

**Milton Town Council Meeting
Milton Library
121 Union Street
Monday, July 1, 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. Presentation by Tidewater Utilities
Jerry Esposito, President of Tidewater Environmental Services, Inc. and Tidewater Utilities: I'm here in the capacity of Tidewater Environmental Services, Inc. To my right is Bruce Patrick. He's our Vice President and General Manager. He basically runs all the operations for our companies. I'm here tonight to follow up on a couple of things that are related. I was here back in September, after we settled our rate matters with the Town, I had promised through your counsel that we would come before the Town and make a presentation, talk about whatever needs to be talked about regarding rate issues in the future and more importantly, about whether or not there needs to be any revision to our agreement, our wastewater service agreement. That was back in September and after that meeting your counsel, Seth, had sent us a letter asking us to consider various aspects of whether we should renegotiate our wastewater service agreement. As I think you all know, we own and operate the wastewater plant for your Town, for the last five, plus years. So we considered that and our response to that was some discussions and meetings with the former Mayor and others, around December; November, December, January, where we explained to the folks from Milton that one way of considering other values that could be passed onto the Town was anything that we did, basically was potentially going to further impact rates; so we tried to come up with some various opportunities that might work. In the meantime there were some other things that occurred. We looked at the wastewater service agreement. That is, again, about five plus years old and there were some provisions in there that never came to pass; one of which was that property was supposed to be obtained by the Town and for development reasons it never did and we were supposed to acquire that

property, because that property; better known as the Sam Lucas Road Property; some of you might remember that, that didn't come to pass and that was going to be a site that we would use for a future wastewater treatment plant. It was going to be 18 acres that we would acquire, as part of our agreement with the Town over time to pay back the Town over time, through these impact fees which are about \$1,500 each and the other thing that changed over time, was that at the time that we acquired the plant, there was anticipated thousands of homes in and around Milton that were supposed to be developed. Therefore, the reason that we would build a regional wastewater plant was to serve this demand. Well neither of those two things happened. So while we were watching the world pass us, the wastewater plant is still there. We are operating, have operated it fairly well for the last five or six years. We are on the property using an easement that I guess exists, that we thought we needed to codify, so in these discussions, one of the options that we considered was, whether or not giving us some ability and some certainty and some flexibility; it would be wise for us to acquire the property that the plant sits on. We still don't have a formal easement with the Town, but our agreement allows us to stay there in the meantime. What we thought might be good for the Town and for us, is to get the property appraised and to allow us to make an offer if that was so desirable for the Town, to acquire the property, so that as we expand the capabilities of the plant, because the plant will be there for a lot longer than we had thought, because we don't need to build a new plant. If we built a new plant, the contemplated cost of the plant back six years ago was about \$14 million; that was supposed to have been paid for these new homes that were to come; the homes didn't come; no reason to build a plant, so now we're operating the existing plant with a new permit that becomes due in about two years; May, 2015 and that permit requires us to meet more stringent standards. The original plan was to operate on an interim basis until we built the new plant; so we think we're going to be at this plant site for many years; as many as ten; maybe longer. So in a typical operation, you either own the property that plant sits on or you get a permanent easement. We thought that all things considered, one option that could bring value to both parties, the Town and Tidewater, was to make an offer to acquire the plant, so we had an appraisal done about February. I described all of this to the former Mayor and Council and once the new administration came in with the new Council, I extended the same offer to this Mayor and Council; so we're here tonight to answer questions, more than anything, I hope and try to explain why we would think about doing this and I hope I gave you a little bit of background on that and see if we could work out something that gives us some certainty for that plant for the Town and for Tidewater in the future. So I'll accept questions or however you want to do it.

Mayor Jones: Let's start with Council; do you have any questions for Mr. Esposito?

Councilman Collier: You say that you have to meet new standards in 2015. What are the implications of that, is that looking at a significant cost to you to upgrade the plant, that will be passed onto the people who are currently serviced by you; so that the potential for another rate increase exists, because of this?

Bruce Patrick: We're actually looking at the options as we speak. We're working with our internal staff; we're actually working with George, Miles and Buhr, as well. The new standards, there's a total nitrogen limit and a total phosphorous limit. When you look at the flows that exist today, we're actually meeting the limits. There's not a lot of breathing room in meeting those limits, so what we're doing, as an interim measure, Jerry mentioned ten years; to build a new plant, you're looking at a lot of money, \$10-12 million; we're looking at what can we add onto the end of the existing plant to get us through the next 10 years or 12 years, say; certainly at the most economical cost. We actually haven't honed in on exactly what we would add on, but we're looking at things such as membranes; we're looking at things such as packaged treatment

plans where we would split off a little portion of the flow, such that it would treat to a higher degree and blend it back together, prior to discharge. Ultimately, there's going to be some money that's going to have to be expended. It will not be anywhere near the cost of a new plant, the \$10-12 million. Hopefully over the next several months, at least hopefully by the end of the year, we'll hone in a little better on what process we're proposing and get that worked in, but we're in that process right now.

Councilman Collier: Alright, the bottom line is no matter what the expense, a fair portion of it will be passed onto the consumer.

Bruce Patrick: No matter if we invest in a future rate case, that would certainly have to be worked in, yes.

Councilman Collier: Alright, thank you.

Jerry Esposito: Just to clarify one thing, as you might remember, there was a little bit of controversy about our last rate case, Milton's rates were carved out separately. You have a five year increment and I think you're about half way through that, so those ratchets are in place right now. What I can't tell you is if the company TESI, files for a rate increase a year, a year and a half from now, whether or not the Public Service Commission will allow us to not file for a Milton rate because it's already established; whether or not we spend this money or not, or whether they will prevent us from asking for a rate increase; so I just want it to be clear, unless you live with the Public Service Commission process, as I think your counsel will attest to; it's not a straightforward process and simply us spending money doesn't necessarily mean that rates are going to go up; it takes a long time and as you might remember in the case a few years ago, our original request did not include Milton in the rate request, but the Public Service Commission made it harder for us to avoid that; let's put it that way. Other questions?

Vice Mayor Booros: Yes, I'd like to ask a question. Is the fact that in 2015 you're going to have to do some expansion to the existing plant; is the existing plant sufficient to cover the Town of Milton and is the problem that now you're pumping the sewerage in or you're trucking it in from Holland Mills and from other outlying areas; that's the reason the plant has to be expanded; not just because you can no longer service the Town of Milton with the existing plant?

Jerry Esposito: It's a very good question. The answer is...

Vice Mayor Booros: I don't think it was a question. I think it was a statement.

Jerry Esposito: No. No. No.

Vice Mayor Booros: Yes or no? The existing plant could not just support the Town of Milton.

Jerry Esposito: The existing plant can support the Town of Milton.

Vice Mayor Booros: Now that you're hauling it in and trucking it in and whatever the hell else you're doing to get it here, because I know they're there all the time and there's a pipeline run to Holland Mills and now the plant is going to have to be upgraded. Right?

Jerry Esposito: Yes, Sir. There's not a direct correlation there. Irrespective of whether or not the Holland Mills pipeline gets activated, which should be fairly soon, and let me clarify one other thing, which was asked about last September when we were here, the only waste hauler that should be coming there; I'm not there every day; is the Clean Delaware trucks, where we have a separate contract just for Holland Mills waste, which basically is taking the place of the pipe that is not yet activated, which should happen any time. Now that said, Bruce, you should answer the question about volume and loading.

Bruce Patrick: The BOD and the total _____ are extremely close. Is there a chance if we didn't add another drop to the system that we would be okay? I wouldn't want to go long term like that. We're extremely close to the limits on BOD, as we speak today; so I think certainly

the more you bring in, that results in a higher BOD loading to the plant; but I would not want to go long term, even with the existing load that's coming in with BOD today, because there's not enough room there. There's an average limit and there's a max limit and there's been a couple of months where we've actually struggled with it.

Vice Mayor Booros: So other than the other neighborhood across the street from Holland Mills, Anthem, which has already been approved to run the sewerage in from that neighborhood too, when that neighborhood is built; has that pipe been extended down past Holland Mills; did I notice this week or is that somebody else's pipe?

Bruce Patrick: I think that's actually somebody else's pipe. I think it's a water main, actually.

Vice Mayor Booros: Okay, it's a water main. Okay that's fine. I was on Walker Road this weekend and it was there. So we have Anthem. There's no other neighborhoods between...

Jerry Esposito: The only other project that has been considered is a project called Captain's Way, or whatever the new project is; and that may or may not come into Milton. It's several miles away. We talked to the developer who by the way is the same developer as Holland Mills. We have no wastewater service agreement with them. I don't know what they will be doing, but one of the options certainly is Milton. Those are the only projects that will be considered for Milton's wastewater plant. Just to give you a scope, Holland Mills and Anthem together are 200 homes at build out? Right now there's about 50 homes in Holland Mills and by the time the pace continues, whatever the upgrades and it's not an expansion by the way, it's an upgrade of the plant; I just want you to understand that, we're not trying to expand it, we're just trying to make it meet permit limits; the 50 homes in the scheme of things, with or without them, we would have to do these upgrades to meet the new permit limits anyway. I just want that message, at least, to be clear. Okay?

Bruce Patrick: Actually those homes will allow us to spread across a larger user base, because you're right, they would be required... The limits are close.

Vice Mayor Booros: Well you said not expansion, but you've asked to purchase additional land, other than the land sitting underneath the plant.

Jerry Esposito: No. Just the land. It's one parcel. Our records, through our appraiser, said that's one parcel. If it's a sub-divided plan, then we don't know that; then somebody correct us.

Mayor Jones: No, it is correct. It is one parcel, but just interesting you would purchase this very large part of this parcel, which is basically flood plain and wetlands.

Jerry Esposito: Right.

Mayor Jones: Any purpose for having to acquire the extra?

Jerry Esposito: Outside of the plan?

Mayor Jones: No, outside of the footprint; right outside of the fence.

Jerry Esposito: Outside of the fence; I know the distinction and in your appraisal book there's an aerial photograph that shows... The first meeting where we talked about this, with the Town, I thought there were two separate parcels...

Vice Mayor Booros: I did, up until just now.

Jerry Esposito: So we had no interest in the adjoining piece, I'll call it, until we saw that it's one piece. So our original plan was just to purchase the footprint plant, it just happens to be one large parcel.

Bruce Patrick: I don't think there's a whole lot you could use...

Jerry Esposito: Now if you read the appraisal, you'll see that it's somewhat limited and that probably why, so let me state the obvious, a lot of you expected the number to be higher and I was likewise... I didn't have any preconceived notions of what the value would be, but Mr. Masten is a fairly reputable appraiser, local, knows his business. That's the way it came out.

Mayor Jones: Does anyone else on Council have any questions of Tidewater? Thank you, Mr. Esposito. I think what we'll do besides public participation, which we're about to embark on; if someone has a comment to make on the issue here, perhaps you will go to the microphone and address the Council about your questions and concerns. If you'll stay Mr. Esposito. Is there anyone who would like to speak to that outside of the public participation you've signed up for?

Jerry Esposito: Certainly.

Ginny Weeks, 119 Clifton Street: There are rumors that fly around town and one of them is that you want some land on which to put a small power plant or a furnace, which would handle sludge. I'd like to know, is that true?

Jerry Esposito: We have no plans.

Mayor Jones: It's not the way I envisioned it, but if you would like to take that question, it looks like there are not going to be many for you. Are you alright with that?

