

Milton Town Council Meeting
Milton Library
121 Union Street
Monday, June 3, 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.
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call – Mayor Jones

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

5. Public Participation

- Georgia Dalzell, Milton Chamber of Commerce: This is a wrap up report on the 10th Annual Horseshoe Crab Festival. This was the 10th year for the festival and I want to say that we had more participation from everyone in town than we have had in a long time and it shows. We were able to recognize the Founders of the Festival, 10 years ago, one of whom was Joanie Martin-Brown, who was on City Council, at the time and she was not in town; but we recognized all six of the original people who got the Festival started. I just want to say that when we have good participation, it makes the difference and I think this year the entire area has come together to work on this festival. We had a large crowd; I've heard all kinds of guesses from 4,000 to 8,000, so somewhere in there is what the crowd seemed to be. The weather was good, too, but I really want to say thank you to the people in town who make it possible. This year the Economic Development Committee was very active and we really want to say thanks, we appreciate everything that they did. We were able to have some exposure on PBS and in the News Journal and that was made possible by the city and from the Economic Development Committee. We have some super, major businesses who sponsor this festival every year and this year they just came forward even more so, but I just want to mention some of their names: Delmarva Power always; Dogfish Head; Friends of Prime Hook; Sobieski Services; Irish Eyes; Security Instruments; State Farm, Jennina O'Donnell; KMS Industries, which is active adults realty. They have several houses for sale here in town; Best Ace Hardware; Sherman Heating Oils; Bob Willey & Son; The Rookery; Quest Kayak; Milton

Community Foundation; Clean Delaware and many, many volunteers who helped make it possible, including the Milton Theater, this year, who presented an opening act and a closing act, which were quite nice and the Milton Art Guild, which really worked very hard behind the scenes. They did all the work with the kids; they did the preparation of the Horseshoe Crabs, they had an Art Show, which is still in the museum and they sponsored the opening reception, so they were very active and involved this year. But we can't do it without all the people who come and volunteer and all the people who come to the Festival and enjoy what's there to be offered and thank you to all of you; all the volunteers, everyone who was there. It was very nice and the Town really came through and the Park looks beautiful and we just want you to know how much we appreciate full cooperation. It's really great. Thanks.

- Ed Kost, 230 Sundance Lane: Mayor Jones, members of Council. Last meeting we were informed that the Town had sent a letter to the developers of Cannery Village requesting a plan to finish our streets. Has such a letter been returned?

Seth Thompson: I sent out the letter. I haven't received a response.

Ed Kost: The letter was supposed to be before this meeting, is my understanding.

Seth Thompson: Correct, we gave a due date so that we would have enough time to notice it for this meeting.

Ed Kost: In which case, it is obvious that Chestnut Properties is not going to respond; that they're thumbing their nose at this Council. I therefore am requesting have a special Council Meeting to discuss the streets of Cannery Village. At this meeting, I would like Council to consider two things. 1) authorize the attorney for the Town to file suit against the developer's of Chestnut Properties; to post the performance bond. 2) Pass a Resolution informing Chestnut Properties that the town is no longer going to issue building permits to Chestnut Properties for any of Chestnut Properties subsidiaries, relatives, their dog, or any other thing, that's not an arms length transaction. In other words, when they submit a plan, they get building permits; no plan, no permits. It's obvious at this point that these people Dryer, Thompson and Reed don't think you will do anything. They're ignoring you. If they're going to ignore you, please tell me that you're not going to do something. I won't come here and waste your time. But I would like to see my government do something. These guys have had 10 years and done nothing. Are we going to wait another 10 years? I hope not. Please. A Special Meeting, let's come to a decision of what we're going to do here, and move on. Thank you.

Mayor Jones: Thank you.

- Lynn Ekelund, 406 Union Street: I have a couple of questions about something that I read in Mr. Abbott's Town Manager Report, dated today, about House Bill 81 and thank you for putting that in there. Seth, maybe you could explain to me and I don't know if you've seen what Mr. Abbott wrote, but it's basically saying that House Bill 81 would amend Title XIX of the Delaware Code and result in the requirement that municipalities with at least three employees (a reduction from 25) enter into collective bargaining agreements with their Police Officers; which puts Milton smack into collective bargaining territory. When I go down he has further said "There are two things that are certain if this bill becomes law. They are 1) the legal cost for the Town of Milton to conduct it's business, will increase by about \$30,000 in the first year (the recurring expense is less) and 2) the ability of management, Council and any Council appointed committee to have a direct effect on the operations or personnel in the department (I'm assuming the Police Department) will be greatly diminished." I am greatly concerned. Do you know much about House Bill 81 Seth, because I know nothing, other than it appears to just be amending Title XIX to reduce from 25 to 3.

Seth Thompson: Right. I'm familiar with it from both the town perspective and from my duties at the legislature; so I think that summary of what it does, is fair. It takes the number of 25 full-time employees and no Police Officers, but they could be any type of employees, as long as they're full-time; and reduces that threshold down to 3.

Lynn Ekelund: Okay. Has it passed the House?

Vice Mayor Booros: Yes.

Lynn Ekelund: Yes, okay. Is it in committee at this point?

Councilman West: It's moved to the Senate.

Vice Mayor Booros: It's in Committee in the Senate.

Lynn Ekelund: But it hasn't come out of Committee in the Senate. Has the Town of Milton, the municipality, taken any position with respect to notifying the Senate Committee as to whether we are for or against this? Mayor Jones? Seth?

Mayor Jones: I would answer that each council person was charged with action on their own and not collectively.

Vice Mayor Booros: By the way, this is on the Town Manager's Report for when the meeting starts and that would be my opportunity to speak. Not now.

Lynn Ekelund: Oh. Okay. Fine. I didn't see it on the...

Vice Mayor Booros: Oh and I will.

Lynn Ekelund: Okay, because this was something when Mr. Abbott came in and put the package down, this is the first that I had seen... I do understand that it is on the website, but I didn't look on the website. Is this something, Seth, then do you know if this does pass the Senate, is it effective immediately? In other words, if we have a municipal Police Department as of the day it passes, are we then subject to a collective bargaining agreement; or is there any grace period?

Seth Thompson: I'd have to double-check. There should be an effective date in the bill itself, so I want to say it's six months, but I'm just going off of memory. I don't think it's effective immediately upon enactment, but the House Bill will say at the bottom when it goes into effect.

Lynn Ekelund: Okay. Because and I have said this in the past without this looming; that we're paying \$800,000 now for a municipal Police Department and if we have spend \$30,000 plus be subject to a collective bargaining agreement and who knows what that will entail? We might want to give some consideration to disbanding the municipal Police Department. Thank you.

Mayor Jones: Before you sit, actually I wanted some clarification from Mr. Thompson myself. It's the first time I've seen it written and result in the requirement that municipalities enter into collective bargaining. Doesn't it become optional?

Seth Thompson: No. It's currently optional.

Mayor Jones: Very good.

Seth Thompson: So towns could... The Council could elect to fall under that chapter of Title XIX if it wanted to do so.

Mayor Jones: Can you give any background as to what in the world was somebody thinking to make it mandatory on municipalities?

Seth Thompson: I don't have that information.

Mayor Jones: Okay.

Seth Thompson: Just as part of our drafting, we only see the outcome, we don't necessarily hear the policy arguments one way or the other.

Lynn Ekelund: What was the reasoning then when you were drafting it, to drop it from

25 to 3?

Seth Thompson: Because that's what the Representative asked for.

Lynn Ekelund: So there is no rhyme or reason.

Vice Mayor Booros: Was this our representative, Mr. Smyk?

Lynn Ekelund: Was this Mr. Smyk?

Seth Thompson: No. It's not Mr. Smyk.

Vice Mayor Booros: He was one of the supporters of the bill, wasn't he?

Seth Thompson: I believe he voted in favor.

Vice Mayor Booros: I know he voted for it, in favor of it.

Seth Thompson: I don't know if he was one of the main sponsors.

Vice Mayor Booros: I think he was one of the main sponsors.

Mayor Jones: Well, the primary sponsor was Mulrooney, Rosenkoski, Sen. Marshall, Bolenbrady, Jacques Johnson, Kowalko, Williams and Coultier.

Seth Thompson: Yes.

Mayor Jones: You're not the one who will answer, but it becomes a mandate and it's a very big issue for the town.

Lynn Ekelund: That's when it says requirement. It just seems to me, and again, if the State is going to tell us, Milton, you must do this because you have more than 3; I would be all for saying okay, I pay my State taxes, you must protect me with State Troopers. That's what I would say and I'm hoping if there's anyway... No, if Council has been charged individually with coming up with something; I'm hoping that the Town, as a municipality, would address this and let the State know whether we... Again, it's up to you folks...

Vice Mayor Booros: No, it's up to you folks to let your State Senator, which is Mr. Lopes...

Lynn Ekelund: Oh, Ernie.

Vice Mayor Booros: Say No. It's up to everyone of you, not up to me. Me, personally, yes. But it is not up to this Council. The Sussex County Association of Towns does not support this bill, of which we are a member. They have made it clear.

Lynn Ekelund: They have made it clear.

Vice Mayor Booros: We do not make it clear. The Delaware Police Chief's Association does not support this bill. They have made it clear. Okay? It's up to each one of you and I'm glad Mr. Abbott put it on tonight's report, so that we could say it to you all. It's your responsibility to let them know, because what we heard in the meeting, Mr. Abbott and I were both in the same meeting; is it's not giving them a couple of dollars raise a year, that's going to break you; it's the bargaining agreement; the lawyers for the bargaining agreement that will put your town under when you're going against the Teamster's Union, because they will go after you with all the money and all the might.

Lynn Ekelund: Yeah.

Vice Mayor Booros: We can't afford it.

Lynn Ekelund: Either you're just going to lie down or you're going to fight them and then you're going to fight yourself into bankruptcy.

Vice Mayor Booros: You still have to hire a labor attorney.

Lynn Ekelund: Oh, sure, but if the labor attorney lies down, then okay we only pay them \$30,000; but I understand.

Vice Mayor Booros: It's not going to be easy.

Lynn Ekelund: Is there any sort of organized forum that you all will be talking to the

citizens here, or perhaps leaving at Town Hall or putting on the website so we could take a look, so we can inform Mr. Smyk and Mr. Lopes that we, as citizens of Milton, are dead set against this?

Win Abbott: Ma'am, if I may interject. First of all, with all these Town Managers reports that you've received from me for the past 18 months, I've gone to great lengths to not editorialize, but to focus in on the facts; and what you've read are just the facts. Now, what Vice Mayor Booros has said is incumbent upon every citizen in this community. Whether you are for this or against it, you've been presented with the facts. The State of Delaware Legislative website is something that's available to all and it provides you with bill tracking ability. It's very easy to follow and the phone numbers of your Senators and Representatives are responsive to phone calls. Now I can say that in some cases, co-sponsors of bills are not 100% sold on a bill; usually the sponsor is, but not necessarily co-sponsors; sometimes they tag along because it makes them look good for a select constituency. But when it comes down to a vote for the entire Senate, then there might be a greater chance of that. So, as Vice Mayor Booros has said, the Town has affiliated itself with the Sussex County Association of Towns (S.C.A.T.). They're not for this because it raises our cost of delivering these services to our citizens and individual citizens in this town are encouraged to participate in their State Government; whether it's this or any other issues. This is just one that we thought was particularly important, on this particular week, as a matter of fact.

Mayor Jones: Without too much discussion, but it's still certainly on topic. Let me say that Mr. Abbott provided for the Council, this is something that I was going to bring up just a little later; but provided for Council a working document that could stand to be signed and released to the Representatives and to our Senators. Mr. Abbott was very cautious about allowing that prototype to be available on the website, simply because we're not in a position to necessarily convey one way or the other; but I'm hearing a definite interest here. I'm not sure if the Solicitor has any advice for us or if we're entering into a place maybe where we should not.

Seth Thompson: I have to steer clear of this one, just because I'm at a strange intersection of Town duties and State Legislature duties.

Mayor Jones: I understand.

Lynn Ekelund: So what you're saying is this is something that Mr. Abbott has drafted for you folks? It's not something that he has pulled from something. It is something that he has drafted?

Mayor Jones: Right and it would certainly stand as a prototype for writing. Now it's my understanding that it is in committee until tomorrow.

Win Abbott: You are correct.

Lynn Ekelund: Oh, until tomorrow.

Win Abbott: And by the way, the draft that you have does not address HB-81.

Mayor Jones: Understand. This is 147. Maybe we could have a little bit more discussion about this. I do know it's a very important topic for the Town of Milton.

Lynn Ekelund: Okay, well perhaps during the portion of the meeting where it's the Town Manager's Report. Okay. Thank you very much.

Mayor Jones: Thank you.

- Scott Mesche, 132 Federal Lane: I won't dwell on the fact that another member of Cannery Village also mentioned the roads. I just want to bring them up, as well. They are horrible. We do have two main issues with them; one of them being a safety issue; pot

holes growing larger by the day; ponding on mornings like this morning; Beyond that, I also have an issue with them pertaining to an ongoing matter; manhole covers, sewer grates also rising about the street; present a very real problem. It's been an issue since 2005 to my knowledge, where Chestnut Properties has not responded in great detail to really addressing them. Second matter, separate from that, we live right next to Mariner Middle School, and we've been having an issue with Waste Management coming very early in the morning, between 4:00 and 5:30 a.m. to collect the trash. Now when they collect this, this isn't your residential size containers, of course; it's the large scale dumpster. It just so happens our bedroom is located on the second floor; they lift that up and it's basically ear level with our bedroom at that hour. So I'm just respectfully requesting that Council, possibly, hold a special hearing to see if anything could be done about that. Thank you.

Mayor Jones: Mr. Mesche, actually you're one of three people who contacted me this week alone about contractor's who are operating in the Town of Milton early and I did answer a question just last Friday. I looked it up. I could see the hours of operation should start at 6:00 a.m. I can hear dumpsters clacking in my neighborhood as early as 5:00 a.m. So if these contractor's can be identified as Mr. Mesche just said, Waste Management as one of our commercial carriers with a license, can we get some kind of information out to them to say that we have reports that they're violating and 6:00 a.m. is it.

Win Abbott: Yes, Ma'am.

