic District Expansion Committee; did that Committee complete its work? Is there anybody here who was on that Committee? Is it done, I couldn't remember?

Virginia Weeks: We gave a report to the Town; we worked with the University of Delaware. They did a fine job. The Town has the report; we're waiting to hear what they want to do with it.

C Duby: So perhaps that should come to us.

Mayor Newlands: The report?

C Duby: Yes.

Mayor Newlands: Do we know where the report is? We'll have to get the report.

Virginia Weeks: Robin has it.

Mayor Newlands: Okay. We'll get that presented to Council this month. Is there additional work that needs to be done on that Committee, Ms. Weeks?

Virginia Weeks: The University of Delaware did a very intensive review house by house of the homes in the Town; it depends on whether or not you care to expand the Historic District or not. That's what it is going to come down to; whether or not you value the Historic District; whether the Town values the Historic District, not you personally, but the Town values the Historic elements in the Town and what you want to do with it and how you want to protect them.

Mayor Newlands: So there's more work that would be done if we...

Virginia Weeks: Right under the new Historic District Ordinance, the Historic District is formed by this Committee and you can form it any way you want.

Mayor Newlands: Okay. You know what we can do, we can, since we're having less things that we're going to disband here, we can forego the disbanding of these Committees for this month; and just reanalyze the Committees during the month; at least it gets us moving a little bit.

Virginia Weeks: Mr. Mayor, you have a CD and you have a printed copy of what is actually a book on the homes of Milton that the University of Delaware prepared for this; Robin has it.

Mayor Newlands: All right we'll get a copy from Robin.

C Martin-Brown: Mr. Mayor, may I ask a question about this? Ms. Weeks, was that paid for by the University of Delaware?

Virginia Weeks: It was paid in part by grants and part by Town.

C Martin-Brown: Thank you.

Mayor Newlands: Okay, so we're just changing two names; well the Finance Committee is just a typo, that's just missing; on the Personnel Committee it should be C Abraham, instead of C Duby; and then on the Process Review Committee, it should be me instead of Don Post.

C Duby: So we're not going to disband Process Review?

Mayor Newlands: No we weren't disbanding it; Process Review is different from the Zoning Ordinance Review.

C Duby: I know, but what I was telling you was that the Process Review Committee has completed its work and as far as I know there is no more work for it to do, so unless you have something in mind, I would suggest we disband it because we finished.

Mayor Newlands: Okay, so we can disband that one Committee and then the others that we had planned on disbanding, we could table those until next month.

C Abraham: Would you also call the Dog Park and Ad Hoc Committee; or just the Dog Park Committee? It's not feeding off of another Committee? Should you drop the Ad Hoc and Dog Park Committee?

C Duby: No, because it's only for a finite time until they establish a Dog Park, right? So it's not a continuing standing Committee of the Town.

Mayor Newlands: That's true. Let's move on.

C Duby: Would you like a motion Mr. Mayor?

Mayor Newlands: Please.

C Duby: I move that the Committee appointments as presented by the Mayor be approved with the following changes: that the Personnel Committee now consist of Mayor Newlands, Vice Mayor Betts and C Abraham; that the Process Review Committee be disbanded; and that the Committees listed at the end of the Report Emergency Preparedness, Health and Environment, Historic District Expansion, Land Acquisition, Zoning Ordinance Committees, which are designated in the appointment sheet as being disbanded; be tabled until a future meeting.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second and I'm not repeating the motion. Is there any discussion?

Vice Mayor Betts: Did she say that the Process Review Committee was not disbanded?

C Duby: It will be disbanded.

Vice Mayor Betts: It will be disbanded. Okay, thank you.

Mayor Newlands: All in favor "aye". Opposed. The motion is carried. Thank you.

- b. The Milton Town Council is sitting as the Board of Appeals and will hear 2010 Property Tax Appeals for Chestnut Properties, LLC

Mayor Newlands: The Appeal was presented to us on May 20, 2010. Okay, I spent half a day doing this.