Jerry Esposito: Part of what any wastewater plant looks at is sludge and solids management. The technology in the future is that you want to recover energy and heat and other things, so I can't say for the purposes of recovering methane that might be generated or not, that we wouldn't look at that; but if your question is do we have plans to make this like a regional electric generator where we sell power to the grid, no.

Ginny Weeks: That was not my question.

Jerry Esposito: Alright, go ahead, ask it again.

Bruce Patrick: No, there's no plans actually. Tidewater, as Jerry said, we try to look at different environmental options, how to essentially come out with renewable energy; we've looked at all of our facilities that we own. It takes a lot of land, actually. There's a couple of things you could look at. You could look at a wastewater treatment facility using anaerobic digestion, capturing those gases to generate power. You really need a facility 5 million gallons per day or bigger, to really make that work. This facility is nowhere near that size. We're at about 170,000, 180,000 gallons per day so that is not feasible really whatsoever, at a facility of this size. Another option that we like to look at, at different facilities, are what can we do with solar panels and to do anything meaningful with solar panels, to be able to sell it back to the grid, we've actually looked at that. You need substantially more room; perhaps up to 20 acres of solar panels, to generate close to what we would ultimately use, so this site is not amendable really for either of those, so I'm not sure...

Ginny Weeks: So you're not going to put a power plant or a furnace?

Bruce Patrick: No. I'm not sure where that surfaced.

Ginny Weeks: Thank you.

Mayor Jones: Thank you.

Ginny Weeks: I also have some comments on Tidewater.

Mayor Jones: I have that here. We'll talk about that. That's all. Council will be discussing this further.

John Oates, 115 Arch Street: Question for you, Bruce. You alluded several times to BOD. Could you give us an explanation of what that is? Thank you.

Bruce Patrick: It's the organic loading, essentially; it's the biodegradable oxygen demand that comes into the facility; that's one of the parameters that DNREC limits us in our permit. There's an average loading and a maximum loading. The average loading is 15 milligrams per liter, per day; the max is 23. All treatment plants are regulated on this organic matter and right now, overall we've done really well meeting it. We've actually struggled a couple of different months. If you remember, prior to Tidewater taking over the facility back in 2007, BOD was the big issue; BOD had several violations back in 2006, 2007; so there are several things that your

monitored for. It appears in this particular case that the BOD and the nitrogen are what I would call the limiting constituents, essentially; the two things that really need to be addressed. Typically they're addressed through filtration, through biological nutrient removal, as far as the nitrogen goes.

John Oates: As far as the technical side, you're over my head. My question concerns the additional load on the plant. Isn't that going to increase the BOD? I mean, we're talking about yeah it's spreading the cost over a larger base, but if we're at borderline or over during some months with BOD, isn't this going to be problematic?

Bruce Patrick: Perhaps what I'm trying to say is we're at borderlines probably a good word to use; we're very close to the limits, so we're going to have to implement some sort of add-on, I'll call it; something at the end of the system, whether it's a filter, something of that effect, to remove it, because we are that close, so that needs to be worked into the plans over the next 18 to 24 months. Will one additional drop result in a little more BOD? Absolutely, but whatever we add... We're going to have to add something, so whatever we add is not going to be increased to the magnitude that a few more drops or several more gallons is going to increase the cost in a dramatic fashion. Typically whatever you add onto the plant, is going to be in some sort of increment; whether it's a 50,000 gallons per day increment, or 100,000 gallons per day increment; you don't size it right down to the gallon, so to speak. What I was trying to say is because this has to be added onto the end of it, the few more users will make it easier to spread the cost across those users. If we had substantial breathing room today, then perhaps there would be no need to do it, but it's very close.

John Oates: Alright, so from a cost benefit point-of-view, this is a no brainer; from where you guys stand?

Bruce Patrick: Yes. Yes.

John Oates: Thank you.

Mayor Jones: Thank you.

Jerry Esposito: Let me be clear. Should we stay because there might be other questions, later? I don't want to leave early, but I see there's an agenda item...

Mayor Jones: There is an agenda item in which the Council will discuss this very proposal.

Jerry Esposito: So we should stay.

Mayor Jones: Thank you.

Jerry Esposito: Thank you for your time.

6. Public Participation

- Marianne Lester, 311 Mill Street: That's not too far from the river and it's appropriate that we're meeting so close to the river, actually, I think, because the river was the key to Milton's past success and I think it's the key to our future success. Every town, every city has to have an infrastructure and some people have to be in business to provide it and I think that's fine; but every town and city doesn't have to have it in our most crucial, most appealing, most attractive, most visible part of our future. In the past, in the 19th century, that was very common and we've seen many cities that have changed now; look at Wilmington and what used to be on the riverfront and what's on the riverfront now. I just think that the Council knows all this. I just urge you to remember, as you make these decisions, the company says that it wants certainty and flexibility and I think that's great; but I think the Town needs to have certainty and flexibility as well. We don't know that we're always going to want Tidewater to be our provider; so a day could come that we want to put it out for another bid, when this contract is over. If they already own the land,

that seems to limit us in some fashion. I would think that the Town wants to retain this land and ultimately to try to get our infrastructure things; our sewer treatment plant, not to be the most visible thing we see when we come into Milton, particularly from the water and to have our riverfront be someplace that's lined with parks and picnic tables and a walking path and even the part that's wetlands, can have a boardwalk with bike ramps and boat ramps and even someday, with careful planning, could have some riverside dining and this could become a destination. It is not going to be a destination if the main feature of our town is taken up by a sewerage treatment plant in any kind of other facility that's trying to modify the impact on the environment. So I think that the river is our greatest asset and we just shouldn't have it be, in the long run, in the hands of a private company or in the hands of these kind of infrastructures. Thank you.

Mayor Jones: Thank you.

- Jeff Dailey, 211 Gristmill Drive: Thank you very much Mayor and Council for allowing me to speak. I am addressing two topics that came up at the June 18th Planning and Zoning Commission meeting and from the get go, I want to share with you that I have real concerns over the Planning and Zoning process in our town. It has failed us time and time again and when I say that, it is through no fault of the people who have served on Planning and Zoning Commission in the past, nor those who serve on it at this time. My hat's off to them. I watched on Tuesday night, the 18th of June the entire Commission wrestle with so much. They were having difficulty making decisions and oftentimes because they did not have as much information on a given topic, as I believe some of the people in the audience and I would ask that Mayor and Council look into point of information, injections, from the audience, at Council Meetings like this, at Planning and Zoning Commission meetings and other committee meetings. For example, one of the items on the agenda was Chestnut Properties making application for a propane tank farm to serve Cannery Village. There has been a temporary tank farm. It now has to be increased in size. Well, this is fine, but if folks would remember, Dogfish Head Brewery bought a huge chunk of Cannery Village. The LPD has not been revisited since that land sale and what was intended on the original LPD as open space, is now going to be a tank farm; because the developer says there's no place to put it, because it was originally supposed to be on the 40 acres that was sold to Dogfish Head. Now, the Planning and Zoning Commission is sitting up there, many of the people, well-intentioned, don't know about this recent history. Some of them weren't aware that Cannery Village doesn't have a bond in place. There are so many authority figures who are living in Cannery Village. I'm not one of them. There are folks who are far smarter and have longer memories and take better notes and have addressed the Attorney General because in our state, HOA Communities are short-changed. The laws are not made to benefit the homeowner's, the purchaser, the customer; but they are there to cater to the developer, unfortunately. So anyhow, what I'm saying to Mayor and Council is, why is this even coming before Planning and Zoning Commission? You haven't revisited the LPD. I don't know what open space means; but it could mean that it's never to have anything on it; that it's there for quality of life; esthetic value. Now there's going to be a propane farm sitting there. People who purchased homes, many homes, are now going to overlook that propane farm with 10' high chain link fencing, with green slats through, to make it somewhat more attractive and hopefully trees that will grow up and camouflage it. So this was one challenge that was put before Planning and Zoning and they were, despite their best intentions, they were really out of their element. We have got to figure this out. The other

item, was preliminary... And also, with this tank farm, this will not come to Council. You will never get a recommendation from Planning and Zoning. It's a site plan approval, so it demonstrates that Planning and Zoning and Mayor and Council are going in different directions and quite frankly, until that LPD is revisited, I don't think Mayor and Council are doing it's job. I'm sorry I have to put it that way, but it's been a long time since that 40 acres was sold and there's been ample time now to put that on an agenda and workshop it. I would like to know what does open space mean? You can build a tank farm on it? Okay. The other is Fernmoor Homes at Heritage Creek a preliminary sub-division plan review and approval. There are going to be thirteen homes facing a common area in Heritage Creek. I believe, if I understood the drawing correctly, one street will go at the end of those thirteen homes. What this means, is that because a lane is servicing those thirteen homes from behind; emergency vehicles, tending to someone in one of those thirteen homes, has to be able to get a gurney in the back door. The houses will not be designed to accommodate that. Planning and Zoning didn't know this, even though the Town of Milton has a perfect example of this in Cannery Village. So, if I happen to buy a home in Heritage Creek, and I'm the thirteenth house from that one road and because they can't get in the back, they run the gurney down that sidewalk in front of the houses, which there will be a sidewalk in the common area, that's how many extra seconds before they get to me? Now Planning and Zoning could have said, that's fine. If that's your Master Plan to have thirteen houses facing a common area, those thirteen houses have got to be designed so that emergency people can come in the back way. They didn't say it. It will never happen. Someone will die, because of decisions that are being made by uninformed, well-intentioned people. My hat's off to everybody who serves this community; whether you step up and run for office; that goes for past elected officials too. The point is, we have got to get these things ironed out and Mayor and Council you have got to look at this LPD. It has changed. It is not what was approved in 1999 or 2000; two or three Mayors back. So we have work to do. It's not being done. This is the nuts and bolts of running a town and I'm sorry, I'm not satisfied. Thank you.

Seth Thompson: In terms of the site plan, Mr. Dailey is correct, that site plans go to Planning and Zoning. If a Council Member wants to entertain changing that, then we would have to amend the Town Code; so one of the Council Members would have to ask that that be put on the agenda. That's the reason... site plan's under your Code, only go to Planning and Zoning, which is different than your sub-divisions, which go to Planning and Zoning for recommendation and then come to Council for approval.

Mayor Jones: I'm curious about Mr. Dailey's comment. Is there a need for an update to the LPD since the sale of the Dogfish Head 40 acres? That's a question I've been having and I don't have an answer.

Vice Mayor Booros: I've asked that question a few times, even the Master Plan, whatever it is, 40 acres is gone.

Seth Thompson: Right. I think just for technical purposes, you probably refer to it as being the Master Plan has seemingly changed, because the LPD is really a zoning classification for the parcels, but that's...

Mayor Jones: Is there a need to have the Master Plan amended after the sale of the 40 acres?

Seth Thompson: Well the rezoning of the 40 acres, again, changed those 40 acres and took them out of the LPD; so you would need at whatever application comes forward, as far as the next phase for a sub-division. That would really be the appropriate time to

revisit how it fits in with the Master Plan, because the Master Plan is supposed to be all of those phases shown on one plan.

Vice Mayor Booros: I understand, but if one of those phases went away two years ago, shouldn't they have revised the Master Plan, to take out that phase?

Councilwoman Patterson: I have a question, is there a need to have the Master Plan amended to change open space? From what I understand about open space, it's added to the plan. It's changed so much... The scope has changed so much and Vice Mayor Booros has asked several times up here on Council to see what the changes are over there.