Councilwoman Parker-Selby: I'd like to add to that, that also that happens out on Route 16 and he is in Town and that's Kwik-Stop. They're there waking me up about 5:00 a.m. Since I'm hearing it from other people, we might as well look into the entire...

Vice Mayor Booros: Bodie's and Goodfella's also.

Mayor Jones: Who is the carrier? That's what you're going to need to know.

Councilwoman Parker-Selby: Yes, the carrier, whoever it is. I'm going to need to find that.

Mayor Jones: Yes, we're going to need to know that.

Scott Mesche: Thank you very much.

Mayor Jones: Thank you. The Town Solicitor said it may be in the contracts. That concludes public participation.

6. Additions or Corrections to the Agenda

Mayor Jones: Mr. Kost, it did not go unnoticed that the Cannery Village paving did not make it on this month's agenda. But let me ask Council if there are any additions or corrections to this agenda for this evening; because I want to propose a possible second meeting in the month of June. Anything for additions or corrections to this evening's agenda?

7. Agenda Approval

Councilman West: Madame Mayor, I make a motion that we accept the agenda, as written.

Councilwoman Patterson: Second.

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

8. Presentation and Approval of Minutes: March 18, 2013, April 22, 2013

Mayor Jones: Have you had a change to review these and did you note any additions or corrections? Hearing none, do I hear a motion to approve?

Councilman West: Madame Mayor, I make a motion that we approve the minutes of March 18, 2013 and April 22, 2013.

Vice Mayor Booros: Second.

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

9. Mayor's Report

Mayor Jones: I expressed sensitivity to both the Town Manager and the Town Solicitor, that this agenda item may not capture enough information to allow the public to understand what this is about. What I can assure you is, it is general conversation, never a motion or a vote on the table, over anything that maybe brought up. There's a number of things this evening. I just wanted to bring up to Council, as well as recognize some folks in our community. So let's start with June is certainly a month for graduation and we do congratulate our graduates and their families and their grandparents and extended families. Anyone who has special members who are graduating can bring that information to me. I'm more than happy to share that with the community. We also have a young man, by the name of Conner Filicko. He's the son of Sharon and Michael Filicko. He's 16 years old and he's a harmonica player and a vocalist and he debuted last Friday night at the Bethany Blues Midway. I would have thought that Milton had emptied out. There were a lot of folks there to see him for that event and it was very nice. He's certainly a wonderful young man. It appears that we also have a writer/celebrity among us in the constant attention that Judy Shandler pays to her article in the Delaware Coast Press year after year, beginning in August of 2009. She's presently working on her 202nd consecutive Milton column, which is anybody who writes for a paper will find chasing down information, accuracy, times and places and remembering that Judy ends with "Keep smiling, because life is good in Milton." So a shout-out to her for her consistency; for the community, I sure appreciate that. A couple of things for Council. We've been encouraging you in our early meetings to get involved in events through the area. We have a couple of them coming up. I know that Councilman West is the Chair and working very hard on a 4th of July event; now whether or not he would like some volunteer help, there is a meeting coming up on the 11th of June in the Library, here at 6:00, so if you're still looking for some volunteers.

Councilman West: All volunteers are welcome.

Mayor Jones: Okay and Council, I think this is particularly directed to you, so that you can get engaged. It is wonderful to participate in town-wide events and I know I saw John in the park; I saw Vice Mayor Booros in the park. Also, speaking of community efforts, at 7:00 on the 25th at the Fire Hall, there's a meeting on the Family Fun Day that's held over here on the Museum's property and they are very anxious for volunteers, so I encourage Council, again, to get involved in this. Also, one of the items that we discussed during early orientation workshop meetings, was the relationship that the Council shares with the Town Manager and then in the organizational chart, our Town Manager then shares with a number of other employees and just asking that we remember to be respectful. Employees cannot expect to have seven different bosses and so for anything that you may need for town services, if you'll just be so kind as to go through Mr. Abbott. I have mentioned here about House Bill 147. Ms. Ekelund brought up about House Bill 81. House Bill 147 is in front of us right now looking to... Well let me read it for what it is. House Bill 147 would assign the authority to dismiss or demote a Chief to a panel appointed under the auspices of the Delaware Criminal Council. In essence, instead of being able to take action at a town level concerning an employee, the Chief's process would then be altered. This is Title XI, Section 9301; in which more than just a hearing, the Chief may ask for reimbursement for legal fees if he wins his case and a hearing would include a member of the

Delaware Police Chief's Council, Delaware Legal Local Governments and a representative of the Town. Do I have that right?

Seth Thompson: Delaware Criminal Justice Council.

Mayor Jones: Delaware Criminal Justice Council. So you have four people on a review panel for disciplinary action and only one of them belongs to the municipality where the employee serves. So both of these House Bills are vital to the Council, as we go forward. I applaud Mr. Abbott for coming up with the figure of \$30,000 in the first year to take care of business, if we went to union negotiations. I can tell you that I think \$30,000 is conservative. Anyone in the audience, all I can do is a nice disclaimer here; the Rehoboth Beach Police Department is the only agency I know of, at least in Sussex County, that is already represented by the Teamster's. There is actual experience. You might want to contact either the Town Manager in Rehoboth Beach or the Police Chief, if you wanted to pursue it, research it further and ask them what that was like. It's the only example I have to offer you. But it is vital. I encourage, before we had Lynn step up; I do encourage Council to go back and look at the emails that Mr. Abbott sent to us earlier, in reference to both of these pieces and make a decision. He sent information on this and a prototype letter on 147 and encourage you to take action if you are so moved. That's all I have to report to you under that piece of information. Thank you. Oh and truly if you have positive things, please get them to me. I'd like to share them with the community.

10. Discussion of Written Committee Reports

a. Cannery Village Signage Ad Hoc Committee

Mayor Jones: Is there someone here to speak on their behalf?

Councilman Cote: I think Mr. Frazier has...

Bob Frazier, 227 Summer Walk, Cannery Village: I chaired the Ad Hoc Committee that made recommendations and we've made two reports; one back in September and one in March and subsequent to that, the Town Manager released a Request for Proposal; we had one response to that from Quillen Signs. There are some issues with that and we've had a meeting with the Town Manager about putting together some questions to Quillen, to make sure that they understand what we need. As far as the written report tonight, one of the items that I don't think has been officially made a part of the Council record is the letter from the County from Ms. Nehrbas, who is the 911 Project Manager and Mr. Thomas who is the Emergency EMS Manager for the County, also came to our meetings with Ms. Nehrbas; but they have submitted a strong letter in support of this and I would like to have that placed in the record of Council proceedings, just in support of our project. That's what I would really like to request this evening.

Mayor Jones: Is this document presently sitting in the Cannery Village Signage Committee, as a part of the record, as well?

Robin Davis: I think it was actually brought before Council originally, when the letter was submitted to me by the County.

Bob Frazier: Are there any questions for me from Council about where we go from here?

Mayor Jones: I do, if I do make a recommendation for another meeting in June, the amended signage quote is something I'd like to see. We were going to have a scaled down... I presumed it was going to be less expensive, because the sign was smaller; where are we on getting more information on an amended quote?

Win Abbott: That's not prepared yet, but it will be for your next meeting.

Mayor Jones: Okay, great. Other than consideration of the price quote, is there anything

else that you wanted to bring to Council's attention?

Bob Frazier: I don't think so. We just need to get a better quote from Quillen because there are some issues that we don't think they quite understood of the request; and as you stated last month, we had mentioned that there may be some ways to decrease that bid.

Mayor Jones: Well before you sit down Mr. Frazier, Councilman West said before the meeting and perhaps he can bounce this off of Mr. Abbott, too, about money from the County; if there's anything available for the signage. Are you aware?

Win Abbott: I think that what is most relevant at this point, is that after our meeting, just last week; it was right after the Blood Drive, that re-framing the issue as a public safety issue, as opposed to a Streets Maintenance Signage being part of Streets, was a consideration that we're giving and presenting this document from our Emergency Operations Center Coordinator to the Town Council helps to punctuate that as a public safety issue. The re-framing of this issue helps us when considering our pursuit of grants or our priorities when it comes down to budgeting for a capital expense.

Bob Frazier: I definitely support the idea of it being a public safety issue and that's exactly the tactic that the Sussex County took, when they talked to us, that it definitely is a safety issue; it's an EMS issue; it's a fire response issue; it's a police response issue; it's very much part of public safety.

Mayor Jones: Let me ask you something and let me clarify that I never saw any other option but that it was a safety issue. I knew the signage for the EMS was anything else but a safety issue; that's what started the entire research was the inability for Emergency Services.

Bob Frazier: That's correct.

Mayor Jones: Now, your EMS directional signs, and there's not an easel here or anything that we can draw a picture; are these EMS signs being placed in such a way that no matter how you enter the roadway, that the Emergency Services are alerted before the street? Now Councilman Cote and I have had this conversation and perhaps you can explain it better, but if you have one of the EMS directional signs here; there's a possibility someone coming from the other direction may actually go by the target, before seeing the sign?

Bob Frazier: No. That is an issue and we are addressing that issue and it's one of the things that needs to be discussed with Quillen; we're not quite sure that they understood that we need the signs in both directions, coming down the street; because what they did was, the proposal request had a number of 15 posts, for those kind of signs; but if you read it carefully, we needed 23 signs on those 15 posts, so they could be seen from either direction and Quillen didn't bid it that way; they need to understand that that's the requirement.

Mayor Jones: Thank you. Good.

Bob Frazier: So, yes, we will definitely have signs coming from both directions on any of those streets that have that problem, so that EMS and one of the suggestions also is to add a little sign before you get to the EMS entrance, that says EMS Entrance Ahead.

Mayor Jones: Thank you.

Councilman Cote: I would add that that was in the original proposal as I think Series III of the signs and I think that's the one that Quillen had the most... I'd have to say they had the biggest difficulty with that, because what they gave us didn't answer that question.

Bob Frazier: Yes.

Councilman Cote: So that still needs to be discussed with them.

Vice Mayor Booros: Is it my understanding that once these signs are in place, we would have to train our fire and police departments?

Bob Frazier: No, I don't think it would require training.

Vice Mayor Booros: I kind of thought I heard that somewhere, that we're going to have to give them some guidance on how to read these signs properly, unless I'm mistaken.

Bob Frazier: No, Vice Mayor Booros, I haven't heard that suggestion as part of our committee.

Vice Mayor Booros: Okay.

Bob Frazier: One of the things that we did discover when we talked to Mr. Thomas and one of our committee members was very aware of this; Google and some of these mapping that actually the Emergency Response people kind of use for their responses and they don't adequately describe our situation.

Vice Mayor Booros: I'm sure.

Bob Frazier: So one of the things that was discussed, in addition to all of this signage thing, was providing some little sheets with a better explanation; so maybe that's the thing you were thinking of that we could give to the Fire Department and the Emergency Management personnel; that they could keep in their vehicles. That may be what you were thinking of. That's an additional thing that we discussed. Yes.

Vice Mayor Booros: That might have been it.

Mayor Jones: Any other comments, questions? Thank you Mr. Frazier.

Bob Frazier: Thank you.

b. Personnel Committee

Win Abbott: Ma'am I put this on the agenda as a place holder; the Personnel Committee reconstituted, met last month; the items that were on the agenda that month; none of those things were passed out of committee to be ready for Council, so therefore, there is no report. The Personnel Committee will be meeting again next week.

Mayor Jones: Thank you.

11. Town Manager Report

Win Abbott: To those in attendance, I want to emphasize that at the same time as the Town Council receives their packets and oftentimes as much as seven days before the Council meets, under the Events Calendar on our website, you will find not only the Agenda, but also each one of the documents that the Town Council sees, as much as is practical. The maps that Mr. Davis provides for some of the planning issues can't be scanned and put up there, but there's a lot of information that you can get at home and you can read before you come here. I provide 25 copies per month for the benefit of the audience and sometimes there's more, but you can share with a neighbor. I think that our council persons did emphasize some of the State Legislature issues and on Page 2 of the Town Manager Report, you'll see that I put out that June is Hurricane Preparedness Month and you should take certain measures. There's also a proposition that the Town of Milton enter into a mutual aid agreement between utilities. This was presented to me by Mr. Russum back in April. I think June was the appropriate time for us to have it on the agenda and would like for the Council to give it it's consideration. Last, but not least, despite the water that we've had today, water conservation is on the agenda for the summer; please do everything that you can; it helps your pocketbook, as well as the town's limited storage capacity for water. That's all I have, Ma'am. Thank you.

Mayor Jones: Thank you. Mr. Abbott, I have a question for you. The budget schedule accelerated this year in an attempt to get things moving along, smoothly and earlier. I mentioned back in April about an RFQ for an engineering firm in 2014, as we head into a new budget. How long does that take to prepare that and get that back, so it could be consideration for the new budget year?

Win Abbott: I'm sure that it could be accomplished in about six weeks. I've done the same thing before, in my experience with Town of Fenwick Island; we did the same thing when we looked for an engineer simply to do our water facilities planning study, so it's not such a big deal for me to put through the Request for Quotation or Proposal. The more difficult part comes with scheduling meetings, so that this Council or some committee that you've put together for the purposes of making the selection, has a chance to interview the finalists in this and make a decision.

Mayor Jones: Okay and that would be, as I understand, a full engineering firm, which includes surveying, landscape architecture, planning, civil engineering, all the components that Milton would require of an engineer?

Win Abbott: It can be anything that you want. I think that the important thing to keep in mind is that when it comes to hiring for professional services, it's not a low bidder proposition and in most cases, which you'll find is the Council will be selecting a firm that makes the best fit for the scope of services needed and the experience that they have; and this best fit is what is the decision and not the dollar value. What you'll be looking at is a schedule of rates for the different types of associates that are within the engineering firm and then simply making a decision based upon the different projects that you have; what it is that you want to have the engineer do; you have an annual budget that's not necessarily going to change from the year before. The only thing that would change is the relationship with a particular firm of choice.

Mayor Jones: I understand. And you recommend a committee to review those when they come in?

Win Abbott: I do. It's just like hiring a new employee; there are many people out there that have similar skills, but it comes down to what's going to make the best fit for the organization at that time. Having representatives of the Council and of the key committee's, yes; having an Ad Hoc Committee for this choice would be a good idea.

Mayor Jones: We'll talk about some members that you think would be valuable for this. Thank you.