C Duby: Join the club.

Mayor Newlands: I even typed spreadsheets for myself. I see this as a couple of different compartments; or a couple of different issues. One is the Cannery Village individual homes; Preserve on the Broadkill lots; and then there are the tracts of land that we have that are not designated with the individual lots and I've talked to Robin about some of these tracts of land and they don't even have lot designations on them yet; they're just tracts of land; and Mr. Hickey had made recommendations from Property Tax Associates in this document from January 15th and what he's recommending is that we leave the \$80,000 per lot and the \$140,000 per lot for Cannery Village and Preserve on the Broadkill, respectively. He's suggesting; and I'm going by Page 9 of his letter, if you want to follow; not to change Preserve on the Broadkill and all the residential lots of Cannery Village. And there's one more in here and I'm not sure what that parcel is.

C Duby: The one that goes from \$100,000 to \$75,000.

Mayor Newlands: That's a two acre piece; for some reason that's listed as \$200,000. That probably should go in line with the others that he's recommending at \$75,000. He's recommending that the actual per acre be \$75,000; not \$100,000. That brings their taxes down, not significantly, but a decent amount.

C Duby: They're still over 200?????

Mayor Newlands: Well.

C Martin-Brown: Mr. Mayor, are you waiting for a motion?

Mayor Newlands: Yes.

C Martin-Brown: Mr. Mayor I move that we accept Mr. Hickey's recommendations, as proposed.

C Duby: Second.

Mayor Newlands: We have a motion and a second to accept Mr. Hickey's recommendations, as proposed. Any discussion? Okay, I'll start off the discussion. On the individual lots for Preserve on the Broadkill and Cannery Village; the homes there already have the same values to them for the land; that's one of the reasons I will agree to doing this, is because the homes and the lots, have the same land value; and the other properties, the bulk properties, don't even have lots assigned to them yet. They are just bulk pieces of land. And the \$75,000 per acre; that's something that was recommended by Mr. Carmine, so this is something that now Property Tax Associates, Dave Hickey, is now accepting as what should be looked at.

C Abraham: I just have a question. One argument in earlier was the over lots in Milton were at least \$80,000. I was just speaking to in earlier meetings about buildable lots within the Town of Milton were at least valued at \$80,000; that's why I have a question.

Seth Thompson: Just to step in very briefly, we need to make sure that if that was information presented on May 20th, then that's fine; as long as you are

relying on that information. I just want the record to be clear. If it was presented on a different...

C Abraham: Truthfully, I don't know. I would have to dig that out. I just... I'm telling you what worries me is just the comparison to other people and what are we opening ourselves up for if you go less than someone; you know, if they made that reference to go with the lot; paid \$80,000; and you drop it to \$75,000; and what if we open the door up to others coming back and saying...

Mayor Newlands: We're not dropping down to \$75,000; this is \$80,000 per lot for Cannery Village and \$75,000 per acre for the bulk tracts of land.

C Abraham: But I'm saying is just a lot is \$80,000; then you've got an acre being \$75,000.

Mayor Newlands: That's true.

C Duby: But they're also not buildable lots.

Mayor Newlands: They are undeveloped land.

C Duby: Yeah, they're undeveloped land.

Seth Thompson: I think it's also important that everybody identify that they're discussing these particular parcels.

C Abraham: Okay.

C Duby: Yeah.

Seth Thompson: That's really the issue; the issue is the value of these particular parcels.