Vice Mayor Booros: Before they are allowed to do one more thing, make them do it in order.

Seth Thompson: I think it's important to understand, the Master Plan that we're referring to is really a series of conditions. It's not an actual map. It's basically an Ordinance that had a number of...

Councilwoman Patterson: But isn't open space a condition that has to stay? If they're changing that... It's not just a site plan change, that's a change in the scope of the area.

Seth Thompson: Right. That's right. They had certain minimum open space requirements...

Councilwoman Patterson: So all of that's changed with the sale and as Council, it's changing the scope of Cannery Village and people are retired and living there and own homes over there and...

Vice Mayor Booros: Including the commercial property. The commercial property was based on the parcel, the whole development and now the development has shrunk, which means the commercial property sitting there on the corner of Cave Neck Road and Sam Lucas, should not all be commercial anymore.

Seth Thompson: Well that would be a rezoning issue, as opposed to a Master Plan issue.

Vice Mayor Booros: There are a lot of issues regarding this development and they need to be looked at.

Seth Thompson: I could be mistaken, but I think the temporary propane field was actually calculated in your open space; so moving it to the permanent location, you're not going to change the number.

Councilwoman Patterson: Yeah, but you're putting it in an area right next to a \$2 million beautiful facility and then you're going to put in something that's going to negate from that; it changes the whole scope of the project and like Vice Mayor Booros and I said, we would like to see the new scope of the project and so what can we do, as Council?

Seth Thompson: The problem is that the way your Code reads, there isn't some sort of affirmative mechanism for the Town forcing the developer to come in with a revised Master Plan; they typically do that when they're looking for additional sub-division approval on the next phase. The way the Code reads, again, there's not something that the Town... We can't issue a rule to show cause order and have them come in and explain themselves. It's normally, the Town is receiving an application and if that application doesn't comport with the Master Plan, then there needs to be a second element of that application that being the revision to the Master Plan and I think the way your Code sets it up, if it's a material revision to the Master Plan, there needs to be Public Hearing.

Councilwoman Patterson: What prevents them from coming in and saying well let's put the tank farm right in the middle of the grand open space, when you drive into the development? It just seems very arbitrary.

Seth Thompson: The site plan process would be what would prevent that.

Councilwoman Patterson: Okay. Well we're changing the site plan by moving this tank farm, so...

Seth Thompson: Right.

Vice Mayor Booros: And that change was made by Planning and Zoning without coming to Council, right?

Seth Thompson: Right, site plans go to Planning and Zoning.

Vice Mayor Booros: Then maybe that needs to be fixed.

Seth Thompson: Again, it's just fixing your Code, so if that's an Ordinance that the Council wants to consider, we would just need to draft it; the question is whether it would fall under... whether it touches zoning enough that you would need a Public Hearing; I would expect so and you'd probably want one anyway. Notice in the newspaper.

Vice Mayor Booros: Absolutely.

- Ed Kost, 230 Sundance Lane: Just as an aside, on the open space issue that was being discussed, I have the approved sub-division plans and the temporary location for the tank farm is open space. It was never intended to be there. The new location is open space. So they're taking some of the open space and converting it into a commercial venture. I think, if Planning and Zoning had considered that, there would be a different look into this whole discussion. They just didn't understand what was going on. I'm not here to speak on that, though. Tonight I have two requests of Council. One, you're going to discuss our streets, Cannery Village's streets. What I would like to hear during the discussion is for the Town's attorney to outline the various options Council may have and what action he would recommend Council take with regard to those options. So we in the audience, could understand what Council may be making it's decision on. Two, Council, it appears, may go into Executive Session to discuss this. You have that right. What I would like to do, is have Council, if it makes a decision in Executive Session, come back and tell the resident's of Cannery Village what that decision would be and why it was made. We're the victims here. We've lived with this thing for ten years. I've only been here six, but I'm sure that some of these folks out here have been here for ten; we'd like to know what our fate is. When I look at this thing, ten years, they've sold 180 lots. At our last Homeowner's Association meeting, about a month ago, the developer's announced they're starting to save money to fix our streets. They've sold 180... and now they're starting to save money; when there are only 40 some odd lots left to sell. That's where we stand in this thing. I'm now a member of Streets and Sidewalks and I'm here to tell Council that Village Center Boulevard is the worst street in Milton and it's just there and it's going to remain that way until somebody does something. The only one who can do something is you folks. We, in the Homeowner's Association, have tried. We tried to figure out if we can raise enough money to sue and it's just not there. You represent us. You have to do something to get us out of this mess. Chestnut Properties when you've spoken to them about fixing things, they simply stonewalled you. As far as they're concerned, you don't have a say in the deal. They're going to make us wait until they get around to it, if they get around to it; and if they don't get around to it, they leave us holding the bag, all these folks who live in Cannery Village and you are going to be right with us, holding the bag. None of us want to be holding that bag. Thank you.
- Ginny Weeks, 119 Clifton Street: Everything you've heard at this microphone tonight is the result of not having a plan for this town. Nobody has a two-year plan, a five-year plan. Nobody has ever said what do we want it to look like. The Comprehensive Plan is a

laugh, because it's done piecemeal. Everything that's done in this Town is done piecemeal; it's always catch up and unless you guys take the bull by the horn and set up a group, somehow, to start envisioning what the possibilities in this Town, which are great and what needs to be done to protect them and fulfill it, you're going to continue playing catch up and every month people are going to be up here saying, why did you do that? You just don't have a plan. It's not you seven people, you the Town just simply don't have a plan on who we are, what we should look like. You know that I've been moaning and groaning about the shape of the town and how the houses are ill repaired and the roofs are falling off and people don't wash their houses and don't keep them clean. You have an Economic Development group trying like mad to get something going downtown, but I want you to put it in your mind that you're somebody coming to Milton to look to invest and as you go by the houses close to the town center on Union Street, it says these people aren't invested; these people aren't going to spend money here. When you come down Mulberry Street, as you get close to the Town Center, the houses get worse. The lawns aren't kept. I'm not talking about Palm Beach HOA type stuff; just neat and clean. Look at the roofs, look at the paint. There's a guy on Union Street that I moved here nine years ago and he still hasn't fixed his front porch. How long does the rest of the town have to look at that? He's got a damn garden, a black tube coming off his roof, rather than a gutter on one of what could be one of the most beautiful homes in Milton and should be protected. Tidewater, please, not a square inch of land to them. They have not been good neighbors. They have \$1.5 million in their pocket that they didn't pay, that was part of the agreement for the 18 acres. If we can't sell them the 18 acres, use that \$1.5 million to buy land somewhere else and move that atrocity out of town please. That's why they got the deal; because they were willing to tear it down and move it out and now they're not going to do it. They have saved \$1.5 million; they have money to buy land. They have money to start the process. It's our money, because that was part of what we should have been paid for that. Sam Lucas land. Does anybody know what's happened to Sam Lucas? The For Sale sign is down. Is it in foreclosure? Does anybody know? No. Well, you know what I think, if they don't give us the 20 acres, undo the annexation agreement; just don't do it; get rid of them. Second of all, the LPD. Other people have done it and I personally have come to the Post administration, the Newlands administration and this administration and said you have got to put a moratorium on the LPD and you have got to fix it. You have two more huge parcels of land within the town that are LPD. You have the Sam Lucas and you have Dr. White's and if you don't fix it now, 20 years from now, the Council is going to be sitting here listening to the same things. The other thing is we've got to get them off the river. Marion Lister was right. The river is one of our prize... could be one of our prize possessions. Look at what Lewes has done with the Canal Front Park? Any town you go to that has a river, makes it a place for the gathering of people to enjoy their homes and their town. Not a sewer plant, please. Not a square inch. Thank you. One other thing I wanted to tell you, I think if you look at the zoning map, I think you will see that all of Dogfish is in the LPD. Thank you.

- Richard Miller: Thank you Mayor and Council. Before I start, I just wanted to put public service in context. Yesterday in Arizona, 19 firefighters lost their lives and it does call, at least to my mind, the role that our first responders have, whether it's police, fire, or paramedic and the role that our public servants have. So again, you're not being beat up; you're really being thanked because you're the ear we have and yesterday's tragedy just bring sit to mind for me. So thanks to all those different groups. What I wanted to

mention tonight was I've been in Milton for probably 7 to 8 years and it was already mentioned that the neighborhood I live in has been under development for about 10 years. So if you step back from that, that's probably five administrations politically; two developers and ten years. So a lot of folks have had input, but the one common theme is the problem is still not resolved and I'm going to ask Council just to consider a couple of options and these are just food for thought. One option is that you get creative in how we get those roads in Cannery Village fixed. It's beyond talking. It's not funny anymore. The one thing that joins every Cannery Village resident, is the horrendous condition of those roads. We're getting so long in the tooth, that we could qualify as an exhibit for the Historical Society. This thing is 10 years, ruts and grooves and it's not funny anymore. One of the conditions, or one of the solutions, that I would propose, to at least think about is, the option of public money. We wanted to have a bond issue on the water issue and have the Town vote on it. I'd like the Council to get creative in how we can float a public bond and have the developer's assets put up as security to secure that bond. We need those roads fixed. Now the answer may be yea or nay and that's not for me to decide, because I don't know how that financing would work; but there's got to be creative solutions. The other solution is, given the demographics of where I live, 180 homes and with the election cycle, we could have two more seats on this Council and given the number of homes who vote in Milton, we could have control of any Resolution that goes through this town, so I'm asking this Council to get creative in solving this problem and it's not who shot John first; that came ten years ago. It's evolved. The one common bond that Cannery Village has every owner, every resident, is those damned roads and if you want to see us come together as a unified entity, just give us a chance to vote on it; because the next election there will be more Cannery Village residents at this table and we have enough votes to carry any election in the town; so please help us fix our roads. Thank you.

- William Buddy Nunziata, 317 Brick Lane, Cannery Village: I'm going to speak about the roads and signage, but first I wanted to talk about the thing that came up about the LPD, as opposed to a Master Plan. I know Councilwoman Patterson and Vice Mayor Booros were trying to get an answer from Mr. Thompson and it reminded me of an Arthur Murray dance studio. It seemed like you were just dancing around that instead of getting an answer, because I still don't know what an LPD, as opposed to a Master Plan is. I've been to a couple of Council Meetings and I still can't get that answer. Okay, my questions on the roads are this. It's what if. This is a fact. The police, at one time, a year ago, a year and a half ago, entered the wrong house because there was no sign and they went into the wrong house, the back door was open. Luckily the homeowner's were not home. If the homeowner's were home in their basement watching TV and they heard somebody coming in upstairs, they would have thought they were being burglarized. If the guy would have had a shotgun in his basement, or a baseball bat, came up the stairs, what would have happened? It could have been a disaster and quite frankly, the Town would have been responsible because they know about the signage problem. What if... This is also a fact, more than once, ambulances have gone to the wrong house. What if the person that was calling the ambulance died or got more seriously injured because of the loss of time? The Town again would have been responsible, because they know about the problem. What if the police are responding to a call in Cannery Village and they go over and rip out the underside of their car over that mountain that's by the clubhouse; whatever that address is; it's right in the middle of the street and it's been there for years.