Councilwoman Parker-Selby: I'd like to piggy-back on the conversation about safety and the hurricanes. I have a concern and in my first meeting I believe I brought up; what would Milton do, should we have an emergency such as Oklahoma. Things are happening. The weather patterns of course are changing here, from a child here in Milton to what I'm seeing now and even since I built my home and seeing the way the weather is affecting my front yard and backyard, with water standing; I think we need to make every effort possible and I went with Mr. Abbott to the Hurricane Preparedness... One of the conversations, meetings, they had and I was really shocked. I'm thinking each town had it's own Emergency Vehicle. We do, per se, with the fire company and so forth; but we have to call 9-1-1; we have to call Georgetown and I'm like, what's Georgetown going to do when I saw and heard things going on in the meeting, I'm thinking, what are we going to do? We've got to wait and call 9-1-1 and wait until Georgetown calls us? Would you expand on that a little bit more Mr. Abbott, for the public, because I thought that we had our own plans in place or something we could do and I don't think everyone knows about what we do, as a town, when something like that should occur; a disaster like that; if something like that happened here. What would we do?

Win Abbott: Throughout the country you will find that there are different models for local government. The most common model is that Counties are where local governments are centered and Emergency Operations are typically done on a county or city's, that are county equivalent. In the State of Virginia, there are a number of cities that are county equivalents. The model that Delaware uses, uses counties, with the exception of the City of Wilmington; so there's an Emergency Operation Center for each County and that's where all the Emergency Management things happen and that is the model that we follow. Now, with regard to town responsibilities, whether it is the persons at work and public safety or Public Works in the town, for the most part our volunteer Fire Department is the primary point of contact. They're the people that are on the scene and in charge of the scene for most emergency operations and all that we do is play a support role. So that is what happens. It's important that everybody in the town is trained so that we understand the language and the protocol that they use. That protocol is the National Incident Management System. When I started here in 2011 that was one of the first things that we passed, is we bought into that and now we're continuing to upgrade the training that each one of the employees has, relative to their task, within the National Incident Management System.

Councilwoman Parker-Selby: Thank you. I also that I know in the school systems they let the children know what to do in a hurricane situation; but there are several people who do not have computers; who do not use computers in this community and I was wondering if there was something we could do as far as a little brochure or something we could get from the County to mail out when we send out our bills or what have you for water; some other reinforcement here because we just don't know what's going to happen. Last year I was in a scare; I don't know about many of you; when they said the hurricane was about to hit; the tornado rather, hit Milton next; so I had to go find a place in my basement to hide; not knowing and it did hit Lewes, so we're not exempt from some disaster and I really have a big concern for our little town.

Win Abbott: Yes, Ma'am, we can do that. Ocean City has an excellent model for that. They've done just exactly that and I'm sure we can copy that on a local level and get it out to the our citizens with the next bill.

Councilwoman Parker-Selby: Let our people know. Thank you.

Vice Mayor Booros: Mayor Jones, just because this is the only opportunity left and I don't know, Ms. Ekelund, what else can be said that hasn't already been said about House Bill 81; I attended a meeting where Sussex County Association of Towns gave a presentation on House Bill 81 and the bottom line was, it will break your town. Financially it will break your town, if it goes through. You all need to let your representative know your feeling on it, one way or the other; like Mr. Abbott said. He's provided the facts, thank you Mr. Abbott and you make up your own mind; but it's up to you guys and apparently you don't have much time. So if you're going to make a call tomorrow morning might be a good time to make a call to your Senator's office, that would be Ernie Lopes.

Councilwoman Parker-Selby: And also, could I add, if you do an email that really works very fast. I had a legislator I had to contact just this weekend and I thought well I'll just do it Sunday and I got a response within an hour; so they must sit around and watch their emails. That's very quick.

Vice Mayor Booros: Ernie's real good about giving out his cell phone number, so somebody in the room might have it; if somebody wants to share it with everybody else.

Lynn Ekelund: I have a question. I asked whether House Bill 81 had passed; has House Bill 147 passed? Does anyone know.

Vice Mayor Booros: I have no idea.

Seth Thompson: I don't believe it's gone through committee yet.

Vice Mayor Booros: Did it pass the House?

Lynn Ekelund: Did it pass the House?

Seth Thompson: No. I don't believe so, but I didn't work on that bill.

Lynn Ekelund: So it's just 81, then?

Seth Thompson: That's through the House, but would still need to get through the Senate.

Lynn Ekelund: Thank you.

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

Mayor Jones: You have a couple of reports in front of you; Historic Preservation.

Vice Mayor Booros: Can I make a comment on the Historic Preservation report and this is just a comment and I think this Council needs to look at this. The two things that were on this report were both things that Ms. Suthard came before Historic Preservation to replace some vinyl windows; identical to the ones she replaced a couple of years ago; that she made eleven copies of and passed out to everybody and did the whole thing; nothing changed; she was asking for the same windows for the next 17 to replace; they were already approved; that somebody in this Town should have the authority, once it has been approved once before, to approve them a second go around to avoid that. The other thing on that same meeting was the Library wanted to replace the rotten wood up in the dormer windows on the top of the old part of the Library, with hardy plank siding; which is an approved siding in the Historic District; already an approved siding, but they had to do the same thing. Eleven copies of everything and go through the whole mess; going back before Historic Preservation and I think somebody in this Town should have the authority on everyday things like that, that have already been approved by this Council; the siding is approved; the vinyl windows instead of the wooden windows, as long as they're the same ones and they look the same. Something's got to be fixed, because I watched 10 people come into that room and set up a room just like this, with a table like this and five minutes we were walking out the door. Yes, nothing's changed; nothing's changed, yes. It's a waste of everybody's time and I think this Council needs to look at that and give somebody the authority; whether it's Robin, the Town Manager, the Code Enforcer, whoever it might be to stop putting people through this stuff of having to wait another month to go before them; whatever it is. It's time sensitive. It costs money to make those eleven copies; it's just my feeling about it and the Council needs to look at this, whether it's through a committee...

Mayor Jones: Robin is there anything binding about the sun-setting of a previous permit, so that enough time had lapsed that the applicant had to come back; what happens there?

Robin Davis: The building permits have a one year limitation on them, with the opportunity for the applicant to come back to request a one-year extension. The same is basically true for all Historic Preservation Commission approvals. The timing of the approval is they expire after two years, so anything that exceeds that two year period has to come back.

Vice Mayor Booros: But isn't hardy plank an approved siding to replace cedar with?

Robin Davis: Yes, it's an acceptable item to be used.

Vice Mayor Booros: So why would you have to go before Historic Preservation to replace cedar with hardy plank, which the whole Historical Society's building is covered with and a lot of other buildings? Why in this Town doesn't one person have the authority to say, it's an approved siding and that's all you're doing; I'll issue you the permit; that's the end of the story.

Robin Davis: That would make life easier.

Vice Mayor Booros: Wouldn't it?

Robin Davis: Yes, but currently the Code says you have to go to Historic Preservation

Commission if you're doing anything other than replacing with the same material.

Vice Mayor Booros: It doesn't say same or like material or approved material?

Robin Davis: It used to.

Vice Mayor Booros: It used to.

Robin Davis: It used to say like, or similar.

Vice Mayor Booros: We need to fix it right now. Seth can we fix that?

Seth Thompson: Yes, I mean we could do a draft ordinance to revise; it looks like it's Section...

Vice Mayor Booros: It looks like we're wasting everybody's time. It's already been approved a year ago, two years ago, by this Historic Preservation Commission naming the type of window, the exact same one... I definitely agree, you need to get a new permit, if you permit's expired you pay for a new permit. But to get the same copies of the pictures and the form and everything from Town Hall, that you filed two years ago. Come to my house and make 11 copies of it; to take back to Town Hall, to stand there for 30 seconds to say it's the same thing you did two years ago. Right. Yeah right. Okay, bye.

Mayor Jones: Well the question is, does the entire frame need looking at?

Vice Mayor Booros: It's possible.

Mayor Jones: Or just that piece? If you take it out of context, then we'll just be changing as we go along the way; perhaps the recommendation is to take a look at the...

Vice Mayor Booros: I don't want it to take two years to fix something that shouldn't have to occur...

Mayor Jones: I understand.

Vice Mayor Booros: anymore, next month or the following month, or the following month. Somebody should be able to make a decision, based on either a prior approval or an approved fence type. Replacing an approved fence with a vinyl one that looks just like the wooden one; or whatever the deal is; somebody's got to look at this and make some changes.

Mayor Jones: Yes, because it's very difficult to put those things on a list which not so much must be required, but are not permitted; those are the boundaries that are hard to look at. If you're just making a quick decision to put one person in charge for the review; I'm going to assume that's going to take a vote of Council to make that change. Is that correct?

Seth Thompson: Right. I mean you would do it through amending your Code. But Robin's correct. The way the Code currently reads, it says actions not requiring Historic Preservation Commission review; repair or replacement of existing windows and doors using the same material and then that language kind of appears throughout; in terms of roof material, roof structures, shingles. But it says the same.

Mayor Jones: But you're saying that already exists.

Seth Thompson: Well it says the same material, so it sounds to me that the issue is that you don't HPC approval if you're using the exact same material.

Vice Mayor Booros: If you're putting cedar back on?

Seth Thompson: Right.

Vice Mayor Booros: But if we're replacing it with hardy plank, which is an approved siding; apparently vinyl is an approved siding in the Historic District, you have to go and ask for permission. I don't get it. A vinyl window instead of a wooden window; when a vinyl window is already been approved a year, a year and a half, two years ago for the same structure. The same windows. There needs to be somebody in this town that has the ability or the leeway or something to make this process a lot easier for people; because it's not an easy thing and for somebody who lives in the Historic District I've been through it and it's not easy.

Win Abbott: Madame Mayor, if you wish I could put it on next month's agenda and we can

discuss this as a regular agenda item, amending the Code?

Mayor Jones: Okay. That will be fine. Thank you.

Vice Mayor Booros: Thank you.

Mayor Jones: We have the monthly report from Public Works. Before I say anything else, Mr. Russum, actually let me address Mr. Abbott. Mr. Abbott could I ask please that reports that are sent by department heads, actually anybody, that we might ask for, or I might ask for, an initial or a signature beside that name from the person; just kind of as an ownership? A little initial. Would you mind doing that? I mean, I'm already under the gun. To me it's just a little ID mark that indicates that that is... I mean, literally anybody could send this.

Councilwoman Parker-Selby: Oh, I agree with you.

Mayor Jones: There's no identifying mark on the sender, that's all I'm asking; so that when you get a memo like that, that we might add that.

Win Abbott: Are we looking at the same report; the one that says at the top to Mayor and Council from Dustan Russum?

Mayor Jones: Yes, Sir.

Win Abbott: Oh, so you think...

Mayor Jones: Oh, I understand who it's from, but I'll bet I could put this in the computer and make the same thing.

Councilwoman Parker-Selby: Just right by his name.

Mayor Jones: Just an initial from anybody who is signing off on a memo creating a report?

Win Abbott: Sure. Certainly. Just as a heads up, we are implementing a work order management system upgrade, which is going to have different looking reports; more likely than not you won't see the finished product until August, but it's under construction right now.

Mayor Jones: Wonderful.

Councilwoman Parker-Selby: Oh, different.

Mayor Jones: Dustan, I want to say that the work that was done leading up to the event was wonderful. I know that Mr. Wingo and Mr. Abbott did a lot of juggling in your absence and Jim was very good about getting the streets done there at the last day. It made a big improvement. I have an issue about... Do you have on your schedule yet spraying for weeds in the sidewalks through town?

Dustan Russum: Yes, it's already on here. We've been spraying the weeds in and out of the rainfall and then we've had some days with high winds, so we just have to watch when we spray with the winds.

Mayor Jones: So you're just making a town wide sweep on those sprays? Thank you.

Dustan Russum: I guess I should have listened more in depth. I've done all your main arteries, Union, Federal, Mulberry, Chestnut, Coulter, Walnut, Bay and Atlantic.

Mayor Jones: Okay, great. Thank you. Any questions from Council? Comments? We also our annual Drinking Water Report is in your packet. The Police Report. Any questions on the police report?

Councilwoman Parker-Selby: I have one question and I'm still learning, of course. On the back side, the streetlights, the police report... does this mean the police ride around and report? I've requested if I could take a ride with the police so I can learn some of these things. So if you see me riding in a police car one night, I'll play like I'm on the Mod Squad or something.

Mayor Jones: Sure. Lt. Harvey, do you have any idea how long Mr. Lopes resided in our community before this had happened?

Lt. Harvey: No I don't. I know his parent lives at that residence. I'm not sure how often he stayed there.

Mayor Jones: Okay. And the Code Enforcement and Project Coordinator Report. I have a couple of questions on this one, myself. Under the Grant that Robin is going to be working with in the Historic District, have you decided, or have you figured out a way to determine necessarily which 50 of those properties need the most... Are you looking for ones that need care or are you looking at just remapping the district?

Robin Davis: I think it's going to be something done as a whole, so there's not certain ones at a time; it's going to start at one end and it's going to finish at the other end.

Vice Mayor Booros: What are they actually doing?

Robin Davis: They're actually checking the list that we have now and matching them and updating all the information that's on the list. If anything has been changed, removed, added it will be updated to the new list.

Councilman Collier: Mr. Davis, do you know if they will identify if these are contributing or non-contributing homes, because I know that we have homes that are contained within the Historic District that are not really contributing homes.

Robin Davis: Yes, I think the new requirement does say the report does have to show whether the structure is contributing or not.

Councilman Collier: It would certainly make it easier when it comes to matters of Historic Preservation and approvals and it may facilitate the process.

Mayor Jones: Over on the next page, under Violation Letters Issued. I have a See Attached Sheet, but I don't have anything attached. Oh, okay, it's that. I expected it to be the next one. Thank you. A general question on a number of times in your report, you refer to follow up with the Town Engineer. Would that be at this point for land use, particularly land use, still using CABA Associates for referring to the Town Engineer? Because they are on here a number of times.

Robin Davis: Yes. All the site plan projects that we have going on, Heritage Creek, Cannery Village, those are being handled by CABA Associates. Yes.

Mayor Jones: The other that interests me is the Cannery Village permanent propane tank. I see there's a site plan review. You note in here as a follow-up, need to discuss condition of approval item from Planning and Zoning and you left a message for Mr. Dyer. Has he responded to you?