C Duby: I too spent a great deal of time today and actually over the weekend looking at this and the concerns seem to me to be from Mr. Manning, Mr. Dyer's attorney; that we be clear about why we're voting the way we vote; and that it be based on the discussion and the paper that we had in front of us on May 20th only. So I guess, I feel comfortable seconding C Martin-Brown's motion and voting for that motion, because I've gone over the minutes; I've gone over this from Mr. Hickey; and I have to say that I don't see anything in what Mr. Manning and Mr. Carmine presented that evening that persuades me that it would be productive for the Town or necessary for the Town to accept the far lower values that Mr. Carmine has assigned to these properties and there are two main reasons for that. One is that I did not see any great discrepancy in the reasoning that they presented for the lower values they had and the reasoning that Mr. Hickey presented for what he did. For example, they gave us a chart that showed that overall properties in the Broadkill Hundred had decreased by 58%; property values had decreased by 58% over the time period that we're talking about. That is to have that data valuation on the July of 2009; if you look at 2007, 2008 and so on. If you look at several of the values that Mr. Hickey had assigned, you're talking about at least a 50% drop in some cases, in the values that he was assigning; particularly as to the Preserve on the Broadkill; and basically what he was saying was, we looked at what the values that sold for since 2007 and 2008; what they were being listed; and we reduced it by a certain amount; because of the continuing drop in properties. He was aware of it; he didn't have the benefit of hindsight; which Mr. Carmine did; when he came in and said well here we are in May of 2010 and look what's happened to the market; this is what you should do.

Well, I don't think we can take that into consideration. The assessment was done as of July of 2009. We can't sit here in the summer or the spring of 2010 and say, well gee, look at the property values; they should have gone down even more.

Mayor Newlands: That's true.

Vice Mayor Betts: I agree.

C Duby: We can't do that. That's in essence, even though they seem to be saying well that's not really what we're asking you to do; in fact, that is a piece of what they were asking us to do.

Mayor Newlands: That's a good point.

C Abraham: Right.

C Duby: So I think that's important and then; what was the second point I wanted to make? There's another reason.

C Abraham: I did find \$80,000 listings, twice.

Vice Mayor Betts: Yes.

C Duby: So if you look at it from the standpoint that our assessors had to look at it from, they were doing this in 2008 and 2009; and he says we knew we were doing it in a volatile time; when the market was crazy; but this is what we did. But then if you look at the numbers, they did not that far off from what Mr. Carmine has said he's doing. And there's a lot of stuff in here like the deal of builders buying lots at a discounted rate from the developer; and so on; that I think affected the decision that was made; and then, as Rhonda points out, she pointed it out in connection with the other piece of land; but I do think it's important to realize that if we do this, it opens us up to a lot of other changes. I wouldn't hang my decision on that alone; because you have to do the right thing; even if it is going to open you up to other things; but I think doing the right thing here; is being done on the basis of something else and then I think it's a by-product of that, that there would be a lot involved in reassessing a great deal of other lots in town, as well. I think the case has been made by Mr. Hickey sufficiently to defend his assessments, in my mind.

C Martin-Brown: Mr. Mayor, in reviewing the considerable work Mr. Carmine did; during the hearing Mr. Carmine asserted and Mr. Hickey agreed, that they both had the same shutdown date; the same date that they were playing off of. Mr. Carmine's work is retrospective and a retrospective analysis has to have an inventive series of assumptions that are not static; they are not stable; and when you begin to take an analysis that Mr. Hickey did and you go through all these documents; I think Mr. Carmine did an excellent job; he chose the basis of his assumptions; he did the analysis based on his selection of assumptions that were retrospective; and at the end of the day all parties agreed; and our legal counsel advised us that this document only and the presentations of Mr. Carmine's work were to govern our decision. So it was in that mindset that I made the motion Mr. Mayor.

Mayor Newlands: Thank you.

Seth Thompson: I think it's going to be clearest Mr. Mayor if you go through Parcel One, Parcel Two; the four different parcels; in the event the reasoning that you're adopting is different from one parcel to the other. I understand

that there's been a discussion in terms of the methodology; but I think it's going to be clear if the Council looks at each individual parcel.

Mayor Newlands: He's got them grouped together on this decision here.

C DUBY: Right.

Mayor Newlands: He's got the buildable lots on Preserve on the Broadkill and the residential lots of Cannery Village; and there's lot number 235-21.00-01.00; those three sections he wants to leave alone and no change to those. And their rationale behind that is that those are readily available to be built on right now and they can be sold immediately to a builder and be built on immediately. The others haven't even been parceled out; mapped out; or lots defined to them.