Town knows about it. It's been reported. What if that police car can't get to the emergency, whatever it is, and a disaster happens? The Town is responsible for that, because they know about it and they've known about for years. I've been there 5-1/2 years and this issue has been coming up; it's been stated before that this issue has been going on... Cannery Village started 10 years ago, so let's give the first five years a break, because of the economy and everything. These next five years... It's been 10 years now and the roads are getting worse and worse every day and nothing is being done. Thank you.

- D. Rodriguez, 200 Summer Walk Boulevard: I'm addressing the issue with the roads at Cannery Village and thus, Milton. According to Wikipedia.org, "The world's oldest known paved road was laid in Egypt sometime between 2600 and 2200 B.C." Those ancient roads once led to and around a beautiful, vibrant, thriving towns, villages and cities. Even then they understood how important roads were to the survival of a community. It is now 8 years, A.C.; eight years at Cannery. Our roads lie in ruins. The question here today is, do we want to make Milton the beautiful, vibrant and thriving town it can be, or do we want it to lie in ruins? Our history lies in our decisions. Thank you.
- Don Shandler: Mayor and Council, I'm delighted to have the opportunity to speak to you tonight, not just in regard to the item I'll share with you in a moment, but this is I think one of the first Town Council meetings that I've attended where I have to say, I agree and applaud everything that's been said previously. I think we have tremendous intellectual capital in this room. You have some very bright, talented people and the Council would be foolish not to think of tonight as a significant turning point where we take into play and consider these recommendations. These were outstanding, so I applaud my fellow town members here. I'm essentially reviewing something I brought up ten months ago and sort of following the tradition of things don't move too quickly in Milton; this is only ten months old and not to make light, by the way, of Cannery Village; our grandchildren are visiting us and they call it bumpery village; so that's the nickname we've gotten. But, I'm bringing up essentially a request that I made of the Council and Police Chief September 17th at a Council Meeting and it was to consider purchasing and installing as soon as dollars were available, solar power radar speed signs on Route 5; about a mile stretch beginning a little before Cannery Village on Route 5 and going past Heritage Creek. In my recommendation at that time, and for the people in the audience, I presented a couple of points. One, the reason requested, a suggested solution and benefits; budgeting and approximate cost. I should indicate that the reason I brought it up is I walk several miles 3, 4 times a week on Route 5 and it fascinates me that, it's clearly marked that the speed is reduced from 50 to 35 miles going each way, and there are police cars there as schedules permit, I would say the majority of the cars going by are not going 35 or 45; the end of the day, on weekends, 50, 60 miles an hour; school buses, trucks, cars. It's extremely hazardous. If I lived in Heritage Creek, I'd be really concerned, particularly with the growth that taking place there. There are cyclists on the road. There are runners on the road. There are walkers on the road. It's just infuriating to see people race through town; many of them, either vacationers or construction workers. So I think there's a public safety issue here. So I suggested I think in terms of not having speeding tickets, but building good community relations as Rehoboth and Lewes have done; I think having a warning to people what your speed is, prior to the 35 mile sign being posted, could go a long way. It would really be a proactive way, I think, to support

some of the favorable things about the town. When I did present this ten months ago, the police chief at the Council Meeting, acknowledged that he thought it was a good idea, a number of Council Members supported it; members in the audience supported it; Chief Phillips indicated that it was a question of funding. He would look at grant money and see what he could come up with and cost. Well, unfortunately, despite this being brought up a number of times, nothing has happened and I really think this is a public safety issue. We talk about the town's responsibility. I think, and we have two reporters here, I think if there's somebody struck down by a speeding car, when the Town of Milton has clearly known for years that we're not enforcing the speed limit, there's a social and legal responsibility; so essentially the Chief supported the idea. Unfortunately no money was found and I tried to stay with it. I'm bringing it up again because the budget cycle is coming up and I think that this is something that needs to be addressed. In fact, Chief Phillips mentioned not only the two signs I was recommending for Route 5, but he could think of other locations that this type of solar powered radar sign would work. So I'm essentially saying the cost, by the way, and I think Chief Phillips indicated he could probably find them cheaper; but permanently installed, they were about \$5,000 a unit. I really encourage the Town and the Town Council and the Chief of Police to take this as a very, very serious measure. Unless you're satisfied with the fact that people drive 50 and 60 miles every day, right down Route 5, in front of Heritage Creek and right through Cannery Village. I think this is an urgent matter. It's not optional. It's not a luxury. It's essential and I encourage the Council, and at next week's Finance Committee, I'll make the recommendation again to give it the fullest consideration. So thank you very much.

Chief Phillips: Madame Mayor, can I address that please? Yes, I remember talking to you back then and at that time, we had already... the budget was pretty much narrowed down and I agree that there are things that need to be done and I advised you that this budget I was going to get grants and do work on it, so all I can tell you is, now that we're working on it, I've already reached out to Rehoboth and other departments and I found out where they bought there's from and I got the prices and with this budget we were planning on using grants for that. So basically, we just didn't have time to get into it, because we already had the budget done from last year.

7. Additions or Corrections to the Agenda

Mayor Jones: Are there any additions or corrections to the agenda? Hearing none, do I hear a motion?

8. Agenda Approval

Councilman Collier: Motion to approve the agenda, as written.

Vice Mayor Booros: Second.

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

9. Presentation and Approval of Minutes: May 13, 2013

Mayor Jones: Does anyone have any comments or corrections?

Councilwoman Parker-Selby: Just a comment. I remember when I first became a member of the Town Council, I had mentioned about minutes and the difficulty for someone in reading the jumbled words and so forth. I would like to in these minutes, which are May, I would like for us to go back to that, I think. Vice Mayor Booros and I both were talking about it at the last

meeting, because I went out and did a little research on some of the other towns and the minutes are the main important points for us to read before meetings and if anyone, I'm sure, wants to hear every word, they can go to the Town Hall to hear the tapes, or something like that. I think we really need to look at that. It's mentioned in here and I thought I'd make a comment about.. we do need to pay attention to what we're going to do with the minutes for clarity and make it so the people can read them in a less timely manner than what we have to do now. Other than that, I have no other comment.

Mayor Jones: Mr. Abbott would you like to comment on the decision that was made about the minutes and how we'll be keeping them?

Win Abbott: We are transcribing every word that is said to the best of the ability of the transcriptionist for Council Meetings, Planning and Zoning Commission Meetings, the Historic Preservation Commission and Board of Adjustments. All other meetings we're having a committee secretary take down the minutes and then we have a recording available at Town Hall if anybody wishes to hear that. However, the transcriptionist does just that, transcribes, so what we say is going to be written down.

Councilwoman Parker-Selby: So online we're saying we have to read all these, just like we have here, and even when we get the packets; not the important points from the conversations?

Win Abbott: The transcriptionist... I want to try and put this very delicately. The transcriptionist is not going to reword what it is that you say. That would diminish the truthfulness of what is being put into writing, so what we say at the Council Meetings is going to be transcribed into our minutes for Council Meetings.

Councilwoman Parker-Selby: I guess I understand. I just don't like having to sit up and read double sided papers and so forth to get main points out of here.

Mayor Jones: The decision was made that the minutes that could have legal ramifications would need to be transcribed as close to verbatim as possible. Without a recording secretary in addition, there's no one here on Council to give the high points, as there are on the other committee's.

Councilwoman Parker-Selby: Okay.

Councilman Collier: I make a motion that we approve the minutes as submitted, please.

Councilman West: Second.

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

10. Mayor's Report

Mayor Jones: I have just a couple of pieces. You'll find at your places at the table a couple of additions, a couple of folks removed from committee's; you'll see a few extras have been added to our Ad Hoc Committee which is on target to meet on the 8th of July and Councilwoman Patterson has graciously accepted the invitation to go back up on to Economic Development, along with another business owner here in town, Mr. Reed. So I give this to you for consideration, pending the ethics forms that are necessary.

Councilman Collier: Motion to approve the appointments pending ethics forms.

Councilman West: Second.

Mayor Jones: Is there any discussion? All in favor say aye. Opposed. Motion carried. This was brought to my attention by a member of the Lion's Club. We did have a young man who resides here, his family, his folks Mr. and Mrs. James Farrell of Atlantic Street, Tobias Toby Farrell, received his Eagle Scout Medal on June 23rd. He does work on Wednesday nights at the train. He's only 15 years old, if anyone would like to come out and congratulate him, you'll find him working. He's a shadow of Mr. Collier's there on Wednesday evening. The other the time has

come to give thanks once more, to the service of the Milton Garden Club. Anyone here tonight who is with the Milton Garden Club certainly a shout out to you and to all members who take the time and the volunteer hours to make the addition as Milton as beautiful as they are and I'd like to read this briefly to you. "Honoring the service of the Milton Garden Club. Whereas the Milton Garden Club provides hundreds of hours of volunteer service each year in service to the Town of Milton, and whereas the beautification of our downtown Memorial Park and Governor's Walk is an integral part of the quality of life for Milton; and whereas the Town of Milton and the Milton Garden Club have, for several years, partnered in their effort to maintain the beauty of our community; NOW THEREFORE, the Milton Town Council does honor the service of the Milton Garden Club in both word and deed; continuing our partnership a \$3,000 annual grant is now provided for the planting and maintenance of flowers and ornamental plants. From the Milton Mayor and Council. Thank you very much." That is all I have for a very brief Mayor's Report.

11. Discussion of Written Committee Reports

a. Cannery Village Signage Ad Hoc Committee

Bob Frazier, 227 Summer Walk, Cannery Village: You've heard concerns from our fellow neighbors about problems in Cannery Village and hopefully tonight, we're going to be able to report that I think we're closing in very soon on enough information for the Council to make a decision on how they want to proceed with the EMS and Emergency Response issues. Thanks to Mr. Abbott's efforts, we were able to meet with our one bidder, Quillen Signs, on the 19th of this month. We did a 100% walk through of the entire Cannery Village; not surprisingly their response was the same as everybody else; I think some of you walked through with us last year; was who designed this, anyway? But we stopped at every location where a sign was going to be needed; talked about the type of sign we felt was needed, in accordance with the Request for Proposal, which we felt they weren't quite responsive to; and I think they now understand exactly what it is, is needed to solve the problem. Mr. Abbott told me this evening that he had received a call from them and they have reworked their numbers. I have no idea if they're going to go up or down, so soon we should have a new number from Quillen that should be accurate, in accordance with the Request for Proposal, so that we will be able to present that... Mr. Abbott will be able to present that to the Council and we can see where we go from there. I think my fellow committee member here, Bob, may have some comments, as well.

Bob Weston, 300 Gristmill Drive, Cannery Village: I'm primarily here in case you have any detailed questions on why we have all three series of signs needed. I can answer pretty much any question you've got. Is anybody concerned about the various three series of signs and if they're a real value to all those three series? I heard there were some objections to, for instance, the garage signs.

Mayor Jones: I have to admit Mr. Weston, those signs are not in my package to look at this evening.

Bob Weston: Descriptions of them, or pictures? Is that what you mean, Ma'am?

Mayor Jones: Well yes and I do remember that, I believe, the garage signs were being turned more into a vertical piece than what we have seen.