Robin Davis: As of the date of the report, no. I did get a voice message from his assistant, Gale, that I needed to call them back tomorrow to follow up with them.

Mayor Jones: Thank you.

Vice Mayor Booros: One thing on that same issue, the tank farm; I know Robin and I have had this conversation. Have we notified them that they need to do something with the Master Plan since they sold the 40 acres to Dogfish Head? We're still entertaining things like moving a tank farm and doing this and doing that; when they've never updated the Master Plan to show that they've... And I think the discussion I had with you, Robin, aren't there steps they should take; and maybe the first step is update your Master Plan; file it at the courthouse telling us that you've sold 40 acres; that way... Then what's your next plan? Now we want to move the tank farm that was supposed to be in the 40 acres that we sold, back to this 40 acres? I mean, there's got to be steps here and we're missing one big one, which was they never filed a Master Plan, to begin with; much less a change to the original approved Master Plan. It was approved by this Town; it just never was filed.

Mayor Jones: Recorded.

Vice Mayor Booros: Recorded.

Mayor Jones: Recorded.

Vice Mayor Booros: It was approved by this Town, never recorded. That does not negate the

fact that they've changed that Master Plan that was approved by this Town. They've never gone before Planning and Zoning or this Council for approval of a new Master Plan since the sold the 40 acres, or 35 acres, or how many acres they sold. Am I right? 40. 40. Okay, but I personally wouldn't entertain anything else, until we've seen a change to that Master Plan and seen that it's been recorded. They wouldn't be coming to me asking to move a tank farm; they wouldn't be coming to me asking for a permit; they wouldn't be coming for anything, is my personal opinion. I may be dead wrong. I don't know.

Seth Thompson: I think part of the issue is that the propane tank field wouldn't show up on the Master Plan.

Vice Mayor Booros: Don't care.

Seth Thompson: Okay.

Vice Mayor Booros: You didn't change the Master Plan, you haven't recorded a new Master Plan, or the old Master Plan that was approved. Don't bring anything new before this Council until you've done what you're supposed to do the first go around. We keep approving things and giving building permits and stuff, and they've never recorded the fact that they sold 40 acres. There's something wrong with that and we need to enforce that and stop accepting applications for anything until they present a new Master Plan to this Council and to the Planning and Zoning Commission for their... I guess you all get it before we get. Okay, we get it. I don't care, I don't know who gets it, but it hasn't happened yet.

Mayor Jones: Considering the original was not recorded, are we on even footing to believe that revision to that Master Plan would be a natural step after the selling of those 40 acres?

Seth Thompson: I think part of the application for the rezoning factored in that it was coming out of that LPD; because the zoning was going from R-1 LPD, into LI. So in that sense, I think the zoning change reflected the fact that it wasn't going to be part of the Master Plan anymore.

Vice Mayor Booros: Did they record it? Has everything been recorded the way it's supposed to be recorded?

Seth Thompson: I don't think the Master Plan was ever recorded.

Vice Mayor Booros: Well then, maybe they should record it before we entertain anything else. That's just my feeling. We're missing a step somewhere. We keep giving them building permits. We keep letting them make changes to this, that and the other and it was my understanding that the tank farm was supposed to be in that section they sold, but it was never actually drawn out in there, so I don't know how it got approved to begin with, without knowing where they were going to put it. It's also my understanding that they're asking for more tanks and larger tanks, than were originally proposed, even though we're going to have fewer homes. I guess that's my whole thing; the fewer homes. Until they've changed that Master Plan and the number of homes that are supposed to be allowed in that neighborhood, to tell us whether or not they're going to try to shove those 150 homes into the last section they've got for sale. There's 150 homes hanging out there and it's hanging over the heads of the people in that development. If those 150 homes are never going to be built, then show me a revised Master Plan that shows that they're never going to be built. Not that they're going to shove them into Phase 4 over there on the other side of Cave Neck Road. I want to know where the 150 homes are going. Are they gone? Because from what I hear, they're being told they're not gone. He can still build those 150 homes within the... Not without a change to the Master Plan, he can't. I just think we're missing some steps.

Seth Thompson: Well they'd have to comply with density requirements, so there are limitations.

Vice Mayor Booros: Okay, so file a new Master Plan. Show us how many houses you're really going to have, so that equates to how much of it can be commercial up there on the corner of

Cave Neck Road and Sam Lucas, because that was determined by the amount of land that they had or the number of houses they were building; all of it changes and I want to see the changes, before they come before us for a tank farm to be moved. I don't remember anyone asking why they need more tanks and larger tanks than they had originally proposed, when there's 150 less houses going to be built in there. That would have been a question I would have asked. Why are you asking for larger tanks and more tanks than were originally proposed; when we're having 150 less houses; unless everybody in the old section is putting in extra fireplaces. I can't call on you. I can't call on you.

Ed Kost: Can you explain why they are moving the tank farm?

Vice Mayor Booros: I know why they're moving the tank farm.

Ed Kost: The current tank farm is a temporary farm.

Vice Mayor Booros: I understand that. The permanent one was supposed to be in the section they sold. I understand that.

Ed Kost: The farm they have now, is this is the only place they can put it; however, what they're doing in Phase 2, is they're putting the tank farm that's in recorded open space. They should really be rerecording Phase 2, to show that change. _____ to Vice Mayor Booros that the Master Plan needs to be revised.

Vice Mayor Booros: The Master Plan needs to be revised.

Ed Kost: It's _____ right now, because it doesn't reflect reality.

Mayor Jones: Have we failed to take this step with this developer? Is it a necessary step? It's obviously necessary. Is it something that we stand on solid footing to require them to now do?

Seth Thompson: I think it's important to understand where the Master Plan fits in with the other approvals. The Master Plan is supposed to be this conceptual plan and then as they go through the development, they go through the sub-division process, and then the site plan approval process. So the other element of this is that the Master Plan is something that can change; in the sense that if they were going to do something different, then they could come before Council and ask for a change on their Master Plan. But there's an argument, that as sub-divisions are approved and as site plans are approved, in essence, that level of detail is already being provided.

Vice Mayor Booros: Where are the 150 houses that were in the Master Plan, which is how they predetermine how much commercial property was going to be allowed up there on Sam Lucas and Cave Neck Road; that would change with the elimination of 40 acres and 150 homes.

Councilwoman Patterson: And likewise, with open space. That's part of the Master Plan; they're supposed to have so much open space, so if they're going to put bigger, larger tanks in what was designated open space, that changes the scope of the project. We would like to see that.

Vice Mayor Booros: Thank you.

Councilman Cote: To clarify one point. I'm not sure the tanks themselves are bigger than the original plan; but there are more of them.

Vice Mayor Booros: So 150 less houses; more tanks than were originally proposed.

Councilman Cote: Yes.

Vice Mayor Booros: You all got too many fireplaces over there.

Mayor Jones: So you are tasked with looking into this? Thank you. On Page 3, the alley between 102 and 108 Federal, I know there's been some investigating being done; Councilman Collier of Streets and Sidewalks and you have talked about this topic. Where is that progressing at this time? Are we accepting the previous letter by a former Town Manager or it looked to me, in the physical sense; that you couldn't access the apartment behind that book store if there wasn't that alleyway. So the question of private/public... Is there any research done that's been

conclusive.

Councilman Collier: I have not made a formal request for research as of yet, based on what I read in the letter from the previous Town Manager. While he makes some references, the one thing the letter fails to do is identify the owner of the alley. I've looked at several versions of the tax maps and have yet to find a Deed referenced for the alley and all of them show the same line; that it's a separate entity, so I'm not sure where it stands and I just haven't forwarded a request for additional research at this moment. But I will take care of that.

Mayor Jones: Thank you.

Vice Mayor Booros: Madame Mayor, in the same report, as I keep going down this report, all the grass violations; just a heads up and I don't know who owns the property, but in Mill Park to the right of the sidewalk is the nice pergolas with the statue and all that stuff; to the left of that sidewalk, the grass is over 3' tall. That was as of yesterday. I don't know who owns that property or that grass; if the town owns it; if it's privately owned by the people on Federal Street; but it's very noticeable.

Mayor Jones: That is with Mulberry Street at your back, looking towards Federal; this portion.

Vice Mayor Booros: Yes, as you're coming down Mulberry Street, looking at John Milton Park will be on your left, it's the left hand side of the brick walkway that goes up to Federal Street it's pretty bad and I didn't see it on the list that there was anybody on Federal Street that was noticed; but this list stopped 5 or 6 days ago; it could have been something that's happened since then. And one more and this is probably... Robin, this is probably for you. Somebody came for a permit for 205 Federal Street to repair the main building; permit obtained for 205 Federal Street. Do they go before Historic Preservation to make those repairs; because it could be seen from the street; because the hole is on the back side of the house for a long time.

Robin Davis: The Code Enforcement Officer handles the building permit section. If I'm not mistaken, the repairs to that are going to be done with the same material, so if it's using the same material, it doesn't...

Vice Mayor Booros: So he's going to put a wooden window in; he's going to put cedar siding or whatever it is on the side?

Robin Davis: I think it's just that back section where the hole is in the siding.

Vice Mayor Booros: It's a big piece of house that's crumbling. Okay.

Robin Davis: I'll check just to make sure.

Vice Mayor Booros: So who makes that decision, that he doesn't go before Historic Preservation?

Robin Davis: When the building permit comes in, the applicant writes down a description of work and then he says, okay, the wood windows I'm replacing them with wood windows.

Vice Mayor Booros: Okay, thank you.

Mayor Jones: Is there anything in place for a homeowner like that, who is not made to come before Historic Preservation because he's declared that he's replacing with the same; is there a mechanism in place that our Code Enforcer visits that location and checks up on that work to see that that is in compliance with what the homeowner has said he's going to do?

Robin Davis: Yes, the Code Enforcement Officer randomly goes out; well he's out every day, but randomly goes to the building permits that are active and keeps status on those.

Mayor Jones: A question that arose over the weekend. I don't know if an answer has been received or actually explored yet and that was a noise complaint, music on the open deck at Goodfella's. I am interested in knowing, remembering the very strict Hearing that went on with that particular property, as to the time that that music is to cease on that patio. Do you know what was found out about that inquiry?

Win Abbott: Madame Mayor, I think we got your request about 9:00 this morning. No.

Mayor Jones: Because certainly though it's identified as a Code Enforcement issue; there would be times that the police would be called in for that enforcement; so we just need to make sure that we communicate that information. I think Goodfella's is only one of the two open deck properties that we manage in the Town of Milton, is it not? Only one of two? Okay.

Win Abbott: Yes, as far as I know.

Mayor Jones: Okay. I'm just interested in knowing when it turned hands if the establishment of that restaurant understood the deck hours that went with that property, so maybe we also need to make sure that we're doing our job in notifying them of their times. I'd be interested in following up on that. Thank you.

Councilwoman Parker-Selby: What are the hours? Do you know?

Mayor Jones: I'm afraid that's the \$1 million question right now; what the terms of the conditions were, they came before ABCC; there was a good public turnout at that hearing and I do believe that they have a rather early time that they have to have music off in the day.

Councilwoman Parker-Selby: Okay.

Mayor Jones: Anything else before moving on to the financial report.

Councilwoman Parker-Selby: One more question, Robin, you're going to do the FEMA training, I see for the National Flood Insurance Program.

Robin Davis: Yes, that's correct.

Councilwoman Parker-Selby: What will that entail as far as what are we supposed to go learn? It relates into the concerns I have about our town.

Robin Davis: Actually, I think the majority of it is just to help get a better understanding on administering the program; what the requirements are; the Federal guidelines; and things like that and how it could be incorporated into some of our regulations that we have here.

Councilwoman Parker-Selby: Okay.

13. Finance Report and Revenue/Expenditures Report

Mayor Jones: The finance report Councilman Cote.

Councilman Cote: Well we have the March 30th, six-month report in front of us and Revenues are about where they should be; because we record all of the tax revenues at the beginning of the year, when they're first billed and we are approximately slightly more than half way through the expenses; but there are some one-time expenses that have occurred this year that are already paid in the first six months, so we're probably in reasonably good shape on that. A small item, we have a few small bank accounts that have no activity, which we need to collect the statements and make a list and maybe we can close those small accounts, just so we don't have them taking up space. Any questions?

Mayor Jones: Just a comment, if I could ask again that the departments be differentiated on these statements with some kind of bold, so that they can be easily be picked up on, especially on the Expenditure side here. It would be a help.

Councilman Cote: And the sub-totals. Will Edmunds do sub-totals in this report, do you know, Mr. Abbott?

Win Abbott: They will and I told you last month it would be done. I didn't follow up with our accounting clerk to make sure that her typical formatting was changed, so we'll be sure to do that.

Councilman Cote: Okay and by the way, I do have April, which the same general comments still follow.

Vice Mayor Booros: Councilman Cote because I might be missing something here and maybe it's a month off, or something; because I'm misunderstanding this. In Revenue Expenditures for rental license receipts and business license receipts, you show that we're down \$1,200 negative and \$5,890 negative.

Councilman Cote: Which lines?

Vice Mayor Booros: Page 2 of your Statement of Revenue and Expenditures.

Councilman Cote: Is there an account number; that's easier to find it that way?

Vice Mayor Booros: 3-01-03650 business license receipts; building permit receipts. Building permits is at 59%, \$41,273, okay? And business license receipts are whatever it is. Do you see those numbers there?

Councilman Cote: Yes.

Vice Mayor Booros: And it hasn't been read yet, but the Town Manager's report says that revenue from rental and business licenses is \$18,245 greater than it was for the same period last year. I didn't think we anticipated that we would bring in anything more than last year, but it looks like we're not at where we should be from last year on those things. Am I missing something? Is this one month and this is another month, or vice versa?

Councilman Cote: Mr. Abbott's offering an explanation.

Vice Mayor Booros: Good, because this is for those people who might have mentioned that we don't look at our things before we get here. I just want to let you know, I look.

Win Abbott: Yes, Sir. When I do my Town Manager's monthly financial report it's more of an analysis of trends and things that are not altogether obvious. In order for me to be able to do this, I go and create a second set of reports that show the year-to-date for this very same period in the prior year. The way that our current reports have it, the column for prior year shows the total in the prior year; as opposed to the very same period ending date. So when I do my analysis, I go create a second set of reports and compare exactly where we are at the same period last year; thus the difference.