Seth Thompson: And if the Council accepts that reasoning, that's fine; we just want to make sure that the record is clear as to why you are making the decision that you are making.

C DUBY: Yeah and I think the part of the Appellant, Mr. Manning and Mr. Carmine, presented their Appeal in four pieces; one was the buildable lots in Preserve on the Broadkill; the second was the buildable lots in Cannery Village; the third one was the big chunk in Cannery Village Phase 3; and the fourth one was the big chunk in Cannery Village Phase 4. And it might be prudent of us to maybe do it in those four groupings, just because that's the basis on which they appealed it.

Seth Thompson: That was much better articulated than what I had said. That was my intention though.

C Martin-Brown: I thought so Mr. Solicitor.

Mayor Newlands: Did you want to redo the motion?

C Martin-Brown: Mr. Mayor, what would help me is a coach. I want the language specifics so I would like to say I make the motion that [and the Solicitor gives me the wording for each of the parcels]...

Seth Thompson: I can't do that.

Mayor Newlands: He can't do that.

Seth Thompson: But certainly if you're adopting the reasoning of Mr. Hickey, then that's probably the best thing.

Mayor Newlands: Let me take a stab at it. We have individual home lots in Preserve on the Broadkill and Cannery Village and there's another small 2-acre section that's listed under Recommendation on Page 9; then there's the five acreage parcels where Mr. Hickey is agreeing with Mr. Carmine that these should be valued at \$75,000 per acre; instead of \$100,000; and then there's commercial lots within Cannery Village that they are bringing down to \$5.00/square foot.

C DUBY: But Mr. Mayor, can I interrupt you for just a minute? The reason I said what I said is, this letter was written on January 15th; the Appeal came last month; and what we're responding to is the Appeal; and I think it would be clearer for the record, rather than for us to respond to the groupings as he did them; because they were done before the Appeal; that if we could respond to what the Appellants brought to us.

Mayor Newlands: So do you want to make the motion?

C Duby: I can, yeah.

C Martin-Brown: You're the lawyer, but I'm procedurally correct. I withdraw my motion Mr. Mayor and I invite colleague member of the Council to so move.

C Duby: And I withdraw my second to C Martin-Brown's motion. As to the Appellant's first parcel, as discussed in his appeal, I move that we reaffirm Property Tax Associates assessment of the vacant buildable lots in Preserve on the Broadkill.

C Martin-Brown: Second.

Mayor Newlands: So we'll do these individually? We have a motion and a second. Any further discussion? All in favor say "aye". Opposed. Motion is carried.

C Duby: I move that as to the buildable lots in Phase 2 of Cannery Village that we reaffirm and accept Property Tax Associates assessment of those lots.

C Martin-Brown: Second.

We have a motion and a second. Any further discussion? All in favor say "aye". Opposed. Motion is carried.

C Duby: I move that as to the property in Phase 3 of Cannery Village which is vacant land to be developed that we reaffirm and accept Property Tax Associates assessment as to the value of that parcel.

Mayor Newlands: And that's at a \$75,000 per acre?

C Duby: It's \$75,000 per acre and I'm looking for the total. I think the total is... I think the total is \$1.4 million. No, that's Mr. Carmine's. What is it? Carmine says he thinks the total value on the entire property by Property Tax Associates is \$5,686,000 and Mr. Carmine's is \$2,402,000. That's from the minutes; so if that's incorrect in the minutes; I correct my motion accordingly; and these are the ones they reduced from \$100,000 to \$75,000 per lot.

Mayor Newlands: Can you make a little bit clearer motion than that? Can you rephrase that please?

C Duby: I'm trying to put enough into the motion so that there's no confusion as to which parcel I'm talking about; which Cannery Village Phase 3, undeveloped.

Mayor Newlands: Do you want to go based on the title on those books, that's as the title on those books?

C Duby: That's Phase 2; this is Phase...

Mayor Newlands: There's a Phase 3 in there. Actually it's Phase 3 and Phase 4 of the books.