Bob Weston: Correct. I think Quillen is about to supply us with something that looked more like it would look, rather than the original proposal which was... Believe me, Theresa really knew a lot about these signs; however, she's been with me on this for

over a year and a half and a lot of those illustrations were the original illustrations; since the most recent meeting, she's very clear on the fact that we know we need a vertical sign; horizontal signs won't fit. We know that we need to replace the numbers and the names. We know that the 911 Commission is very serious about those garage signs and they are an integral part of the requirement of those signs. It's not cosmetic, it's not helpful, it's necessary. The illustration was given earlier about the one house that was broken into, excuse me entered by the police, by mistake. This is the whole reason, because on the back of the house you're in a given paved area, either a Street, or a Lane, or whatever, because it's a paved area and you can't tell that one side of this paved area is addressed to one street and the other side of this paved area is addressed to a different street. The only way that's ever going to happen is uniform signs on the back of every garage. And the only way that's going to happen, is to have... Are we going to go to every house and say you have to have this sign? Everybody would put up a different sign and they no longer will look official; this is how 911 looked at it; that these signs wouldn't look official and people wouldn't deal with them the way they should; same thing with the hotel type signs; that's the same issue. They have to look official. They have to be directive to people, otherwise, they don't follow them. So this is a long, hard considered circumstance. It wasn't frivolity that made us propose three series of signs. I just needed to make that clear.

Mayor Jones: When I hear a remedy coming from the group, the Sussex Mapping Group, I like to understand where it all went wrong. When those signs were placed in your neighborhood, it must have been a collaborative effort between your engineers and our own. Is there any explanation as far back as that... definitive explanation, not conjecture, not guessing... Is there any, because I can't seem to...

Bob Weston: I'm going to give you, as a trained, long-time designer; I'm going to give you an estimate of my opinion and it is my opinion.

Mayor Jones: This may not be true, but it's your estimate right?

Bob Weston: Exactly. It's an opinion. I've worked with architects all my life. I know how they operate and I guarantee you somebody was doing their very level best to get the developer as many houses as they could on this odd shaped piece of land. They came up with this alignment and all of a sudden they had all these houses and somebody said, how are we going to number them? And they all sat around a table for weeks anguishing, until somebody came up with this plan; and everybody thought, thank God and they just said okay. And then nobody else ever looked at it. That's what happened.

Bob Frazier: Probably even more than that, I don't think that the developer and the designer even thought about the issue of response for emergency personnel. If any of you have been over to Cannery Village the way that the development was designed, it was supposed to be very esthetically pleasing; we have green areas, which is where these issues happen, where houses face a green area, which Mr. Dailey talked about earlier and one of the new developments... then that is the issue, is the houses don't face a street and in addition, as Bob pointed out, there's alleys behind all our houses and the garages face the rear and all of this was considered, I think, to be esthetically pleasing; but it just doesn't work for emergency response personnel.

Bob Weston: Let me add one more thing, our developer, Pret Dyer, has been heard to say and to me he said, nobody should ever build a rear loaded development again. He said that.

Vice Mayor Booros: Now, I would like to say something. I was at that Planning and

Zoning meeting with Mr. Dailey a couple of weeks ago, when our Planning and Zoning Commission recommended that a rear loading thirteen houses in Heritage Creek and they're just going to wait around to see what you all come up with and they're going to use... That's exactly what it was and they're recommending that Council approve those thirteen rear loading houses; that one side of the alley is an address on one street and the other side of the alley is the address of the alley. The exact same thing, and ten years from now, some of you all are going to still be in this room, because I'll be in Florida somewhere, you're going to be in this room fighting over the same thing in Heritage Creek, because somebody got killed, like Mr. Dailey said in one of those thirteen houses; the police went in... But as recently as two weeks ago our Planning and Zoning Commission, two people who live in your neighborhood on that committee, said oh yeah. We'll just do whatever they figure out.

Seth Thompson: But one of the issues... That's how it's designed on the Master Plan for that community, though.

Vice Mayor Booros: I understand your point.

Seth Thompson: Which was approved by Council.

Unidentified Speaker: What's the Master Plan? Or an LPD?

Seth Thompson: A Master Plan is a...

Ed Kost: Can I answer that please? I was on the Planning and Zoning Commission. I think I can answer what an LPD is, may I? I'm asking permission from the Mayor.

Mayor Jones: Mr. Kost, make it please. I thought this was going to be a short meeting.

Ed Kost: Ginny Weeks and I were on Planning and Zoning Commission together. Ginny was Chairman and what is an LPD? Let's use Cannery Village. Cannery Village when it was started was zoned R-1; which allows 10,000 square foot cookie cutter lots; no adjoining houses, town-type homes. The LPD is only permitted on parcels greater than 25 acres. It's an overlay. If you have greater than 25 acres, you can build an LPD; if you don't, you can't. Even though both are zoned R-1 to start with. The LPD is a trade-off. You're allowed to build on much smaller lots than 10,000 square feet. My lot's 3,000 square feet. Much smaller lots, but the trade-off is open space; you must create open space. That's where the controversy of the tank farm comes in. The other trade-off is that you're allowed to build commercial space, 1 acre for every 50 homes. That's from our ordinance, correct Ginny?

Ginny Weeks: Yes.

Ed Kost: Thank you and that's what we've got now. Is there a master drawing? Yes there is. There is a master drawing. Where is Robin? Robin has a copy of it. When I was on the Planning and Zoning Commission and we were considering things, I wanted to see the drawing; bring the drawing; the Town has a drawing and on the drawing it has a chart. It tells you so many acres, they're allowed to have 538 homes, so much open space, so much commercial space; there's a little chart on the drawing and then it has a whole list of other things concerning all sorts of other things, about how you build this place. I sent to Council and Planning and Zoning Commission a revised chart, based on the acreage that remains. I did this based on drawings I got from the Town and it says that they're not allowed; and I have a letter from the Town's Engineer, where he states that they had so many acres, 538, they got so many acres left, proportionately; they're only allowed to build this much. If you take all the acreage that's left, they're allowed to build 317 more houses... total houses, less whatever they've built to date, which includes the condo's and Cannery Village Phase 2. I forget what that number is, but it's not a lot.

The sign they've got out there with 137 houses for sale, that isn't going to work. There isn't enough land. In the Master Plan, Phase 3B, is all commercial space. They don't have enough houses to warrant that much commercial space. Their whole concept of what they wanted to build, no longer exists. Now I agree with your attorney, you can't really order the developer to come in and submit a new Master Plan. I've designed these things in a number of states and when you were talking about how it's done, I did it. This is what I did and for your information, all we ever did is we put numbers on 1, 2, 3 for all the houses; the post offices actually supplied the numbers, as to what the house numbers were going to be. We never did that part; that's how it's done, the post office. I ran into that problem already.

Mayor Jones: Thank you Mr. Kost. I'm going to direct the question to Robin, then, procedurally; we did not get to the answer. Procedurally, surely there is information that's reviewed by the engineer, perhaps even the County when it comes to numbering homes. Can you give a brief description of how that works?

Robin Davis: What happens when a sub-division is approved by Council, or a phase of a sub-division, the Record Plan is signed by the Mayor and attested by the Secretary, copies are sent over, or taken over by the applicant, over to the Recorder of Deeds and that Record Plan is recorded. After it gets recorded, a copy of that gets sent to the Sussex County Mapping Section and the individuals over there assign parcel numbers to the individual parcels in that sub-division. When that is done, it comes back to the Town, or the Town gets notified and the Town places the addresses on those parcels; then the next step would be forwarding that information to the 911 Addressing, who then posts it in their system.

Mayor Jones: So you are saying Town assigns those numbers after receiving those assignments from Sussex County Mapping?

Robin Davis: After receiving the parcel numbers for the individual... yes, then we assign the physical address for each parcel and lot.

Mayor Jones: So is there an explanation as to how we got to homes that are so confusing to find? Was something missed, or something we didn't take into consideration? Anything you can put your finger on?

Robin Davis: Again, Cannery Village was done previous to me being in my position, so I don't know the reasoning why Mr. Evans addressed it the way he did; but the issue is the open space, the big issue is houses facing open space. They have to have some sort of address. Talking to the county people, they will not address a home to a sidewalk or an open space; so it has to be addressed to some sort of street; so the next best thing to the ones in Cannery Village was the alley; but on the next street over, there are homes that do face a street, but then do have the rear to that alley, so there's a disparity in the one side being Gristmill and the other side being Sundance.

Bob Weston: Madame Mayor, excuse me. The 911 Commission talked about this and we actually suggested to Megan at 911, that perhaps we could name these sidewalks, Mews, or something. Something that we could get some real solid logic and exactly what Robin just described, is what they said. The don't want any homes to be addressed to sidewalks; so we can't do it. We can't do the logical, simple way to solve this problem; they won't allow it.

Unidentified Speaker: Excuse me. It would seem for the future not to allow back door addressing and Vice Mayor Booros, the two people who are agreeing to wait and see what Cannery Village does for the Heritage Creek version; I don't think they're... I pretty

much know, they weren't well versed enough in what Cannery Village is doing to take that position.

Bob Weston: With all due respect, anybody who hasn't toured it, with a guide, isn't aware of the circumstances in Cannery Village. They are that bad.

Mayor Jones: Are there any other questions or comments by Council? Mr. Weston and Mr. Frazier, you'll have some figures some us; you'll be back yet to Council with this?

Bob Weston: We had hoped to have them tonight, but as it turns out they weren't quite ready, so we can probably have them early next week.

Mayor Jones: Okay. Thank you.

b. Personnel Committee

Win Abbott: We do not have a report from the Personnel Committee.

Mayor Jones: Okay.

c. Streets and Sidewalks

Councilman Collier: I distributed to the members of Council, a report for the Streets and Sidewalks from 6/20. I guess I can review this item by item if you want; or you can read it and ask questions. It's entirely up to you. What would be your preference, Madame Mayor?

Mayor Jones: Well, I attended your meeting. This is certainly a synopsis of your meeting, so if you would review this briefly for the public and for the Council, I'd appreciate it.

Councilman Collier: Meeting was held 6/20/13 at Library at 6:30 p.m. The following issues were brought forth and discussed and actions taken. The first couple are results of comments and concerns, from both the public and members of Council and the first item that we discussed was the intersection of Wharton and Atlantic and Chestnut Streets, to possibly become a four-way stop intersection. The investigation was done into the criteria for a four-way stop; it was outlined in the Delaware Manual for Uniform Traffic Control Devices and it was determined that it did not meet all the criteria; however, there is criteria for enhanced signage that could be installed and a request for consideration was afforded to the appropriate DelDOT official and attached is an email and their response, which I'm not going to read. It was a positive response. They are going to take a look at it. The same instance occurred at the intersection of 16 and State Route 5; we asked about enhanced signage, because the one thing, although there are signs posted for no passing on the shoulders, it continues to be a problem. So we've asked for enhanced signage and they seem amiable into looking into it and I should get a report back as to what their actions will be. The next issue we discussed was the widening of Chandler Street at Union, and it was determined through a little research on my part, that there may be enough existing right-of-way, to potentially widen Chandler Street at the intersection. It would require some utility poles to be relocated and the streets widened additionally. As anybody knows who has taken a right turn off of Union Street onto Chandler to go to the park, it's a little tight and we're just trying to open that up somewhat and make it a little more navigable. This was sent to the engineer for an estimate of cost and possible submission for Community Transportation Funding. Then the final thing we got to discuss and this is ongoing and is not done yet, was regarding sidewalks and who is ultimately responsible for the repair and the committee generally agreed that each resident should be responsible for the repair of sidewalks. While it's

unfortunate that all resident's were not recipients of sidewalks paid for by various grants throughout the years, those who may have, should still have the responsibility for future repairs as required. It was also recognized that the sidewalk ordinance as it currently exists has several flaws and must be strengthened to include possible penalties for non-compliance. It was also recognized that the Police Department needs to step up enforcement of Title XXI Regulations regarding sidewalks; vehicles parked on the sidewalks; and the other thing that was recognized by the committee was that until the Town of Milton steps up and sets an example by addressing needed sidewalk repairs of sidewalks, they're responsible, primarily on Magnolia Street and the Governor's Walk, cooperation of property owners could be hampered. The next Streets and Sidewalks Meeting will be July 10, 2013 and we will continue discussions regarding sidewalks and review of project estimates project estimates procured by Public Works Director and these estimates are for projects deemed high priority by Public Works and cover multiple locations throughout Milton. That's pretty much a synopsis of the meeting.