Vice Mayor Booros: Okay. Thank you.

Councilman West: Also, I would like to show it on the record on the Budget Transaction Audit Trail, Page 7. Some people are under the misconception that Emory Chassis Works is me. It is not. It is John Emory, because I have gotten calls from different businesses that know me and want to know when I'm going to pay my bill; so I just want the public to know that this is not me.

Councilman Cote: Thank you.

Mayor Jones: Any other questions? Mr. Abbott, did you want to say anything more about your financial report?

Win Abbott: No.

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

a. Committee Appointments

Mayor Jones: There are still a couple; every once in a while that keep developing. I've presented a sheet to you, pending ethic forms being completed, of which I believe there are only two on this list that need them. Wendy Harpster's appointment to Parks and Recreation, Gopal Mirwani to the Finance Committee and Mark Carter to the Economic Development Committee. I'm asking for your approval on these three.

Vice Mayor Booros: I make a motion that we approve those three members, Wendy Harpster to Parks and Recreation, Gopal Mirwani to the Finance Committee, and Mark Carter to Economic Development Committee.

Councilwoman Patterson: Second.

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

Councilwoman Parker-Selby: I have a question. Excuse me, I'm sorry. Question on these committee's. Are they all... Do you have just so many per committee? I know some do. Maybe. Is there room for any other people? I have had some people interested in joining committee's who have been involved in town activities.

Mayor Jones: The only thing I ask in committee's is that we look to see that the match is good; that the person who's interested, we do rely on them because they're volunteers and I know these committee's are going to work really hard this year. Councilman Collier's committee is quite large for that purpose alone. Vice Mayor Booros' committee is also quite large for that purpose. The Finance Committee carries far fewer people on it. Economic Development Committee is building as I am attempting to add some business people in the community on that. So yes sometimes there is a need and Economic Development when they get projects going, it's easier if they have more hands on for the help.

Councilwoman Parker-Selby: It's just a question. Okay, thank you.

Mayor Jones: But if you have someone interested, please let me know that.

Councilwoman Parker-Selby: Well people have been asking.

Councilwoman Patterson: And just a suggestion, like Economic Development Committee if you have somebody that might be interested, come to a couple of meetings and see if you're a good fit; you're welcome to just go and see the meeting. That's how I got started.

Mayor Jones: That's a great idea.

Councilwoman Parker-Selby: Good. Thank you.

Mayor Jones: There's a meeting this Thursday night at WBOC.

Councilwoman Parker-Selby: That's Economic Development Committee?

Mayor Jones: Yes. Robin, did you want to bring up the issue of Milton Park Center? We have a speaker here tonight? Okay.

Ralph Larson: I'm one of the owner's of the Milton Park Center Food Lion Shopping Center and I believe you have correspondence from me from last month and I guess it got tabled, because I guess it was thought that we owed money or something regarding...

Mayor Jones: You weren't here.

Ralph Larson: No, I wasn't here, no.

Mayor Jones: That's why it was tabled. You weren't here.

Ralph Larson: Okay, I thought there was also a mistake regarding some... Fortunately we're not the ones that had that issue. We received final site plan approval for an expansion in May of 2009, right when the economy went to heck as everyone knows. We've asked for several requests over the years and fortunately have gotten those; we have been very fortunate in being able to maintain 95% occupancy rate there, so we consider that we've been fortunate with that. So I'm really here pretty much with hat in hand looking for another extension until the economy starts coming back and retail starts expanding again.

Mayor Jones: Have you had any interest at all with this slight upturn in the economy?

Ralph Larson: We've had some on and off interest with Beebe. There's a couple of doctors there now. As you're probably all aware, Beebe's had some issues over the last couple of years, so things have gone up and down with those discussions. There's been a

little bit of interest in the vacant restaurant space. The issue with that is every five years Food Lion has the option of expanding and that comes up in 2014, so it's hard to put a tenant in there, when they might get shocked out. We're seeing a little bit of uptick in interest throughout the State. There hasn't really been much here. We have a pretty good tenant mix there; we're just kind of waiting for things to come around.

Mayor Jones: Any questions from Council?

Vice Mayor Booros: I make a motion that we approve the extension.

Councilman West: I'll second that.

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

Ralph Larson: Thank you all.

- c. Request from Fernmoor Homes at Heritage Creek for final sub-division review and approval for Phase 3 of Heritage Creek

Mayor Jones: Is there someone here to speak? Mr. Gordy.

Mike Coven, George, Miles and Buhr: We're the Project Engineer. We're here this evening about Phase 3 of Heritage Creek. It's the area outlined in bold. Just to orient you, existing 2A is here; 2B which is being constructed now is there. A little larger section of the development. This has been through the preliminary site plan process. We required approval from the Town Engineer and all the outside agency approvals and it's gone back through Planning and Zoning Commission who recommended final approval. This is in complete conformance with the approved Master Plan. There have been no changes at all from what was approved in the Master Plan. We're asking you to consider granting final.

Mayor Jones: One question I have, since we have no report from Planning and Zoning's approval, I refer to the Project Coordinator's report on Page 3, where Robin you refer to need to discuss "condition of approval" item from Planning and Zoning. I'm sorry. That's not even the topic. I apologize. Let me ask you this, then, the reports that are in for approval, should the Town Council expect any other reports that are yet to come in, or is this everything?

Mike Coven: For Phase 3, this is everything.

Mayor Jones: Excellent, thank you. Any other questions for this applicant?

Councilman West: Madame Mayor, is that what we discussed two meetings ago, this Phase where they changed the road in and the setbacks and the front yards?

Mayor Jones: 22.5 or something it went to? The front loaded homes.

Mike Coven: Yes, that is included in this.

Mayor Jones: Councilman West I think this is the one that we did not hear previously and now it's in front of us. It was drawn off the table last month. Is this the piece?

Mike Coven: No.

Mayor Jones: This is yet a new one. Alright. Okay.

Vice Mayor Booros: I make a motion that we approve the final sub-division for Phase 3 at Heritage Creek as proposed.

Councilman West: I'll second that.

Mayor Jones: Is there any further discussion in Council? All those in favor say aye. Opposed. Motion carried.

Mike Coven: Thank you.

Mayor Jones: Thank you.

d. Public Works Maintenance Practices

Mayor Jones: That's a discussion that began last month with the Public Works Report containing information where the Town of Milton's maintenance department is taking care of private lands. Mr. Abbott, we placed this on the agenda. Do you have something to add to this conversation, please?

Win Abbott: No, Ma'am. I would like to commend Mr. Russum for being proactive and taking care of some business that had been done in recent years, without having to have specific direction and not knowing that it would be an item of controversy. It was a little surprise, so at your request, it's on the agenda and I'm here to take your direction.

Mayor Jones: Okay. Then I guess I would need to start with asking Mr. Russum the identity of the projects that the Milton Public Works Department takes care of, that is otherwise the responsibility or is done on private property?

Dustan Russum: I believe this matter was all started with the ditch on Magnolia. I identified that as more of a drainage issue, with the flooding; cleaning that out. That's one area that we take care of there. We also take care of the rocks along the river behind Bodie's going back in there; we clean all that out. Also Wagamon's Pond, we do along the edge. We also mow the grass on Lavinia Street going out past Roger's Sign. That is a state-maintained road, but we've been instructed to cut it. That's all I can think of right off the top of my head.

Vice Mayor Booros: Do we know who owns the ditch on Magnolia Street?

Dustan Russum: No. I don't.

Vice Mayor Booros: I don't either.

Mayor Jones: Okay, that was asked by a councilman last month, to obtain that information.

Dustan Russum: Okay.

Mayor Jones: Rocks along the river behind Bodie's, as well as the shoreline of Wagamon's Pond, as well as, according to former Mayor, Jack Bushey; the area along Mulberry that is there along the spillway and the banks, former Mayor Bushey is adamant that we have an agreement to keep that shoreline clean with DNREC.

Dustan Russum: There was an agreement. The gentleman that was spraying that from DNREC over at Wagamon's Pond there was some kind of weed that was growing in there and he asked that the town not spray it any longer; that they would take care of it; because it's some weed that takes over and they were monitoring the weed.

Mayor Jones: And we have correspondence back and forth from agencies?

Dustan Russum: That was just a verbal, between the gentleman that was spraying and us.

Mayor Jones: I have to ask if we should be revisiting some of these matters, instead of just carrying them on because of a conversation nobody remembers 10 or 15 years ago; it warrants revisiting. Wouldn't that include the shoreline at Wagamon's Pond and the rocks behind Bodie's? Isn't that all maintenance of the shoreline; specifically they may be in those locations, but are you talking about keeping debris out of the rocks or are you talking about maintaining land controlled by or maintained by someone else, other than Milton? Or are we talking about this verbal agreement of trying to keep the shorelines clean?

Dustan Russum: Since I've been here, it's always just been a verbal agreement. I've never... It's just like the _____ on Magnolia, it's always been a practice of we need to keep it cleaned back. I took it above and beyond and went back further and that's when

this issue came about.

Mayor Jones: We still need to find the ownership of that, as requested.

Dustan Russum: Okay.

Mayor Jones: You mentioned to me about doing some week trimming around the hydrants through town?

Dustan Russum: Yes, there's fire hydrants throughout this town that are in people's yards. We go out with Weed Eaters and weed eat around them, because the residents choose not to trim weeds around their hydrants. They will cut their grass, but leave the weeds taller than the fire hydrant around them and go to their yards and cut the grass.

Mayor Jones: In differentiating, I would say that that becomes a public safety issue with the fire hydrants; it's splitting hairs, but of the items that you have named here that's what I feel about the fire hydrants being a public safety issue, to be cleared. I would like to have some sort of research done on Milton's responsibility of it's shorelines. If we have a DNREC Representative and we can identify that person, we have a lot of shore line to take care of and if that is taking your time from other business through the community of Milton, then it's something we need to look at.

Dustan Russum: Alright.

Mayor Jones: Comments from any other Council on this?

Councilman Collier: In regards to the ditch, can you also take a look; you say it's something we do for drainage purposes; it's been my experience normally when there's a ditch on private property that's maintained by a public entity, that there is an easement in place that grants you the ability to do that and then it becomes your responsibility, if you choose to take it on; but normally it's because you request the easement to do this, to facilitate the drainage. Now, again, the problem there in my estimation, and I'm not an expert, but what I see the problem there is a common weed called phragmites, which is considered noxious and can be sprayed; but you have to be very careful because of the fact that I don't know how those are classified as wetlands or anything else; so we may not want to get involved in the maintenance of that ditch, because it could become quite a sticky environmental issue and that would be my concern.

Vice Mayor Booros: Councilman Collier, there are two trees that are down in that ditch; two very, very large trees in that wetland where that ditch is; that are down and if the town gets involved into playing in that wetland, somebody's going to get them trees out of my backyard; because they're in my backyard and they fell out of that ditch; very large trees.

Councilman Collier: Well, once they cross your line, you can do what you want with them.

Vice Mayor Booros: Yes. They're too big for me to pay to have removed, okay? So if the Town is going to take over the ditch, they can come take the tree out of my backyard.

Councilman Collier: Well, my concern when I brought this up was just simply the fact that it is private property and once we start the habit, it's hard to break, so we need to be very careful how we progress with these things and that was why I raised the concern.

Councilman Cote: Another question about the grass that you said you cut on Lavinia. I'm not that familiar with that area, but I don't know whether we're talking about 50' or 300'.

Dustan Russum: Well you're talking from Roger's Sign on the right hand side of that whole hill along the field...

Councilman Collier: And it's a state maintenance.

Dustan Russum: Yes, it's a state maintenance road, but we've been cutting it as long as I've been here, because the State only comes once a year and apparently it's an eye sore.
Mayor Jones: Well I would think if the State only comes once a year, Mr. Russum, it is indeed an eye sore. That again sounds like some follow up with the maintenance group out of Gravel Hill, who cuts...

Dustan Russum: That would be Ellendale Yard.

Mayor Jones: Ellendale? Well that sounds like again a call.

Dustan Russum: I can speak for Lavinia. I've spoken with Ellendale Yard and you're only going to get what they service. Now if the town residents want more, then we've got to do it, because they're only going to come about twice a year down there, that I've seen them, but we've been instructed to cut it every other week; then if it grows fast, cut it every week. So we take what they've got or we've got to kick in the extra.

Councilman Collier: Mr. Abbott, if you would like, I can give you the name of the maintenance engineer for the South District, if you want to try to reach that way. Sometimes you have to go to the next level and I'd be happy to supply that if you'd like it.

Councilman West: What I've been told, Councilman Collier, that they are slowly eliminating the grass cutting. It's going to be put out to private contractors.

Councilman Collier: And that may well be, but until it's in the hands of a private contractor...

Councilman West: And then Mr. Allister is dictating how much they're cutting the grass this summer.

Councilman Collier: Well that's fine. I understand this all perfectly well, but sometimes a piece of letterhead goes along way.

Mayor Jones: Requesting something more frequently would seem to be equally as prudent as continuing to cut it ourselves; so on those items, about checking with Maintenance, identification of the property and a DNREC definition on shoreline maintenance and how far and what it includes. Now you know, former Mayor Bushey is quite a stickler for having an awful lot of information at his hands, so I don't know whether or not that's a resource to you, or not. Is there any other discussion on the topic? We'll keep it in the forefront as just a follow-up item once we get those answers, please.

e. Shipbuilder's Village Property Purchase

Mayor Jones: You have in your package.

Vice Mayor Booros: Madame Mayor? I would recommend that we take this out of the forefront and that we remove it from Old Business, so it doesn't keep popping up every month and I would make a motion to kill this right at the moment and if something changes, reserve the right to bring it back before Council; but right at this particular moment to have it popping up every month, with nothing positive happening as far as any interest showing... I haven't heard back from some people. Councilman West has got some feeler's out there; but to have it keep popping up over and over again, I would suggest we pull it off the Old Business and I make that motion and reserve the right to put it back on at some time in the future, if things change.

Councilman West: I second that motion.

Mayor Jones: Discussion?

Councilwoman Parker-Selby: I guess I'm still trying to figure this thing out. I understand what you're saying Vice Mayor Booros and I agree with that; however, I would like to...

Who have we contacted or who was Councilman West supposed to talk to about it?
They haven't contacted you, right, you said?