C Duby: This one is Phase 3A and 3B and there's also a Phase 4.

Mayor Newlands: Right.

C Duby: Okay, so I'm talking about 3A, all right. I move that the property values assigned to the parcels in Cannery Village Phases 3A and 3B, as assessed by Property Tax Associates be accepted and the Appeal be denied.

C Martin-Brown: Second.

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

C Duby: And finally, I move that the appraisal of property 27.56 vacant acres as stated by the Appellant in Cannery Village Phase 4 that the assessment of that property by Property Tax Associates be accepted and the Appeal be denied.

C Martin-Brown: Second.

Mayor Newlands: We have a motion and a second. Any further discussion?

C Abraham: Is this two parcels?

Vice Mayor Betts: Is that two?

C Martin-Brown: It's one big.

Vice Mayor Betts: Two parcels then.

C Abraham: I was just looking where it's Phase 4 if there are two parcels; 42 and 25.

Mayor Newlands: Phase 4 is 27.56 acres.

Vice Mayor Betts: That's right. Two parcels.

C Abraham: It says two parcels.

C Duby: Yes, I think that's the one that was Part 1 was to be residential and one was to be commercial. Yeah, that is the one.

Mayor Newlands: All in favor say "aye". Opposed. Motion is carried.

12. New Business

a. M-T Trash

- i. Discussion on recycling bill to be implemented by 2011
- ii. Discussion and vote on Increased tipping fees effective July 1, 2010
- iii. Request for one year contract extension

Mayor Newlands: The next item on the agenda is a couple of issues with M-T Trash. As you may or may not be aware, the State is getting out of the recycle business; they're closing down the Delaware Solid Waste Authority; those buildings are getting closed down. They're pushing recycling off to any municipality or entity that collects trash. So if it's a small development that's outside of a municipality that has trash collection that trash vendor must now provide recycle service of some sort. The State is not clear yet as to how we have to do this. We have to provide it whether that is we pick it up or provide bins like we have today; they're unclear, it just says that we have to provide for a recycle service. What will happen are the bottle deposits on bottles of soda and beer that is not going to be refunded back to anybody anymore. It's going to go back from 5 cents to 4 cents and I think they will collect that and they will use that to fund and help pay of the municipalities for a couple of years to get on their feet. The one problem that we have right now is that this is not a defined process as to how they are going to do this. It's also being challenged in the State because it's money that is being charged to consumers and not being given back to the consumers as a refund for the deposits, so they are now calling it a tax. So the tax needs a super-majority in the State Legislature to get passed; and they didn't use a super-majority which I think is

2/3 of all the legislators had to vote on it; and they have yet to do that; so it is being challenged right now. So everything is kind of unclear. So there are a few things happening. One is, obviously, M-T Trash wants to assist in helping us to define our rules over the next year or so as this whole process changes; and we were talking about going to M-T Trash and putting an RFP out to them; the problem is that you can't define what recycling is; so we can't define an RFP to have a million what if's in it. So one of their suggestions was, and I don't know if we can even do this tonight.

C Duby: Assuming that these problems all were not here and that we were just staying on schedule to go out to bid; what would be the date by which bids had to come in?

Seth Thompson: The contract expires October 3rd.

Stephanie Coulbourne: The contract expires October 1st so Council would have to make their decision by the first meeting in September, because I believe last time we were two days before the deadline before Council made the decision. So if you were to put it out to bid, I would do that probably no later than July and give them 30 days or 15 days to respond, so you guys can review it in the month of August and make your decision in the month of September.

C Duby: And do we have any hope that we'll have any more clarity from the State Government by September?

Mayor Newlands: The State Government has two more three day sessions in office for this term.

C Duby: Are they scheduled to take this up in that time?

Mayor Newlands: I don't think so.

Vice Mayor Betts: You won't know that until it might come up June 30th.

Mayor Newlands: Yeah, but there's still the issue of the court battle that may go on because there are some people still declaring it a tax, so therefore they're saying it was illegally brought on to begin with. So we may actually just go out and have to write a one-year RFP.