Mayor Jones: Thank you. Councilman Collier the only question I have, are you going to give any consideration to how to strengthen, you'd be speaking to our Town Manager and are your Streets and Sidewalks going to come forward, with a possible penalty for non-compliance recommendation?

Councilman Collier: That's still under discussion. Unfortunately we ran out of time as we got to that part of the discussion, but I would imagine that when it's all said and done, that there will probably be some recommendation that will eventually end up in the hands of the Charter and Ordinance Review Committee for review, if not the Solicitor and we will decide that at the appropriate time, once we have some sort of basis.

Mayor Jones: So right now, even though the Charter and Ordinance Review Committee calls for the homeowner to be responsible, even upon notification, there is no consequence for non-compliance, correct?

Councilman Collier: Not at this time. In fact, the ordinance calls for the Chief of Police or the Town Clerk to be the one to make the determination as to which sidewalks need to be repaired and I'm not sure those are the appropriate officials within town to make that decision; so there is a need to strengthen these.

12. Town Manager Report

Win Abbott: Yes, Madame Mayor and Council. You'll find within your packets a Town Manager's report for June, 2013. On the front page, I make a particular point about the fact that residents of the Town of Milton enjoy services that far exceed the costs that they pay in terms of taxes and fees; and this is because of the many volunteers in our community and also the participation of our business community in supporting different things that we do. We recognized the Milton Garden Club earlier. I make a point to put out the value of services that we receive from the Milton Fire Department and also list the sponsors from our summer concert series. On the second page of the Town Manager's report, you'll find a recap of some of the grant opportunities that we have availed ourselves to and I also make a point to itemize the Community Transportation Fund. This discretionary funding that our state legislators get and the Town of Milton has not been able to secure quite as much of the CTF funding, because we were not in a shovel ready position; therefore, we've taken steps in order to engineer certain projects ahead of time, so that we can be in the front of the line when it comes to getting some of these grant dollars from our legislators when the new fiscal year begins. Those are the

highlights of the Town Manager's report.

Mayor Jones: Any comments or discussion?

Councilwoman Parker-Selby: I have a question. I noticed the sponsors for the Music in the Park. How are they approached? A couple of restaurants aren't on here and I was wondering if they participated, Bay Leaf and Miltonian. Just curious.

Win Abbott: A former town councilman by the name of Charlie Fleetwood has been our number one, our volunteer, to go out and solicit these contributions. I'm not sure if he's expanded his reach of the businesses that he reaches out to on an annual basis. I can say that with help from the Delaware Division of the Arts, we've been able to exceed the cost of actually bringing this to town and be able to afford doing things like buying American Flags for passing out on July 4th. I'll be sure to mention to him those other opportunities.

Councilwoman Parker-Selby: I was just wondering, since a lot of people do frequent Miltonian and Bay Leaf.

Win Abbott: Yes, Ma'am.

Councilwoman Patterson: Mr. Abbott, I have a question about the grant that was awarded for signage. It says signs to instruct travelers to our business and other attractions will be placed along roads that pass by Milton. What is the scope of the project?

Win Abbott: This is from the Economic Development Committee and this was a USDA, Department of Agriculture Rural Business Economic Development Grant and that was just approved and we've promised that we will spend the funds during the next fiscal year and we just did that just in the past week or so, so we would be going back to the Economic Development Committee so we can take the next steps and specify any particular locations and style and request for quotations for the signs and so on.

Councilwoman Patterson: Great, I look forward to picking that up when I'm back on Economic Development Committee. Thank you.

Mayor Jones: Were we able to take advantage of Rep. Smyk's gift? We were. Okay.

Councilman West: Also, to enlighten Councilwoman Parker-Selby, Charlie does reach out to every business in town and some of them say yes and some of them say no.

Councilwoman Parker-Selby: That's why I was curious.

Councilman West: And that's why you'll see on the program, where a certain person would have two or three sponsors, because he can take and combine two or three, where they would be willing to give \$200 and it costs us \$1,000 to have that thing and he'll put two or three together to get the amount. Some people say yes and some people say no to him.

Councilwoman Parker-Selby: I was just wondering. I know Mr. Fleetwood has worked hard on this for years. I did know that.

Councilwoman Patterson: Plus it fills up quickly. There's only so many weeks and we actually didn't get on it this year, but we've been on it in the past, so just sort of first come to get on it.

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

Mayor Jones: We'll start with the Police report. Chief, under Domestic Incidents, 12; does that indicate the number of calls that were responded to?

Chief Phillips: Yes, Ma'am. That would be correct.

Mayor Jones: Thank you.

Councilwoman Parker-Selby: Chief, we have 25 assisting other agencies. What would those be, State Police?

Chief Phillips: That would be State Police. It could be the fire company. It could be Milford or Seaford asking us to go check on an address or check on a missing person or stolen motor

vehicle, or things like that.

Councilwoman Parker-Selby: I see we're increased from April to May.

Vice Mayor Booros: Chief, I'm going to ask a general question. On the back here, does West Shore Drive in Wagamon's West Shores is this the same streetlight reported since February; it's now July? Who do we report those to?

Chief Phillips: I don't have the exact name, but there's a lady that we email and fax to that takes care of that, supposedly. Which one was that again? I'll check on that again.

Vice Mayor Booros: It's on the back there. It says Wagamon's West Shores. Light out, wires exposed.

Chief Phillips: Light and wire exposed. Okay, I'll follow up on that.

Mayor Jones: Anything on Code Enforcement or Project Coordinator?

Vice Mayor Booros: I do have a question on the Code Department, June 2013; business license and rental licenses issued, 28 this month. We have a run on businesses?

Robin Davis: That is combined, so I can't tell right off the top of my head if it's 28 of one or the other; I don't know if it's 14/14. It's a business license and rental license altogether. If you'd like, next month or starting forward, I can separate them out.

Vice Mayor Booros: Yeah, because I think they're two separate issues.

Mayor Jones: The question on the Code Enforcer's report; grass certified 2; is that a letter, a certified letter by the time it gets to that point?

Robin Davis: Yes, that's correct.

Vice Mayor Booros: And one more from me, Robin. Is the permit, or the approval that was issued to Casa San Francisco to do what they're doing; whatever they're doing? They inquired about starting construction of a new building. Is that permit still good, from when it was issued?

Seth Thompson: They're going to have to come back. They need to get their approvals from the outside agencies first and then come to the Town. They're going to need to... It's been several years.

Vice Mayor Booros: Yes, that's why I was wondering. Okay. I know one more, the grass cutting, the violations from the... I'm all about the grass being too high, mine gets that way occasionally, but Madame Mayor, I see a lot of tall grass and a heck of a lot of not inquiring about buildings that are falling in and caving in and falling down and garbage in people's yards and too many cars parked in people's yards.

Mayor Jones: Actually, I was looking specifically for a residence, a rather large parcel on Mulberry Street where the grass is growing up through the sidewalks and the curb and I don't see that on my list for having been addressed in the month of June.

Vice Mayor Booros: But I'm talking about violations other than grass.

Mayor Jones: I understand.

Vice Mayor Booros: There aren't any. Town looks good, but it doesn't quite look that good.

Chief Phillips: Madame Mayor, if I could also... I've got a couple of people complain about bushes around stop signs and stuff like that and blockage and hard to see on different intersections.

Mayor Jones: Do you have a list of those, Chief?

Chief Phillips: I was waiting for some subjects to get back to me on that, but there are quite a few out there that are blocking different views. I'll get the list and get it to everybody though.

Mayor Jones: Okay. I've been trying to watch the signs there along Route 16, so that they're not blocking the Do Not Pull on the Shoulder of the Road, they often do. Just trying to stay ahead of those, but if you have that list given to you, perhaps you'll give that to Mr. Abbott and Mr. Russum. A question about a complaint taken this past week, a trash hauler doing business

before hours. Mr. Abbott and Mr. Davis, you were not here. Mr. Abbott can you give me anything on whether or not Mr. Trotta contacted that trash hauler.

Win Abbott: I contacted all trash haulers in writing late last week, so I don't have a resolution to any particular issue. We first had to work through the issues as to what parts of our Code actually did apply to it, so I could structure my letter to them, to make sure that we were very clear about that and once again, all of the trash haulers were contacted, in writing, late last week. I'll be following up this week with a phone call to make sure that they understand what we expect of them in terms of the timing of their service.

Mayor Jones: Okay and we also had a store downtown that was to address the window, their windows and we were waiting for a sub-contractor to come in and remove that. Has that happened yet?

Win Abbott: Yes.

Mayor Jones: It has, wonderful. Then my question morphs into, is that the same kind of an ordinance that we needed to look at for a similar building at a different location in our town; one that covers all the front glass?

Win Abbott: I'm sorry, I don't follow you.

Mayor Jones: I didn't know whether the same issue, which actually is also occurring at another location, at a same type of business; whether it was simply applicable because we were in the middle of town center in the covering of windows. I didn't know if the other business had been addressed, or looked at?

Win Abbott: No.

Councilwoman Parker-Selby: I have a question, Mayor. Mr. Abbott, what is the time that the people move the trash in the mornings? What is the timeframe?

Win Abbott: Well it should not be occurring before 6 am.

Councilwoman Parker-Selby: Okay, good.

Mayor Jones: Anything else on the Code Department, before going to the Public Works?

Councilwoman Parker-Selby: I'd just like to say in reference to why I'm asking that, so the public will know; a gentleman, I can't remember his name, asked about the trash removal and I chimed in because we were having a situation out on 16 at Kwik-Stop and I one day got up and went and followed to see who it was and it was like 5:30 in the morning or something and that has been going on for quite a while; so that's why I asked you what time. Now I'll keep my ears opened and watch my clock. Thank you.

Mayor Jones: Anything on Public Works? Mr. Russum, I see you've identified the ditch in question that we talked about?

Councilman Collier: Alright, well I was going to ask a question regarding that and I've read what you've written Mr. Russum and I understand your point. In order for the Town not to assume any liability or get into any liability issues would it be prudent to obtain, either a trespass agreement or a drainage easement for cleaning the drainage? Every time you go onto private property with Town equipment and Town forces, you place the Town at a liability of some sort. I realize it's a good public service and everything, but it's been my experience that when you're going to do work on somebody else's property, that it's a wise thing to do and it would be my suggestion that this be considered. I'm sure that the adjoining property owner's would probably not have a problem allowing an easement, as such, or a trespass agreement; but I think it would wise to obtain such before you perform that service again and define within that what you are doing and what your responsibility is and if it's cleaning the ditch, it's cleaning the ditch. I'm still not thrilled with you taking down the phragmites, because they're not going to go away; they're just going to keep coming back and I don't think the Town's in a position to

assume the expense of killing phragmites or anything else, because until you maintain the entire area, which would include the pond that adjoins the ditch, you're not going to resolve that problem; so I would... but I would take a look at that. I think it's just a wise move on the part of the Town.