Councilman West: I've talked to different ones, mostly about financing to get private funds to donate so that we could purchase it for a community center.

Councilwoman Parker-Selby: Right, but no one has gotten back to you.

Councilman West: Right.

Councilwoman Parker-Selby: I don't want this to die with any time.

Councilman West: It won't die.

Vice Mayor Booros: It won't die. This is not going to die. It just needs to not be an every month topic.

Councilwoman Parker-Selby: I agree, because I keep seeing it and I'm like what's going on here. If it's not going to die, then...

Mayor Jones: Well it actually hasn't been in the forefront for awhile and I asked that it be brought forward tonight, simply because the decision on the table is to buy the land or not buy the land and that's the definitive decision that this topic was brought forward tonight; is to not just table it, but is to make a decision that at this time we are or are not going to be purchase this piece of property.

Vice Mayor Booros: I'll revise my motion to say take this off the agenda, because at this time we're not in the position to purchase this property; but if things change in the future, that it be able to be put back on the agenda.

Councilman West: I'll amend my second.

Mayor Jones: Any other discussion? All those in favor of the motion to not purchase the Shipbuilder's Village property at this time, but reserve the right to bring it back up for further discussion; all those in favor say aye. Opposed. Motion carried.

f. Six month Budget Review and possible amendment

Mayor Jones: Brought this back. Nothing definitive was decided last month. Mr. Abbott did you want to speak any further on this?

Win Abbott: Ma'am, only to say that I changed absolutely nothing. This is the very same document, but simplified.

Councilman West: Madame Mayor, I would like to change one item on the proposed _____ on this budget, that the Water Committee discussed the proposal of using \$17,000 for engineering and architectural fees for Shipbuilder's Village water tower base.

Mayor Jones: It's in here.

Councilman West: Okay. I think we need to bring that back up and make that motion.

Mayor Jones: Yes, Mr. Abbott has included that cost in his review.

Councilwoman Parker-Selby: I just had a question about the legal fees, I'm on the second page. What do these legal fees include, the Town Solicitor, or any suits, or what have you?

Win Abbott: Yes, both.

Councilwoman Parker-Selby: Okay, because I was looking at the amount.

Win Abbott: There are of course, ongoing expenses related to our engagement with our solicitor. There were some one-time expenses related to our solicitor representing the town in certain lawsuits earlier this year; there's also an additional expenditure for an engagement with a different law firm for a very specific suit.

Councilwoman Parker-Selby: And I had another question about the pensions. How many

town employees receive pensions? All of them, or just a few?

Win Abbott: No town employees receive a pension; the entire staff is pension eligible; which means that there's a separate fund for the Police Department, as opposed to general employees; we all participate in the State of Delaware Pension Plan. The Town contributes some, the employees contribute some. That rate is determined by the State of Delaware.

Councilwoman Parker-Selby: That answers me, alright.

Mayor Jones: Councilman Cote as Treasurer do you have anything to add or sum up on this budget recommendation for an amendment?

Councilman Cote: Well I have a couple of thoughts. I would not amend the budget for the items described as either the cash from the FEMA reimbursement or for the distribution of expenses that are roughly equal to that amount. Some of it is starting a new program, which should probably wait until the 2014 budget. We don't want to start a program mid-2013 and not be able to fund it for 2014; so I would eliminate those items from the changes. On the second page, where we have accounts; the account is 301250100 Administrative Salaries; there's an increase in the budget there; I would recommend that and slightly further down the page there's an equal reduction in the budget; all it is is a transfer from one account to another; so we should do both halves of those transfers. The line item on the third page for \$2,500 from transfer tax for the software upgrade. As long as we're getting the most current version of the software, then we probably should approve that. The streetlighting supplemental funding, \$7,500. My recollection from last month is that item was to help pay for some of the Shipbuilder's paving, but that came in under budget; it came in and we didn't need the whole \$7,500; so I would say we could eliminate that line. Again, the next item on that same page, Salaries again and this is in the Police Department, I believe; we're removing the salary which I believe is roughly equal to the officer that left; I don't know all the individuals and how much each one is, but it says we used some averages, but I think that a reduction in the Salary line for the Police Department, since the officer left in October, is fine. The Referendum expenses can be added on the last page and the \$17,000 I would recommend adding for the Shipbuilder's and I think I skipped the first item on the list, the addition to the transfer tax revenue of \$12,000 and I think that's an acceptable addition.

Mayor Jones: Councilman Cote the same way I had recommended that the reimbursement from FEMA be stored away; the unexpected increase or unexpected windfall from transfer taxes that we had not anticipated quite this much; could that literally also be stored away in the same manner?

Councilman Cote: Well that could. Transfer taxes, I believe, are for capital expenditures and public safety.

Mayor Jones: Again, I'm worried about the need for some of the Capital Improvement Projects that may be facing the community this year, in the forms of Streets and Sidewalks, water improvements. I just didn't know if it was a...

Councilman Cote: Signs for Cannery Village.

Mayor Jones: Right. There you go.

Vice Mayor Booros: Madame Mayor, I think that Councilwoman Patterson and I made it clear last year during the budget hearings, that we wanted to see the leftover money socked away, not spent and we intentionally tried to take down the numbers of houses that would be built and the number of transfer fees that we would receive, so that if and

when we received more, it would be extra and we didn't count last year's budget to spending that. We've got extra. Let's not spend it.

Mayor Jones: Mr. Abbott, the reimbursement terms on FEMA; is there any caveat in that reimbursement that those funds then must flow back into those particular accounts, Public Works and Police, in particular; that they need to be used back in those accounts?

Win Abbott: No, we already expended the money, in a manner of speaking.

Mayor Jones: Okay. Alright.

Win Abbott: Just to be clear, when I say expended the money, it was according to the formula set up by the Federal Emergency Management Agency; so for example, when we have a police car running for 26 hours with the lights on as a barricade, there's \$1 per hour that we're reimbursed, even though we already own the car and it's not really costing us that much; that is the value of reimbursement. So no, we filed all the reports; it's done; the money's in the bank.

Mayor Jones: Okay, I just wanted to make sure that we were free to alter what we did with that reimbursement money and not make it go back in those categories. There are a number of items here for review. Who would like to take on or do I hear a motion that there is no more discussion?

Vice Mayor Booros: I agree with the recommendations that were made by Councilman Cote across the board and I would make a motion that we accept the recommendations for the mid-year budget changes based on what Councilman Cote has spelled out.

Councilman West: I'll second that.

Mayor Jones: Discussion? I understood Councilman Cote to use some of that transfer money for the purchase of a new software system. Is that correct?

Councilman Cote: Yes.

Vice Mayor Booros: As long as it is the best and the brightest and we need...

Mayor Jones: That is the transfer tax money.

Vice Mayor Booros: All of it?

Mayor Jones: Well not all of it.

Councilman Cote: \$2,500.

Mayor Jones: \$2,500.

Vice Mayor Booros: I don't have a problem with that, if it's needed.

Councilman Cote: So, just so we're clear, the line item for amendment on transfer tax income was \$12,000; what we would be recommending then is \$2,500 and the rest will fall to savings, as it comes.

Vice Mayor Booros: Right.

Mayor Jones: Is everyone clear on those terms as spelled out by Councilman Cote?

Councilman Cote: One more item that I missed going through the first time and that was the change to the COPS Grant revenue. It's a reduction of approximately \$37,000 in revenue.

Mayor Jones: Where are you?

Councilman Cote: On the first page, it's account 301033004600. The amount that's there reflects the actual money that we've received and we're not going to receive any more than that.

Vice Mayor Booros: So I'll amend my motion to include the COPS Grant Revenue that we're not going to receive that Councilman Cote just explained.

Councilman West: I'll amend my motion to include the change.

Mayor Jones: Discussion? Is Council clear? And if you're not, you're free to say you're

not. All those in favor of the recommended amendments to the 2013 budget say aye.
Opposed. Motion carried.

g. Clean-Up Grant courtesy of Representative Smyk

Mayor Jones: I did hear from Vice Mayor Booros this last week, whether or not a rollback, since we're concentrating on a \$500 tipping fee cost; whether or not a rollback would be permitted for hazardous materials, paints?

Vice Mayor Booros: Just paint. I wouldn't even go as far as saying hazardous materials.

Mayor Jones: Well some of those are considered HazMat now.

Vice Mayor Booros: I would say paint is HazMat, but I wouldn't say all hazardous materials; God knows what you would get.

Mayor Jones: But they unload at the one place, so that was just a suggestion. I wanted to know if there was a need for that town-wide or not. My idea would be a rollback like that; it couldn't very well go unattended if we've got HazMat material in it either, while it's waiting to be tipped.

Vice Mayor Booros: But if you allow anything else in a rollback like that, it will be filled up in an hour and a half and they'll be dumping the stuff on the maintenance yard. It's not a lot of money for a tipping fee and it might not be enough money to get rid of hazardous paint, quite honestly.

Mayor Jones: Did you give anymore thoughts to the projects. I know we talked about some clean-ups between us.

Win Abbott: Yes, you had specifically mentioned a clean-up along the banks of the river; basically from behind Bodie's up to the spillway and I followed up with DSWA and they said, basically, this is a tipping fee credit; we accept yard waste, vegetative matter and DSWA, just not co-mingled with trash. So whether we use it for trash or bulk materials or vegetative matter; whatever they take at DSWA, this is a \$500 credit. Now it's up to the Council to decide how we want to use that credit.

Mayor Jones: Dustan do you have a large project that this would be beneficial, something you could complete by the end of this month and use this money?

Dustan Russum: We can clean the rocks up. There's tons of mulch there. It's something we do every year. That's an issue on the table from previously.

Mayor Jones: How manpower intensive is that for you this month?

Dustan Russum: I could coordinate that with the BOP, the prison, which is free of charge to us and get them for a day to come over and clean it up and they would just have to put it into our dump truck and then take it down to the shop and load it, because we would have no place to put the roll off downtown.

Vice Mayor Booros: Can we drive our dump truck to the dump and use it as a tipping fee; or do we have to have a rolloff?

Dustan Russum: It would take you a bunch of trips; it would be just cheap just to put it in a rolloff.

Councilman Collier: Mr. Russum, how much waste material do you have sitting behind the Public Works building at this time; stuff that's not feasible to use; it's just junk and you've stockpiled it back there? Would that help you clean that area up? I haven't been back there for some time, so I don't know what it looks like anymore.

Dustan Russum: The large brush pile that was along side of the shop, it was cleaned up about two months ago.

Councilman Collier: I didn't know how much... like broken up concrete, material that

you've taken out of holes that you've repaired that you can't reuse, stuff like that.

Mayor Jones: That's a good idea.

Dustan Russum: Well, we're fortunate enough, we've got access over to Georgetown. A. P. Croll's got a pit over there and they allow us to take it over and they recycle it and they don't charge us anything.

Councilman Collier: I didn't know. That was just a suggestion.

Mayor Jones: Can Council think of any projects that this might be helpful for? Certainly if the Town could use it, it would be nice to share it, if we could include something that would include disposal and the citizens in the community, but if that's nothing that comes to mind, as far as a specific project, if Milton can make that time factor work, that would be ideal, if it helps us; that's \$500 off of our own backs. Can you make that happen?

Win Abbott: I'm sorry, I'm not clear. Are you requesting that we use this for hazardous waste materials disposal or for cleaning up the bank?

Mayor Jones: I'm not. I'm saying without any particular enthusiastic discussion about the HazMat materials in a rollback, if it requires much further discussion, the most practical thing on the table tonight is for Milton to use it for its purposes of cleaning up the riff raff along the shore line. Those things would normally cost Milton money for tipping fees. I'm not opposed to the HazMat materials...

Vice Mayor Booros: I'm not married to that. You were asking for ideas.

Mayor Jones: Yeah, okay.

Vice Mayor Booros: I don't think \$500 would cover the tipping fees for HazMat material, quite honestly, but if it could offset \$500 off the backs of the taxpayer's, I don't care what the project is.

Councilwoman Patterson: I like the idea of the rocks, because it's such a visible part of Milton, especially this time of year. So it would make a nice impact.

Councilman West: Yes, because my feelings Mayor Jones is if you open this up to HazMat material, it is going to be a bad deal and it will not be cost effective.

Councilwoman Patterson: This way with the rocks, it does impact the town and the townspeople.

Mayor Jones: Well then let's just plan on using it for our benefit.

Win Abbott: Good.

Councilman West: Do you need a motion on that?

Mayor Jones: I don't think we do, not unless you have.

Win Abbott: As long as I know the Council's behind me and next month we're not going to get attacked for cleaning up the rocks.

Councilman Collier: I'm not so sure about the ownership of the rocks, because they run parallel to the Governor's Walk and I think that more than likely there's probably some easement with that.

h. Boat Dock rental policy revision and signs

Seth Thompson: I went through at Council's request. I didn't see anything that frankly I think the Town would be served to remove. I can go through and kind of identify in less legalese what each term does; maybe that would be helpful to Council? Basically, looking at Page 1, obviously, you have your basic information; Section 1 is just describing what exactly it is that the person is renting. Section 2 is describing the length of the lease, as far as the term. Section 3 is discussing what they need to pay as well as

the utility costs and a late fee. Section 4, they need to have insurance on the boat. Section 5 is that they have duties, as far as maintenance and how they keep the dock. Section 6 is just our security deposit. Section 7 is indemnity, that basically the renter needs to indemnify and hold the Town harmless in the event that they cause any sort of damage to a third party. Section 8 is a disclaimer, in that it's laying out the provisions whereby we're not responsible for their guests and their agents that they have on their boats. Section 9 gives the Town the ability to adopt Rules and Regulations; in there I included that people aren't to be on the dock between the hours of 11 p.m. and 4 a.m. Section 10 is that they can't assign or sub-let the lease to somebody else. Section 11 is important, because this creates the security interest in the boat, that if they're not paying, then we're going to use the Uniform Commercial Code provisions to then sell the boat. Section 12 just defines basically they need to give us notice; we're the Lessor; they need to give us notice if they feel that we have somehow defaulted on the lease. And, Section 13 is the other way around. Section 14 just identifies how each party needs to give the other one notice. Then Section 15 allows for the Town to basically relocate whichever slip they've been assigned. So that's really it. There wasn't anything that I felt comfortable just cutting out. I think all of it serves a purpose. I know that the document looks fairly long. I think the one element of this, thought, is that we're not dealing a house that's being rented, so when it comes to boats, there's just a greater issue of liability and so that's why I set it up this way. I'm certainly happy to answer any questions about it.