C Duby: Well, I was going to say that it seems to me that we would continue, even if we have this request, well; in spite of this request...

Mayor Newlands: We can ask for...

C Duby: It seems to me that we wouldn't have any basis on which to change the way we would write the RFP anyway; because nothing will have actually changed until all of the legislative and litigation stuff is done, right?

Mayor Newlands: Right. Well, we have to go out for a one-year contract; because we wouldn't know what to do in years two and three. We have no idea how to do it. We don't know if we're going to do bins; we don't know if we're going to do household collection; we don't know if we're going to require people to have those big cans or something like that; which I don't like. And there are plenty of people in Town Hall who want to do the curbside recycling and there are plenty of people who don't. So it's half and half, so we have to make the decisions.

C Martin-Brown: Mr. Mayor would it be possible before the RFP goes out to allow the Council members to see the terms of the RFP; the reason I'm asking

is that the previous contractor picked up everything; all the time. We now have a service which I would call selective trash collection. We also have a problem; I've had several calls with people after the trash collector passes, of finding paper and other debris dropped along the way; including the parking lot of Shortt's Funeral Home and places like that. You could almost tell when the trash collector has been around. So if we could preempt those future problems in the terms of the RFP...

Stephanie Coulbourne: C Martin-Brown we've had very few complaints at Town Hall for that, so if you were receiving them, if you could let us know, that would be helpful, because every Monday at the end of the day, the rep from M-T Trash comes into Town Hall and asks if there are any problems around town; he does that every single week. So if anybody has complaints; if they could pass them along so we could let him know on Monday, when he comes into Town Hall so he can address them while he's still in Town.

C Martin-Brown: I did report one to Allen. I did.

Vice Mayor Betts: I've had nothing but good remarks about M-T Trash, and even for myself. I had my trash out late, got it out late one day and I put it out, I thought they had not come and they had but they came back; I left it there and they came back and picked it up. I didn't ask them, they just did it.

C Martin-Brown: Right, I just think if the RFP says what they have to pick up and that they can't be selective.

Mayor Newlands: They can only be selective by what the landfill will let them put in there and I know yard waste is coming up as an issue, also, pretty soon and that may be 2011; where they can't do yard waste. Stephanie is showing me that they do specify a lot of things in here. You could certainly see the RFP going out, but the problem is we can't show it to everybody and then have everybody vote on it with meaning.

C Martin-Brown: No, just to flag things, not to vote.

Mayor Newlands: I don't have a problem with you seeing the RFP. Just give us a second here so we can see where we are here. So the only thing that we can actually vote on is that there is an increase in tipping fees and that's going to be an increase of \$1,800 a month; that was something that M-T Trash did not have in their contract.

Stephanie Coulbourne: I think M-T Trash is asking whether the Town will cover that \$1,800 from July through September.

C Abraham: What does that mean in terms of costs to us?

Stephanie Coulbourne: Their costs for their tipping fees went up \$1,800 a month; oh, you mean price wise?

C Abraham: Yeah, how would that pan out?

C Lester: I think that's about \$4 or \$5 range per quarter, per household.

Mayor Newlands: We have about 1,500 homes to absorb the \$1,800 a month; so it's a small amount of money. So that's the only thing that we can get to pay.

Stephanie Coulbourne: My only question is that Council has set the trash fee when they set the fees for the year during the budget time. So, I guess I'm

looking for you to provide the proper way to amend that to include covering the \$4 extra dollars per quarter.

Seth Thompson: Okay, well assuming that you need to measure your budget; you need to figure out where it's going to come from. In terms of bidding that out, you don't have to.

Mayor Newlands: It's a pass through on the budget.

Seth Thompson: Okay, then as long as your budget reflects that that's what is going to happen, that's fine.

Stephanie Coulbourne: So you amend the fees that are being passed on to the residents, though.

Seth Thompson: Correct.

C Duby: We're still operating under...