Dustan Russum: Okay.

Councilman Collier: Thank you.

Mayor Jones: Does the ditch get cleaned any more than once a year, Mr. Russum?

Dustan Russum: We just clean it once a year, usually, in February/March, that timeframe.

Seth Thompson: If you need a sample License Agreement or an Easement, I can send you one.

Dustan Russum: Okay.

Mayor Jones: And when you cut that for proper drainage, how far off of the curb do you need to cut that to obtain that drainage?

Dustan Russum: There's really no set measurement. We just cut it. I mean, we get free help; there's 13 guys there. I start them in one area and say stop here. So there's no set distance width, nothing.

Mayor Jones: Well my question is, is it something that the land owner needs to be responsible for; if it affects our drainage, is my... as far as care of the property?

Seth Thompson: I think you have a Property Maintenance section in your Code; it looks like it's Chapter 158.

Mayor Jones: I'll look that over. Thank you.

Councilman Collier: One more question for you, Mr. Russum. I see that you took care of that pothole on Tobin Street and I was wondering if you've had the opportunity to patch anymore, if you had the materials available to patch anymore, or if that was the only pothole you patched in town?

Dustan Russum: We patched a couple of them down there on New Street, when we did the one on Tobin.

Councilman Collier: Alright, fine, thank you.

Mayor Jones: It says spray weed killer on walkways. Can you tell me on the dates of these reports, Mr. Russum, where it was you sprayed?

Dustan Russum: I can't tell you the days by going off of this report.

Mayor Jones: Oh no, no, not the date, I just meant in the timeframe this is your report from last month and I asked specifically because of Governor's Walk having a significant amount of grass.

Dustan Russum: Correct. This issue has been addressed to me, not by you, but other members. It's been an ongoing battle for the past two months of killing these weeds; we're seven inches above normal rainfall this time of year. Weed killer is just not working; it's not affecting. I sprayed myself before the Horseshoe Crab Festival, the sidewalk out here in this park and I also sprayed over in Mill Park. Greg Wingo has actually sprayed also since then in both parks and also with the streets. I'm only limited to certain chemicals I can use, which is using generic Round Up. I can't use anything harsher, because it would be harmful to pets or people, so I've asked their supply house if there's something else that we can use. There's nothing we can use.

Mayor Jones: Is the Town spraying the weeds in the street gutters and curbing?

Dustan Russum: We have, yes. In the past two weeks there hasn't been anything sprayed; there's been nothing but rain.

Mayor Jones: Anything else for department reports?

14. Finance Report and Revenue/Expenditures Report

Win Abbott: Madame Mayor, I'll be brief. This represents our activities for the period ending 5/31/13, which is 67% of the fiscal year. You'll see that we're at 95% of revenue and our expenditures are at approximately 64-78%, depending upon the departments that they have. Of course, some expenditures are front loaded, because they're annual licenses and so on, so this is not unusual. A key thing is that last month we did do an amendment to the annual budget and the amendment is not reflected in the report that you see right now. It didn't go in until June 1st, even though it was adopted at the May 13th meeting, so when you look at the figures that both myself and our Treasurer represent to you this evening, you will not see the changes that we adopted on May 13th reflected in there. Those will show up next month in the June report.

Mayor Jones: Are there any questions on this report? The Treasurer's Report Councilman Cote.

Councilman Cote: Well it doesn't reflect anything much different then Mr. Abbott stated.

Revenues for the General Fund are ahead of budget, basically because all of the property taxes are recorded in March when they're billed. Expenditures are slightly ahead in total, but as Mr. Abbott mentioned, we have some one-time charges in there, which will get us a little bit ahead, but should even out by the end of the year. In the proprietary fund, revenues are a little bit ahead and expenditures, I think, my recollection was they are about on target. They may be a little bit ahead, but again it's some one-time charges. Anybody have any questions?

Mayor Jones: Nothing on money. The only comment I have is I do see that this print-out is slightly a different format, but I did not find it any easier without bold print to run from one category to another. Mine didn't print out that well.

Councilman Cote: I thought the sub-totals worked. Wait a minute, am I using the same one... Yeah, I thought the sub-totals worked out. I don't know the gray lines were the department totals. I'm more used to looking at financial reports then most; so I mean, it helped me...

Mayor Jones: No, actually Councilman, I was talking about Page 6, back of the Audit Trail, where it has basically come out of category 250 into 300 and I'm just not able to tell that's Police, except reading Police under the word Salaries. That's what I had meant to bold. But thank you. I did see the other portion at the front end, the Revenue and Expenditures. Yes. Thank you.

Councilman Cote: And there was one other small item. I don't know that we made any progress on it; I had asked Mr. Abbott to look into this on the list of account balances on the legal size page, there's an account for Governor's Walk that we were going to look into. I don't know if any progress has been made on that. Thank you.

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

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

Seth Thompson: This ordinance, we had done this in the past with a few of our other potential maximums for fines. This just changes with regard to a business license. The fine currently would be between \$100 and \$300; this changes it to between \$50 and \$99, so that the person can't transfer the violation over to the Court of Common Pleas and instead it could stay in the Justice of the Peace Court where the Code Enforcement Officer could essentially serve as the Prosecutor, rather than you guys using the Town Solicitor. Any questions?

Mayor Jones: This is just a one-time fine. This isn't per day, for every day, you do not have this license. Is that correct?

Seth Thompson: Well the current Code provides that each day is a separate offense, so you could cite the person every single day. I can tell you that the Judges don't

particularly like that, but the Code does define it that way, that you could continuously cite someone every day that they aren't in compliance.

Mayor Jones: Any questions, comments for this change in the Ordinance? Are you just looking for a vote to approve?

Seth Thompson: Yes, please.

Vice Mayor Booros: I make a motion that we approve the revised ordinance to amend the Town Code related to penalties for a violation of the town ordinance requiring a business license.

Councilman West: Second.

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

- b. Mutual Aid Agreement between municipal utility systems (Delaware W.A.R.N.) – second reading

Councilman Collier: I would like to make a motion that we enter into this agreement.

Vice Mayor Booros: Second.

Mayor Jones: Any discussion? I have only a question. I do see it does not obligate our employees to always respond to area emergencies. Is this a decision that you would make as Town Manager, dependent upon manpower and the town's own needs? Do you have any parameters of your own?

Win Abbott: Yes, Ma'am. It comes down to our manpower situation; so if we're fully staffed with four persons then we could probably afford to send two and still be able to cover issues at Town. If we're down to just two persons, as we are at some points during this spring, then no, we could not respond.

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

- c. Status of Paving Plan for Cannery Village

Seth Thompson: The Council might remember that I issued a letter requesting that the developer submit basically a proposed plan for paving. I did speak with the developer after sending the letter. I believe the letter required... It was supposed to be prior to our June meeting and here we are in July; I haven't received anything. I take it that the Town has not received anything.

Councilman Cote: Mr. Thompson, I had separate occasion to speak with the representative of Chestnut Properties in question and inquired as to where that might be and his response was, that he didn't feel he had committed to anything and that it must be a misunderstanding on the Town's part. That's all that was... that it must have been a misunderstanding, because he didn't feel he had committed to anything.

Jeff Dailey: Madame Mayor, point of order, please.

Mayor Jones: Let us finish the discussion please.

Seth Thompson: I think the letter was straightforward and it wasn't really looking for a commitment from him, so much as a submission.

Mayor Jones: A plan. Alright so we've sent the letter. We have received no response. We still have the need. What's next.

Councilman Collier: I have one real simple question. Okay it's been obviously concluded at this table that first and foremost Cannery Village is a sub-division and an LPD is a zoning overlay, tagged on a sub-division; then tell me, where does 188-37 come into play in this whole circumstance; which says Performance Guarantees Required.

Seth Thompson: Right. The prior sub-division ordinance had similar language in terms of requiring a Performance Guarantee; so I frankly don't see much of a debate on that element. Now Council might remember that their initial response was that that requirement had been waived... I wasn't able to locate anything that reflected that; so there was a prior comment during public participation; frankly, as the attorney I don't own your attorney/client privilege. It's the client's. So I, as an attorney, I'm not free to speak in public about the legal advice that I might provide to my client. Now what you guys do with it, I suppose it's up to you; you're in a little bit different of a situation in the sense that as a public official, you're governed by the Code of Conduct in the Delaware Code, as well; so it's a little bit different situation from our regular attorney/client relationship. Anyway I would prefer; again, it's not my privilege, so I'm not going to inform the public of what my legal advice to you might be. I would want to do that in Executive Session, because frankly I think it compromises your position.

Vice Mayor Booros: I agree.

Councilman Collier: Alright, then I would like to take this to Executive Session, because before I can proceed, I need some answers, but I want the answer to my question that I just asked.

Seth Thompson: And we're properly noticed for the Executive Session.

Councilman Cote: I agree too.

Councilman Collier: Procedurally, how do I move this to Executive Session, Madame Mayor?

Mayor Jones: It's, I believe you'll find that it's already been noticed and ready to be discussed.

Councilman Collier: Do I need to make a motion to table this until after we come out of Executive Session?

Seth Thompson: No, because if you look at number 18...

Councilman Collier: I understand that it's on there, but I want to make sure that we do this procedurally correct, because...

Seth Thompson: You can take items out of order, if you so choose. I suspect the public would probably want us to finish our regular business, so that the people that aren't necessarily interested in that topic could go home.

Councilman Collier: Well I agree with that. I just want to make sure that we've moved this to Executive Session and I will get my answer. Thank you.

16. New Business

a. Sale of 6.31 acre lot on Front Street to Tidewater Utilities

Mayor Jones: You received your packages from Masten Realty for this parcel. The aerial view really did provide an excellent scope of the piece that we're talking about here. Would anyone like to open this discussion on Council?

Councilman Collier: I saw the package. I read it. I did not bring it with me this evening. It was nicely prepared. What the package didn't do for me, nor did any of the conversation tonight; I absolutely don't see where there's any advantage to the Town letting go of this piece of property. Of course, they're offering to financially compensate us with it, but I'm not so sure that it's worth it. I still have hopes that someday things will turn around and maybe Tidewater will get to build their new plant wherever they choose; but I'm not ready to act as far as releasing the ownership of that property to Tidewater at this time.

Councilman West: If that's a motion, Councilman Collier...

Councilman Collier: No, Sir, it's not a motion, it's a comment.

Councilman West: If you make a motion, I'll second it. Because I want to tell you, the people of this Town and Tidewater... Tidewater has bullied their way through a lot of people's minds and we feel that we were sold out to you and you've not been living up to your parts of the bargain. Like Councilman Collier, I do not feel that we should sell you that land. We should lease it to you.

Vice Mayor Booros: Is that a motion?

Councilman West: No. I make a motion that we lease the land to Tidewater and not sell it to them.

Vice Mayor Booros: I have a problem with that motion; because I would take the position...

Mayor Jones: We have a motion on the table. Wait for discussion a moment. Do I hear a second?

Councilwoman Parker-Selby: There was no second. I didn't hear a second.

Mayor Jones: That's what I said. I said there's a motion on the table. We're waiting for a second.

Councilman West: Then I'll rescind my motion, but that's the feelings of a lot of people in this Town, Mr. Esposito. I'm sorry, but you have not been a good... had good relationships with this Town, because we feel that we were all sold out to you by certain people and then you tell us one thing, you come up here and you stand and you tell the people one thing and then when they question you, you change your answers. How can we believe you on this deal?