Vice Mayor Booros: I only have two comments. The one is I did check one thing. The Pot Nets Bayside for non-residents and they're right there, next to the Bay, is \$850 a year for a dock, and that's for up to a 25' boat. So we may be a tiny bit out of line with what they're costing.

Councilman Collier: I had the occasion to speak to the owner's at Steamboat Landing, which is down the river from us; it's the closest one to the bay on the Broadkill and they're at \$1,200 per year, but they'll accommodate equal boats to what we have here and they're less than half the distance to the river, so I think we're just a little over the top on our rate.

Vice Mayor Booros: We're a little over the top.

Councilman Collier: I'm not sure that this is what we're addressing. We're looking at a policy.

Vice Mayor Booros: And the other issue I had was well the Fee Schedule is in here; so if it's part of the policy, we've got a problem. And the other thing was the sign for the boat docks, shall be towed at owner's expense. Unless we're towing it to a place we can put under lock and key and make them pay us for the tow charges, before they get their boat back, I've got a problem with us paying to tow anything, unless we're going to realize the money back to this Town.

Councilman Collier: I don't know if boats qualify for something like a garageman's lien or anything else like that...

Councilman West: You can get a garageman's lien. I talked to a Magistrate who said that it's no problem; all the Town has to do is just call the Court and get a garageman's lien and it can be taken care of.

Vice Mayor Booros: I just don't want to tow it down the river somewhere and I don't know where we're going to tow it, but we're going to put a sign up that says we're going to tow you. We better have a way of recouping the tow fees, because I'm tired of this

Town paying fees that we can't recoup.

Councilman Collier: The only other thing that I would have and I'm not sure that this is the place for either, is just that if we're going to continue to be in the business of renting boat slips, I would like to see that some of the revenue from that be placed in a proprietary fund the maintenance of the boat slips. I took the time with the extreme low tides that we had here a couple of weekends ago and took a good long look at them, and they're okay, but they're not far from a day of maintenance either. If you're going to charge somebody a premium price for something, you need to keep it in premium condition.

Vice Mayor Booros: Absolutely. And the question was asked of me just tonight about the water. How do you hose off your boat when you bring it back in; if you're paying that kind of money for a boat slip and every other boat slip out there has water available to the people that are renting the boat slips; and we've padlocked our water? I understand we've padlocked our water. I haven't seen it.

Councilman Collier: I will claim partial responsibility to that, because what I observed down there was someone who... well it's in question as to how well they pay for their boat slip, using that water as a source to fill a rather large tank in the back of a vehicle; so as far as I'm concerned, that's absurd.

Vice Mayor Booros: Well what do you do to the guy that is paying on time?

Councilman Collier: Well I guess we give him a key. I don't know what the answer to that is, but you have to deter people from...

Vice Mayor Booros: Absolutely, but for these prices, you've got to get that answer.

Councilman Collier: I agree.

Councilman West: I feel you should give each one that's legitimate, that's renting these boat docks, a key to that so that they could have access to that water.

Councilman Collier: All you need is one not to pay you; you just put a new lock on it and issue keys to those who do pay. Locks aren't extremely cheap, but they're a lot cheaper than having 1,000 gallons of water hauled away, or something like that too.

Councilman West: That's part of our unaccounted water.

Councilman Collier: Well I can't say that's part of our unaccounted water. I'm sure it's metered, because they also open that up when they do their water tests and I do know that, but the particular incident that I saw, somebody was loading a tank.

Councilwoman Parker-Selby: So are we going to change the fees, before we accept this?

Mayor Jones: Are we free to discuss changing the fees this evening?

Councilman Collier: That's true. That was my question to begin with, are we free to discuss that?

Seth Thompson: I think it was noticed properly that we're looking at the full policy.

Mayor Jones: The complaint that a number of us received in reference to this agreement, was just how long and detailed it was for a simple agreement having a local boat at the dock. The other argument had to do with insurance and how not all boat owners who have old crafts can get insurance. I can't validate that as to whether or not that's correct or not. Has at least Mr. Abbott during your time, have you ever run into anybody renting down here, or have they not had to supply you with insurance?

Win Abbott: They've not had to supply information about insurance and I can understand that argument; however, as our Solicitor said, there's got to be some kind of security here and when we had the storm last time, there were people, one in particular and the boat was not one that really belonged there; actually tied up to the stanchion that

holds up our utility poles. If the hurricane was as bad as they predicted it would be, there was a potential that with a little bit of movement, it could have pulled down a utility pole and in turn other ones; and it would have been a bad scene. There would have been great costs and no way to recover if that person did not have insurance. Once again that person was unauthorized, but there's a reason for insurance to be there. I just would like the Council to make some type of decision on policy; we're particularly interested in the security interests so that we can actually have some teeth into any kind of enforcement provisions that we take.

Mayor Jones: That's true. We really have been fighting for some kind of ability to recoup our money in a situation where we already have an example in front of us, where we're having difficulty. So shoring up the policy makes perfect sense; the rate, however, is a decision to be made by a majority of the Council.

Councilman West: I've got one question. The boat in question that we're having trouble with collecting our money; is it still in there?

Mayor Jones: I believe it is still docked there.

Councilman West: Then I would like to see the Town Manager authorized to go ahead and get a mechanic's lien against that thing as soon as possible and then we can have it towed to Lewes and be sold to recoup part of our money.

Mayor Jones: I don't want to speak for the Town Solicitor, but Mr. Thompson and I had a conversation about what alternatives were available to us for that particular boat, under the terms of that particular contract, so perhaps Mr. Thompson can explain to you what we may or may not do at this time.

Seth Thompson: Right and there isn't a security interest in the old agreement, so that's one difference under this suggested agreement. But you're right, we could file suit and get a judgment and then execute on the judgment by selling the boat.

Councilman West: Right.

Mayor Jones: Are we selling it for non-payment, is the question on the table? Non-payment of rental?

Seth Thompson: Right and I think it was about \$1,200 that was not discharged.

Mayor Jones: I know we have a provision for a payment plan for taxes. Is there anything in place for a payment plan for back debt, such as this?

Win Abbott: I think over the past four years we've implemented four different payment plans, none of which were honored.

Mayor Jones: Okay.

Councilman West: I think he'd rather go back to jail than pay the money. But I didn't say that.

Mayor Jones: Mr. Thompson, I know is working right now, actually with that boat owner and that case. I don't know that that's anything that we can discuss here tonight, but we're back to the rates. Does anybody have the two that were offered tonight. I thought they were good examples. Certainly the one down Rehoboth Bay way has a lot of access to waterways.

Vice Mayor Booros: They're right there. And that's for non-residents of Pot Nets; the residents of Pot Nets get a better deal.

Councilman West: Madame Mayor, what has been discussed for rates of Steamboat and Pot Nets, you know our yearly fee should come down from \$1,200 to \$1,000 and the winter months from \$100 to \$75 and during the summer from \$150 to \$125. We had a deal in place for the yearly fee if you paid in advance and we came up with a figure

that's fair, or the summer months, if they pay in advance and for the year.

Councilman Cote: A question on this? It would seem that the renters would all be local; local people with boats. These other places become less convenient for them. These other locations where they can rent the space for the same price they can get it here, or maybe the others are a little less, but they're paying the extra amount for the convenience of being able to be right here, near the boat and not have to go somewhere else to get to it.

Vice Mayor Booros: How many empty slips do we have?

Win Abbott: I think the operative question would be, how many slips do we have remaining, after you take away the one that's paid?

Vice Mayor Booros: No, how many empty slips are there right now?

Win Abbott: At any given moment, Vice Mayor Booros, all of them might be full or two of them might be empty, but we only have one paying slip; okay so the other ones are free loading; whether they're in there for years, or a week or a month, they show up and they're there and then they're not there. Right now, if you go down to the Park, I think you'll see the last two slips are empty. There are four occupied. Only one is being paid.

Councilwoman Parker-Selby: So they're basically... You say one is paid, then the other people are there...

Win Abbott: And the other three are free loaders.

Councilman Cote: Theft of service.

Mayor Jones: Okay, with that identified, let's find the remedy. Let's discuss the remedy.

Councilman Collier: I think some of the remedy is contained within the policy or the agreement, whatever you want to call it.

Mayor Jones: That's fine, but if you have free loaders down there that aren't on contract already, Mr. Abbott's not talking about non-payment.

Councilman Collier: And I understand that.

Councilman West: You're getting nothing.

Mayor Jones: He's getting no contract or anything.

Councilman Collier: I think the old policy doesn't have anything in place for that.

Vice Mayor Booros: My question was in response to what Councilman Cote said about setting a fee. If they're not banging down Town Hall's doors to rent the two empty slips that they see are empty down there; and that's why I asked you how many didn't have boats in them? There are two empty ones down there. How often are they knocking on the door saying I want to pay \$1,200 a year for this empty slip? That was the simple question.

Win Abbott: I apologize. I'm sorry I was looking at the overall economics, but you have a point. I think we had three inquiries this spring; it's possible...

Vice Mayor Booros: They didn't rent them because maybe \$1,200 was too much?

Win Abbott: No, that wasn't the case. I instructed Ms. Marney to get their contact information and tell them when we work out a policy that we're going to come back to them. We haven't been able to work out a policy; I didn't want to have slips in there, where we have the current situation, multiplied times five. So I've been trying to get the Council...

Vice Mayor Booros: So we really don't know if \$1,200 is cost prohibitive for some local person that wants to put their boat there; or if they're just going to pay the \$1,200 just to have the convenience of putting it there.

Win Abbott: That's right, we don't know. And by the way and the sign thing was an

addition to the packet from last month; that's something I just got a quote on, but I think our solicitor would probably affirm the fact that having a sign up there, to put people on notice that haven't been to Town Hall would be a good first step in order to justify towing. We have nothing out there now.

Mayor Jones: I'm still concerned under identified vessels in the slips and no income coming in from them. I'm concerned we have an identified situation...

Vice Mayor Booros: But that's not what's on the agenda right now in front of us, Madame Mayor, that's our problem here.

Councilman Collier: That's our problem.

Vice Mayor Booros: We could beat that to death tonight, but it's not on the agenda.

Mayor Jones: But there is a policy in place now.

Vice Mayor Booros: Right, but that's not what's on this agenda; this new policy is what's on the agenda tonight and setting the fee, with all due respect.

Councilman Collier: Well I would be willing to make a motion that we approve the new policy with a reduction of the quoted rates from what we have printed in front of us, by 20% across the board. In other words you would reduce summer months by 20%, winter months by 20% or the yearly fee by 20%. So that shifts them from \$120, \$80 and a little less than \$1,000; is that right? Yes.

Vice Mayor Booros: That sounds good.

Councilman West: But we had a provision in there if they prepaid.

Councilman Collier: Well that's the yearly. Paid in advance and I think what you brought to the table when we initially discussed this Councilman West was a six-month pre-pay, but I think that this is probably enough, April to September is six months, just about.

Vice Mayor Booros: Was that a motion?

Councilman Collier: Yes, I could make that a motion.

Councilman West: I'll second that motion with one question to the Town Manager. Did the person that rented, does he pay per month or for six months.

Win Abbott: He pays per month, ahead of time.

Councilman West: Okay.

Win Abbott: And may I ask before you make this vote, the inclusion of the quote and the design for these signs was added to this packet, as part of the policy this month and noticed. Is that part of your motion to approve these policy changes, to grant permission to put these signs out there?

Councilman Collier: I understand the dock sign, because _____ seems like it...

Win Abbott: You can exclude that. It was part of the same quote.

Councilman Collier: I understand and I will include that in my motion; because I think it's important that it be properly noticed. That deters anybody from just running up the creek and saying I think I'll park my boat here for a week.

Win Abbott: That's the idea.

Mayor Jones: So we would be approving the four signs for the boat docks.

Win Abbott: Yes, Ma'am.

Councilman West: I'll redo my second to reflect the amendment.

Councilman Collier: Thank you, Mr. Abbott.

Mayor Jones: We have a motion on the table to reduce the rates \$120 per month summer; \$80 a month winter; and \$960 for yearly, January to December. This motion comes along with an approval of the four signs of which you have a copy.

Councilwoman Parker-Selby: That billing is there; so we'll vote on that billing too,

correct?

Mayor Jones: Billing?

Councilwoman Parker-Selby: It says \$434; we're going to pay that sign, plus...

Mayor Jones: \$384.

Councilman Collier: It's just \$384; the gazebo sign is a separate issue.

Councilwoman Parker-Selby: Just want to make sure we know that.

Councilman Cote: One last little question about this? This page that says Boat Dock Rental Agreement, crossed out to be Policy; is that part of the document?

Seth Thompson: Right, what I did was I just made some quick hand changes; this was your prior Boat Dock Agreement. This one page item; so I changed it to a Policy and then noted the fact that they will need to sign the Boat Slip Lease Agreement as well.

Councilman Cote: Well on the Policy page, where it says summer months; it should say April through September, rather than to September; October through March and through December.

Councilman Collier: And I guess I need to amend the motion again. I'll amend my motion to include the language as suggested by Councilman Cote.

Councilman West: I will re-second that motion.

Mayor Jones: No further discussion? All those in favor say aye. Opposed. Motion is carried.

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

Mayor Jones: I had a question on the third page. If an applicant goes before Planning and Zoning a unique circumstance or condition, such as irregularity, narrowness, shallowness, lot size, shape, exceptional topographical or other physical conditions peculiar to the property, as well as an exceptional, practical difficulty due to such unique conditions such as construction, landscaping requirements, off street parking waiver may be granted. I have to admit, under irregularity, lot size; that all smacks of Board of Adjustments variance to me and not Planning and Zoning.

Seth Thompson: That is the language that you typically see from Board of Adjustments.

Mayor Jones: What are the terms of the waiver? Does it carry with the property? Does it carry with the applicant? I have to say when it comes... That sounds to me like granting a variance, especially if you have a non-conforming piece of property to start with. Councilman Collier you used to be the head of the Board of Adjustments. Does that seem within those to you, that particular description?