Seth Thompson: This is just for two months?

Mayor Newlands: Three months; July, August and September.

C Duby: July, August and September. Until we have a new budget in September.

Mayor Newlands: We're under the old budget now and then we get the new budget in September for October and their new contract would start in October.

C Duby: What do we do about those three months?

Mayor Newlands: They're asking for the increase; right now their contract doesn't have any escalation in it for tipping fees.

C Duby: Assuming that we approve paying them that much; then where does it come from for us; because we don't have the authority to pass it through to the residents because it is not in our current fee schedule?

Mayor Newlands: Right. That's what Stephanie is asking; can we amend the fee schedule by a vote tonight?

Vice Mayor Betts: Can we do that in the middle after...

C Duby: Yeah, that was my question.

Seth Thompson: You can amend your fee schedule.

Mayor Newlands: We've done that before. We've amended the fee schedule before in the mid-year.

Vice Mayor Betts: In the mid-year?

Mayor Newlands: We did that for the permits, building permits, we lowered that from 3% to 2%.

Stephanie Coulbourne: I'm guess I'm looking to see if we're properly noticed.

Seth Thompson: You can potentially put it on for the workshop.

Mayor Newlands: Provided we have the workshop.

C Duby: This says discussion and possible vote on increased tipping fees effective July 1, 2010; so isn't on tonight's agenda? Couldn't we do it?

Seth Thompson: It is, it needs to make a reasonable, person aware that you are actually changing the fee schedule.

C Duby: Oh.

Mayor Newlands: The mid-month meeting, the third Thursday.

Stephanie Coulbourne: It will be a workshop though; I don't think you can make a motion at the workshop; so I don't think you can do it then.

Seth Thompson: But under FOIA, a workshop is just a regular meeting. I understand that Council calls it a workshop, and might use it for different purposes; at least under the Freedom of Information Act, you don't need to notice it differently; you're able to vote at a workshop; unless there's some administrative directive or something else other than FOIA.

Mayor Newlands: We understand.

Vice Mayor Betts: We've never ever voted at a workshop.

Mayor Newlands: Let's just call it a Town Council Meeting.

Vice Mayor Betts: We've never voted at a workshop.

Seth Thompson: That's fine.

Vice Mayor Betts: But you can do it.

Mayor Newlands: We can do it.

Seth Thompson: If that's your practice.

Mayor Newlands: No, I wouldn't do that. In fairness to the public though, we should put this off to the next Town Council Meeting, which may be the third Thursday of this month or it may be in July. And I'm being reminded that the July meeting will be the 12th of the month; it's late because of July 4th.

C Duby: Because of the Holiday.

Mayor Newlands: Right, and the location is to be determined. The Library is not available that night.

C Duby: Oh, the 12th.

Vice Mayor Betts: That's the 12th of July.

Mayor Newlands: Right. So we just need a motion to table the discussion for the increase in the tipping fees until our next Town Council Meeting.

Vice Mayor Betts: I make a motion to table the vote on increased tipping fees until the next Town Council Meeting.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to table the vote on tipping fees until the next Town Council Meeting. Any discussion? All in favor say "aye". Opposed. Motion is carried.

- b. Discussion and possible vote affirming protocol for Town Treasurer's access to town financial books and records for oversight and responsibilities

Seth Thompson: There seems to be an issue in terms of access to financial records; that's why there's been notice for discussion and possible vote affirming protocol. Section 17 of your Charter addresses this. It charges the Treasurer with oversight responsibility as official custodian for all funds. Seemingly then, there's implicit access to those funds, because obviously if you are overseeing something, you need to be able to actually see what's going on. Sub-Section B of the Charter also lays out the relationship between the Treasurer and the Town Manager. The Town Manager is more or less on the ground level viewing those, but of course he then needs to report to the Treasurer as far as providing a true, accurate and detailed account of all monies. So that's how that needs to work. In terms of access, your Charter spells it out very clearly that books and accounts shall at all times be open for inspection to any member of Council; certainly given the Treasurer's charge,