Councilman Collier: Councilman West, while you have a very good point; I have to admit that Tidewater Environmental Services has delivered us everything they promised; all you had to do was read the documents. They promised that they wouldn't raise the rates, if the Public Service Commission approved that; but the Public Service Commission did not approve that. They promised a new plant, if we got certain growth; well, even if their projected numbers and the growth at that time, it wasn't going to make deadline at the _____, but everything that they gave us; they gave us exactly what they promised and well, most people around here know that I fought against that very hardly and I can't really sit here and belittle Mr. Esposito for not delivering on his promises, because he gave us exactly what was promised in their contract. You just had to read the contract. As far as the sale of land, if the people at this table are looking for a motion, I move that we do not sell the land at this time.

Councilman West: I'll second that motion.

Mayor Jones: We have a motion to not sell the property and we have a second. Is there any discussion? Alright, I have a discussion. This would have been a means and I applaud the first attempt at a means of some type of income for this Town, which time in the last almost six years received nothing from Tidewater, being on that property; so I do think that we need to consider negotiating with the utility company, as to some other way that we may realize that revenue without the sale of the property. So we have a motion and a second on the table to not sell the property to Tidewater, along the river. Let's have a roll call vote:

Vice Mayor Booros

No. Yes? No? Wait a minute.

Mayor Jones: It would be a no.

Vice Mayor Booros It would be a no.

Seth Thompson: Are you in... The motion was... So you oppose the motion.

Councilman Cote: Wait a minute, what's the motion? Repeat the motion please.

Vice Mayor Booros: Yes, no, I'm sorry.

Councilman Cote: Repeat the motion please.

Vice Mayor Booros Yes, we're not selling that piece of land

Councilman West Yes

Councilwoman Patterson Yes

Councilman Cote Yes

Councilwoman Parker-Selby Yes

Councilman Collier Yes

Mayor Jones Yes

Mayor Jones: It's unanimous. Thank you. We will have to discuss further. I asked a question of Mr. Thompson, when Tidewater made their presentation; this parcel, whether or not it has the ability to be divided. This is all town-owned land and much of which is not valuable to the utility, at all.

Seth Thompson: I think, technically, it would be a partition. We're only dividing it... Well, as long as you're only going into two parcels.

Councilman Collier: It's a partition, yes.

Mayor Jones: Okay.

b. Purchase of street signs in Cannery Village

Mayor Jones: Though I find that would be difficult without having an estimate in front of us. Is there information available Mr Abbott?

Win Abbott: Not at this time.

Mayor Jones: Okay.

Councilman Collier: I'd like to move that we table this until such time that we have an estimate.

Councilwoman Patterson: I second.

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

c. Hiring Moratorium

Councilman Collier: I brought this to the agenda, because it was my understanding that the department was going to be losing two additional officers and may have already lost two additional officers and the only reason I would encourage Mayor and Council to consider imposing a hiring moratorium for at least 90 days would be to enable the Ad Hoc Police Committee to comprehensively examine manpower and assess the Police Department's needs to provide 24 hour coverage for the resident's of Milton. I'd also ask that this be revisited in no more than 90 days, pending the outcome of the committee's report. I think it's kind of important at this time, because I know that the Police Department has currently been capped at nine officers and the question would be do we need nine now? Because we may find that we could do with less, if we take a good, long, hard look at scheduling. I realize that until they can hire, that this may create problems, but the way I look at it is, if it means somebody that's normally sitting behind a desk has to come out of the office and go on patrol, then sobeit. If coverages have to be shifted, sobeit. The object is to do the best job to provide 90 day coverage and if it

means flexibility on the parts of some of our officers, then let them be flexible. But I think it's important that the manpower issue be assessed and determined before we allow any hiring to occur in the Police Department.

Vice Mayor Booros: Can I ask a question? If 90 days from today's date, would there still be sufficient time to get recruits into the next Academy?

Councilman Collier: I can't answer that, the Chief would have to answer that for you.

Vice Mayor Booros: I don't know when the next Academy starts.

Chief Phillips: Word has it that it starts in September, so if we don't start testing and doing anything now, we will not make it by then.

Vice Mayor Booros: But after that, when is the next Academy after September?

Chief Phillips: I don't have the answer to that; it could be six months; it could be a year. I just don't know. I don't think they know.

Mayor Jones: The only thing I would have to say is that if they put together an Academy in September and they could; that would be a quick turnaround; our recruit doesn't come out of this Academy until the 5th of August.

Vice Mayor Booros: Of next year?

Mayor Jones: This year.

Vice Mayor Booros: This year.

Mayor Jones: Right.

Chief Phillips: What?

Mayor Jones: Our recruit went in in March, comes out in August; so a September Academy would be a very fast turnaround for them; I'm not saying that they would not do that, but it would be a quick turnaround for them to do.

Chief Phillips: I'm not sure I follow what you said about getting out of the Academy.

Mayor Jones: The recruit that Rehoboth has in the Academy right now, doesn't come out until the 5th of August, which would make September a very fast turnaround to up another class.

Chief Phillips: Oh, I'm sorry. Right. At this stage, that's a proposed date. That doesn't mean... it could be another 30 days after that, but that's the date that they told us, last time that we talked to them. It all depends if Milford is looking to hire, like five more, so they're going to have a class for them and if they get enough... supposedly if they get 8 to 10 people, they'll have a class.

Councilman Collier: Chief, for my information, how many officers are you looking at losing in the next 90 days that you know of?

Chief Phillips: Well by the end of this week there will be three going.

Councilman Collier: And that will bring your force down to...

Chief Phillips: Seven, but actually six, because the other guy is out on maternity leave until the end of August. So summer's coming and...

Councilman Collier: Alright, thank you.

Mayor Jones: Any other discussion? I can say that it was the objective of even the previous administration to take a look at the scheduling and manpower needs. I take responsibility for this Ad Hoc Committee not having been able to meet before the 8th of July, but I would surely like to give them the opportunity to work with the Chief to make sure that they come up with a plan for 24 hour coverage and assess the needs. It's a delicate balance of time.

Councilman Cote: Is there any idea when the committee might have an answer to that question?

Mayor Jones: I don't think so. They meet for the first time on the 8th. They are charged, knowing that that's their priority, but I can't make any predictions on that.

Councilman Cote: So we could have rolling 90 day moratoriums?

Councilman Collier: My proposal is to revisit it in no more than 90 days; we could revisit it next month if...

Mayor Jones: Next month.

Councilman Collier: Or, on the same token, at the end of 90 days we could extend it for two weeks or another 90 days; is the way that I viewed it, but I think that it's kind of prudent at this time, if we jump off and hire three officers and then our committee reports that well you guys could do this with seven; then there we are again with an overstaffed Police Department and the Police Department is still by and large, is a large part of the budget of the Town and it makes it difficult to offer greater salaries because of a larger number of individuals, so this may be a win/win for everybody all the way around. We may reduce the police budget with the right manpower; we may be able to offer better salaries and enable the Chief, instead of having to hire raw recruits, get certified officers and put them right on the street; but that all remains to be seen. It kind of hinges on this report, but...

Councilman Cote: It also ties into the budget process, where we have to budget some money and I think your first meeting is the 10th of July to see that budget.

Councilman Collier: Understood, but budgets can be rewritten at any time, as well, or adjusted accordingly. We review ours every six months, we can review it monthly, if need be. I understand your point. It's kind of hard for the Chief to write a number down, if he doesn't know how many people he's going to have, so he's got to take a leap of faith...

Vice Mayor Booros: The number the Chief writes down is the amount of officers he needs. He says he needs. Not what we're telling him he needs to give us.

Councilman Collier: I understand that.

Vice Mayor Booros: So it shouldn't be very hard at all for the Chief to give us a number for that budget meeting of what he thinks he needs to run his department; that doesn't mean that the Ad Hoc Committee isn't going to tear that apart. It doesn't mean the Ad Hoc Committee is not going to give him more. But I think the Chief's capable of giving us that number.

Mayor Jones: Does that number have any bearing on your feeling on a moratorium?

Vice Mayor Booros: No, not at all.

Mayor Jones: Okay.

Vice Mayor Booros: I just meant for budget purposes, I wouldn't even bring the budget into this, because it's his job to give us the budget he feels he needs to run his department.

Mayor Jones: Okay. Any other discussion on this issue? Any action or a motion on this issue? Recommendation to table it? Bring it back?

Seth Thompson: You can table it for next month?

Mayor Jones: Does anybody want to...

Vice Mayor Booros: I just assumed Councilman Collier was going to make the motion, because he brought it to the table.

Councilman Collier: Well, if that's all you're waiting for, then I move that we consider the moratorium for 90 days to revisit in no more than 90 days.

Vice Mayor Booros: I'll second it.

Mayor Jones: We have a motion and a second for a no greater than 90 day moratorium before it's revisited on the table. Is there further discussion? All those in favor say aye. Opposed. Motion carried.

17. Executive Session

Councilman Collier: Motion to go into Executive Session.

Jeff Dailey: Madame Mayor, point of information before Executive Session.

Mayor Jones: Go ahead, Mr. Dailey.

Jeff Dailey, 211 Gristmill Drive: This is a point of information regarding agenda item no. 15, Old Business, c.; status of paving plan for Cannery Village. Mr. Thompson and two council members were at the June 18th Planning and Zoning Commission meeting. One of the items discussed by Pret Dyer of Chestnut Properties; he made a presentation on how he would prepare an alley in Cannery Village to lead up to a driveway that would lead up to a propane farm that would be engineered by Poore's Propane; so Mr. Dyer was at that meeting, because he was responsible in doing a presentation regarding the preparation of a roadway leading up to the other folks' propane farm. The reason I bring this up, is there is a ponding issue on this alley and with two council members present and the Town Attorney there, Mr. Dyer made a promise that he would pave to remedy the ponding issue and it was within a timeframe. I believe, within six months; so I want to know that two council members and the attorney, if this is discussed in Executive Session will bring this up and thank you.

Mayor Jones: We have a motion to go into Executive Session.

Councilman Cote: Well, I'd like to respond to Mr. Dailey briefly. Mr. Dyer's promise was not to pave that road, it was to put in a storm drain that was called for, but not there.

Mayor Jones: We have a motion on the table to go into Executive Session.

Councilwoman Patterson: I second.

Mayor Jones: All those in favor aye. Opposed. Motion carried. Executive Session began at 8:56 p.m.

- a. Discussion/strategy session involving legal advice or opinion from an attorney-at-law, with respect to potential litigation, when an open meeting would have an adverse effect on the litigation position
- b. Personnel matter in which the name, competency and abilities of an individual employee are discussed

Mayor Jones: Can we have a motion to come out of Executive Session?

Councilman Collier: Motion to come out of Executive Session.

Councilman Cote: Second.

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

18. Possible vote on matters discussed in Executive Session

Seth Thompson: Madame Mayor, we need a motion to approve the Offer of Settlement and if that offer isn't accepted; approving preparation of a litigation budget and draft Complain.

Mayor Jones: May we make an offer based on that language right there?

Seth Thompson: Correct.

Councilman Collier: So moved.

Councilman West: I'll second that.

19. Mayor Jones: All in favor say aye. Opposed. Motion carried.
Adjournment
Vice Mayor Booros: Motion to adjourn.
Councilwoman Parker-Selby: Second
Mayor Jones: Discussion? All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 10:58 p.m.