Councilman Collier: Well a variance is usually granted for setbacks or if it's less area, and stuff like that; and an irregularity could mean that it has a property line that's shaped like a snake; that's an irregularity vs. if the requirement was that it be 10,000 sq. ft. and they only had 9,800 and they wanted to make it a parking lot, then you would have to vary that; but an irregularity, narrowness or shallowness of a lot shape or size, it's kind of iffy, but that doesn't necessarily come under something that needs to be granted a variance.

Mayor Jones: Okay.

Councilman Collier: I understand where you're going with that, but I'm not sure that in this point that I would especially consider that to be the thing that comes under the Board of Adjustments.

Mayor Jones: Then, at the bottom paragraph, the Town Code Enforcement Officer will review the application with the town's zoning staff, which includes the Town Engineer

and the Town Solicitor. What concerns me is what follows. If needed, they'll review it if needed; the cost of which may be charged to the applicant with his or her prior approval. The way I read this is, that you're already involving a Town Engineer and a Town Solicitor, for which the town pays a fee. How is it optional or how is it you need the applicant's approval before you can charge that back?

Councilman Collier: I guess it's kind of like giving them the opportunity to change their mind, before you proceed with incurring a bill on the town's behalf; that would be how I would view it.

Seth Thompson: And I read it where they need to give their approval; they need to be made aware that those charges are likely when they come in and they apply. I think that's what it means, so that they're not surprised.

Vice Mayor Booros: And before we issue them permission to actually do this, it will be contingent upon them paying those fees for the engineer and everything? If they go before Planning and Zoning, but can it be like we say when we approve somebody for a committee, that's contingent upon them filling out the Ethics Form; well how about in a case like this, before we approve your variance or whatever you're asking for here, it will be contingent upon your paying the fees that are owed to the Town for that engineer and... There's got to be a way of recouping those fees, other than just handing them the okay and then hoping it gets paid later on.

Seth Thompson: I can see it being a conditional approval.

Vice Mayor Booros: Just like we do it as a Conditional Use of... I only have one major question on this one? How come they only have to give three copies of the site and landscaping plan to the Planning and Zoning Commission; yet they have to give eleven copies for Historic Preservation?

Win Abbott: Vice Mayor Booros, just to try and help you all out a little bit, what you see here, this two-page waiver policy, was what our engineer, Pennoni Associates, came up with as something that was suggested. It's a first draft and they suggested that we pass it on to our Solicitor for further review; but it was available just in time to get the Council packets out.

Vice Mayor Booros: Okay.

Win Abbott: This is a starting point. Our Solicitor may change it, you may change it. I created the top coversheet, and that's just to make management of this thing a little bit easier, so you can see whether or not it's a non-profit or a commercial use and various other things. It's just a tool to make handling the process easier. So, at this point, Council might want to say, Mr. Solicitor with these suggestions in mind, could you take another crack at this, that the engineer had prepared.

Vice Mayor Booros: Mr. Solicitor, do you need another crack at this?

Seth Thompson: That's fine.

Councilman Cote: Excuse me, I'd just like to get a little clarification. My recollection from last month was that this came up as a result of a specific citation of two churches parking lots, which aren't paved.

Win Abbott: Yes and also the observation that there are other non-profit organizations and churches that allow parking on unpaved surfaces, in which case it is not enforced; therefore, in order to treat all organizations equally and to respect those that really wanted to respect the law, it would be good to have some kind of policy in place.

Vice Mayor Booros: Will this be retroactive to places like the funeral home that have been doing it for years?

Win Abbott: Sir, that's a good observation. You say retroactive, we haven't cited them for any violations, therefore it's a moot point. So what this is talking about is making things right, from this point forward. Now, there's a challenge, perhaps insurmountable that's written into your Code and I found a particular section which I studied in that Memo, which stated that they may grant a waiver; what was missing was a direction from this Council to the Planning and Zoning Commission on the terms on which they could grant a waiver and that's how we got to this point.

Councilman Cote: I guess I'm thinking out loud right now. Here we have the churches and the funeral home who are parking on the lawn, which is a violation, which we are now trying to set up this Ordinance would be, or Directive would be, to allow for some kind of process to grant exceptions or waivers, but none of this speaks to that specific situation, in terms of we'll allow you to park there, but you have to pave it; or is there a waiver in there for whatever humanitarian... we're good guys really and any church that wants to park on the grass, could park on the grass. I don't think that's addressed in here.

Councilman Collier: As I understand it, and having observed this process for a long, long time, I think every parking area has certain requirements it has to meet under the Zoning Ordinances and so on and so forth and the Town Council has, historically for many years, when somebody came and made the appeal, waived some of those requirements. A perfect example of that is, every time somebody opens a business downtown, a new business and they have to go through the process, there's a certain parking requirement that they have to have and most of the downtown businesses don't have the space to provide that parking, so they go through the waiver process and I think all this does is gives the organizations that are generally interested; and I think this is all borne from the Episcopal Church wanting to do the right thing, but not being able to necessarily afford the right thing; so they're looking for the way to utilize this thing and stay within the law, that's probably what created this. Everybody that wants to build a parking lot, has the opportunity to apply for a waiver. This just clarifies what the process is and the requirements and the added thing that I see in this, it gives a little extra consideration for a non-profit in that waiver process, because to my mind, if you don't distinguish that in there, then it gives every entity that needs a parking lot, the ability to come in and say well I can't afford it. When you know that they're going to make \$1 on everybody that parks there; so that's how I view this thing. I'm not going to say it's a perfect document yet and I agree with the Town Manager as far as it would probably serve us all well to give the Solicitor time to look this thing over and make sure that we don't have something conflicting with other parts of our Code, before we act on it. That would be my wish, anyhow and a perfect example of that is what the councilman brought up that you've got to have eleven copies to go one place and three to another; well, my next question would be is that number of copies satisfy what you need for your proper recordkeeping, Mr. Davis? So there's already a change that we can pencil ourselves. What would be the necessary amount of copies for you to properly supply? You're going to need seven for the Town Council, if they're going to come for a waiver, unless this is something you grant. Correct?

Robin Davis: Yes, if it went to Council, we would need at least ten; that's what the required documents are needed for anything to go before the Council; the ten copies at least. If it went to Planning and Zoning, we're basically at, I think normally it's twelve, because then we have to have the Town Engineer involved in that.

Councilman Collier: Now, is the intent of this document to eliminate the Town the

zoning process and everything else and if that be the case, where it would only have to come to the Town office for the waiver, would it still need that number of copies?
Win Abbott: Councilman Collier I did not reprint my Memorandum from last month; but I believe the Memorandum references the current Zoning Code which says the Planning and Zoning Commission may grant a waiver; which, in effect, says the Planning and Zoning Commission may grant the waiver; it doesn't necessarily have to go through Planning and Zoning and then to Council.

Councilman Collier: Alright and now I understand that and that's probably how it's been written forever, but on the other hand, that may not have been how business got done. I'm just trying to determine what is the proper number of copies, because that's one thing that we can affect ourselves; I can't speak for the attorney's review.

Vice Mayor Booros: Councilman Collier when you mentioned the non-profit and you don't want everybody's brother and sister coming in and asking for a waiver to park on their grass or in their backyard or apartment when they can afford it; I agree non-profits are something special, but they you're going to have the funeral home popping up; it's not a non-profit, who's been doing it for the last 30 years...

Councilman Collier: Well the funeral home may well have a waiver issued for that and that's a matter of research for somebody. We can't speak to say that he's doing that outside of the rules and regulations, because I don't know. It's been going on for as long as I can remember.

Councilman West: About 20 years.

Councilman Collier: There may well have been a waiver issued for that purpose and that's something that will have to be determined. I don't think the thing of this... I don't know how you address it and how do you make it retroactive?

Vice Mayor Booros: I don't know, because then you have Dry Zone up there, that's doing the same thing.

Councilman Collier: That's the whole point, so I don't think you want to make it retroactive, but it's something that certainly needs to be addressed. We can sit here and argue these back and forth, but I think we've come to the conclusion, first of all we need to have a little review by the attorney and secondly, we need to at least decide what's the right number of copies that have to accompany this application? Those are the two things that I've come up with.

Councilman West: I make a motion that we table this until the Solicitor can come back to us with the changes that have been recommended tonight.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any further discussion? All those in favor of tabling and referring to the Town Solicitor for further opinion say aye. Opposed. Motion carried.

15. New Business

- a. An Ordinance to Amend the Town Code Relating to Penalties for a Violation of Town Ordinances Requiring a Business License

Seth Thompson: This is the first reading of this Ordinance. It's very similar to what we did previously in that we're lowering the potential fine to less than \$100. It's going from \$100 to \$300; the new parameters would be \$50-\$99, to avoid a scenario where a violator could have the Town try the case in the Justice of the Peace Court and then have a Trial Denovo in the Court of Common Pleas. So there's nothing magical about the \$50 and the \$99; other than the fact that \$99 is less than \$100.

Councilman West: Madame Mayor, I make a motion that we adopt this as the First Reading, with the changes.

Councilwoman Patterson: Second

Mayor Jones: Is there discussion? Nothing under Synopsis?

Vice Mayor Booros: No, that's cleared up.

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

b. Tree trimming request by Delmarva Power

Win Abbott: This is kind of a non-event at this point, but I wanted the Council to be aware of this. I was approached by a contractor for Delmarva Power just a few weeks ago and they said we have a concern about these three white pine trees, or four white pine trees, on the south bank of the Broadkill River that you can see basically from the gazebo; it's over where the benches are, real close to that fence line where the old plant was. Our concern is that they are growing close to the lines and because of the species of tree it makes a real good ladder for kids to climb up and it's a danger and we want to trim those trees. That was the first query made into Town Hall. I asked that person to come back and have a meeting with me and they said, well actually what we want to do is cut down those trees and I said well that's a little bit different. Let's take a look at what our options are. You want to cut down those trees, so what are you going to do to replace those trees? Well we have several species of trees and we do replacement. Delmarva Power pays for it and so on and I said so what are they and so on? I asked about the timing and they said we're going to be coming through in July. I said we have Concerts in the Park and people are going to be looking at that the entire time. We're not going to move forward with this until I get permission from Council and some clarifications from you on the steps that are involved. When's the next time you come through? Four years from now. Well that's not going to happen, I tell him. We're going to have to bring this before Council and don't count on it happening. Since then he came back and said, we can get away with just a little bit of trimming to keep the limbs away from the wires and that's where it is now. But nonetheless I thought it was important that I brought this to your attention. I provided you with the little flyer so that you see that... I'm sure there's always going to be critics of how trees are trimmed, but these are done by certified arborists and you have the information. There will be some minor tree trimming of those white pine trees. It will be nothing major and now you've been advised and we can move on.

Mayor Jones: Thank you. Does anybody have any other questions of Mr. Abbott about that?

c. Mutual Aid Agreement between municipal utility systems (Delaware W.A.R.N.)

Mayor Jones: Mr. Russum, did you want to speak to this?

Dustan Russum: Yes, what this is a Delaware W.A.R.N. Agreement and what this agreement is, it's assistance for any utility provider. Now there's City of Wilmington, City of Milford, Tidewater Utilities and I think Artesian might be a member of this. It's free of charge and what this is, take for instance the hurricane that we just experienced several months back. If Sandy were to have hit here, I could contact the head person of Delaware W.A.R.N. and they would take an email and shoot it out to all the other utility providers; not only in Delaware, but all 50 states, so if a disaster were to come here; let's say if roads were wiped out and I needed loaders and manpower, they would send out an

email and the loaders and manpower would come to help us to get our roadways back open, or if our infrastructure of the water went down, they would send help to do this. Now, the only thing as far as payment, if there's another municipality comes in or a member of the W.A.R.N. Program, you do have to pay based off of the Federal wages, like we just had for Sandy, where FEMA reimbursed the Town; we would have to file those same wages so if two men came from the City of Philadelphia, we would go to their FEMA's wages and we would have to pay the two employees that came down to help. But as far as being a member or anything, it's all free; it's just a back-up for us, in case we need something. Are there any questions?

Mayor Jones: So it also carries though no obligation or reciprocation where we can be called upon too to assist.

Dustan Russum: Yes, we can be called upon if we've got the help or the equipment, we can send it. If we don't, we don't, but it's one of those things, they scratch our back, we scratch theirs.

Councilman Collier: So as I understand this and I guess maybe this question would be for you Mr. Abbott, in the case of the Sandy storm, we received FEMA reimbursement for certain things; had we utilized this, could we have potentially been reimbursed by FEMA for utilizing this program for the costs incurred with it?

Win Abbott: Yes, Sir.

Councilman Collier: Okay, so it's kind of a...

Win Abbott: I think if you read through it. Frankly, I didn't expect Council to pass on this tonight and I want you to think it through, but I see this as we have nothing to lose and everything to gain. It doesn't compel us to do anything, except to pay a fair wage when we do need workers and we bring them from somewhere else.

Vice Mayor Booros: And if our worker's reciprocate, they pay his salary, or they pay the fair wage rate?

Win Abbott: Yes. The wage rate determined for that particular region at that particular time.

Vice Mayor Booros: Okay, so it may be higher than they're existing salary?

Win Abbott: Sure.

Vice Mayor Booros: That's not setting a precedent of any sort of what he's getting paid in another municipality or in another area; and the fact that we're not paying him as much?

Win Abbott: Our Police Department does that all the time with their _____ assignments.

Vice Mayor Booros: Okay. Okay.

Mayor Jones: So it doesn't necessarily call for a vote tonight; would you like to bring this back or does this even need a vote?

Win Abbott: Sure. I do want the Council to have a vote on it, but just like with passing an Ordinance, first reading.

Councilman West: Madame Mayor, then I make a motion that we make this the first reading to bring back to the July Council Meeting.

Councilwoman Patterson: Second.

Mayor Jones: Any other discussion?

Councilman Collier: Well, if we're going to have another Council Meeting this month, it had been mentioned earlier in the evening, can we bring it then?

Mayor Jones: If I can make arrangements with Mr. Abbott and his schedule, I would say

we could add that to the Council Meeting.

Councilman Collier: Can we just amend that motion to the next Council Meeting?

Councilman West: I'll amend that motion, to the next Council Meeting, instead of July.

Councilwoman Patterson: I'll re-second.

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

16. Executive Session – none scheduled

17. Adjournment

Councilman Collier: Motion to adjourn.

Councilman West: Second

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 9:32 p.m.