that would include the Treasurer especially. And he's to make any financial reports at such times as the Town Council shall direct. I understand that you guys do that on a monthly basis; and that's fine. You guys earlier voted to change when that monthly report's going to be due. And again that's fine. The Treasurer can also be charged with any sort of duties, in addition to what is laid in the Charter; you don't need to vote on what is in the Charter in terms of his access; in terms of his oversight ability. If you want him to do something specific with anything else, then you can just do it by Resolution; but again, if it is in the Charter, you don't need that Resolution to do it. This is a self-executing section of your Charter. So the Treasurer is to perform all duties relative to finances, again, by Town Council and any other duties by Resolution. It just needs to be clear in terms of that access because as C Lester has indicated, he needs to be able to certify that, again, those records are true and accurate in detail. So that's more or less my little spiel on how that needs to work. But again those are to open at all times; not just to the Treasurer; but to any Town Council Member; but especially to the Treasurer. So that's how I see that; if you read that section as a whole, that's what should happen. The Town Manager is charged with the day-to-day; but at the same time the Treasurer is overseeing what he's doing with regard to those records. I don't think you need to do anything further in terms of any duties; I think this spells it out; if you to be extremely cautious, you can articulate something even farther by Resolution, at some point; but again, I think it's important to understand how this needs to work, because you're dealing with other peoples money and assets. We need to make sure that the Treasurer is in a position that he can certify these as being accurate and to do that he needs to have that access at all times, as indicated in your Charter.

Vice Mayor Betts: You're saying we do not need a motion, because it's right there in the Code; so I think a memo should go to the Town Staff or the Finance Director.

Seth Thompson: And I'll certainly draft that up. Obviously requests need to be made within reason in terms of a priority; but as far as access; I think the Charter spells it out pretty clearly. If people have questions, they can certainly ask.

Vice Mayor Betts: I think it would be good for our Town, our employees especially, as our accountant to know this so that Mr. Lester will not have any problem when he goes into the office, that he has no problem; he can go ahead and go in and look at it at any time. I think that you should send the letter to our Town in the office for Finance Director.

Seth Thompson: There's another question.

C Martin-Brown: Mr. Mayor, the three of us were on that Charter Committee, and rewrote the Charter and there was absolutely unanimous support for the verbiage in the Charter that gives the Treasurer unquestioned authority to provide complete oversight and if he doesn't or she doesn't, there's an implicit vulnerability of negligence; so that we really do need and it's up to you and the Solicitor; but I think there might want to be a sense of the Council

tonight, that we feel strongly that the Charter speaks fully on this matter; just an affirmation.

Seth Thompson: Do you want to vote on me sending the letter?

C Lester: Well Mr. Mayor I for one certainly would appreciate that letter, because as I have stated before am really thwarted by the entire staff in the Town Hall and the election is over and we need to move forward; so if the Council would do that, I certainly would appreciate it and I'm sure future Treasurer's would appreciate that.

Mayor Newlands: Do you want to make a motion about the letter?

C Martin-Brown: He shouldn't.

Vice Mayor Betts: I will make a motion to further our Counsel to write a letter to our Town Manager and Personnel Director emphasizing the importance of the Code and what it states that our Treasurer will be able to review the books at any time.

C Lester: I think you mean the Charter.

Vice Mayor Betts: I'm sorry, the Charter.

Mayor Newlands: Second?

C Abraham: Second.

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

13. Executive Session: Discuss Personnel Issues and Litigation

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

C DUBY: So moved.

Vice Mayor Betts: Second.

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

Vice Mayor Betts: I would like to make a motion that we come out of Executive Session.

C Abraham: Second.

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

C DUBY: Mr. Mayor I move that we affirm the engagement letter for Special Counsel as discussed in Executive Session.

Vice Mayor Betts: Second.

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

14. Adjournment

C Lester: I make a motion to adjourn.

C Abraham: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say "aye". Opposed. Motion carried. Adjourned at 8:36 p.m.