

Milton Town Council Meeting
Milton Theater, 110 Union Street
Monday, September 8, 2008
7:00 p.m.

1. Public Participation

John Collier, 301 Coulter Street: I chose to speak about the budget for a few moments this evening. First of all, I would like to thank the Council and all the Department Managers for their hard work in trying to trim the deficit out of the budget. I think it was an admirable job, well done, thank you. In looking over the documents, a couple of things did pop out at me and I just thought I would throw these out here for thought. First of all, I noticed that Demolition Permits are \$50 and it seems to me that that probably doesn't even cover the administrative cost of a demolition permit, let alone anything else to consider, like the fact that you have to send your Code Enforcer out to inspect the site once the permit has been completed, or even the loss of revenue because now you've removed the improvements from this particular site and you're no longer getting the assessment value that you once had. I thought that maybe the Council might want to consider for thought, adding an inspection fee as part of the permit process, and considering 1/4 of a percent (0.25) of the assessed value of the improvement that's removed, in addition to the \$50 for the fee and the inspection costs. It may not generate much revenue, but every little bit helps at this date and time. The second thing that jumped out at me is rental licenses and I believe that one of the Council people thought that commercial rentals should come under that, as well and I think that's a very good idea. But the thing that also crossed my mind was why should a rental license be any less than a general services license for a business? It's a pass through cost for everybody that rents something; they certainly don't sit there and say I can't raise my rent to cover this additional cost. That's the first thing they do when they have an additional cost is raise the rent, so it's a pass through cost. I would like to see the Town consider at least raising it to the same as a business license for general services. Finally, I would like to encourage the Council again to consider voting to return their Council salaries for this fiscal year. I think it would be a great gesture on everyone's part. I realize that it is in the Charter that you receive one, but it doesn't say that you have to accept it; and I believe under Robert's Rules of Order, which we may or may not follow, depending upon the circumstance, that you can, as a standing rule, have a motion, a second, and a quorum to return the salaries for any given period of time; whether it be for one month; the entire fiscal year; or forever; and anytime you want to change it, you just return and rescind the standing rule. Thank you, that's all I have.

Norman Lester, 111 Morgan Way: I'm not actually going to address the budget, but I am going to address some of the steps that were necessary to go through to obtain answers to and pose questions about the budget. I posed some questions, or through FOIA, about certain documentation, procedures, etc. and the Town Clerk apparently has placed herself as the intermediary for all these questions and

I had a question the other day which concerned the accounting in the budget. She said everything has gone to Mr. Sombar. Now, I'm sure we have a fairly highly paid Director of Finance, and I'm not sure why we pay Mr. Sombar, to answer a pretty simple question. One of the things I also asked for was a copy of the internal control procedures manual, for the Town. It seems there isn't one and that concerns me because internal control procedures for those who don't know what it is, it is the set of procedures set in place to make sure, at least to safeguard the assets of the Town, in this case it's the assets of the taxpayers. It certainly appears on the face of everything I've seen, the invoices, there does not appear to be a reasonable set of internal controls in place. I'm not sure, again, that this response was sent on to Mr. Sombar. Talking about Mr. Sombar, one of the questions that we posed to the Council was, was it not a competitive bid for the audit procedure? The answer we got from the Council was that the Charter says so. Well, in the original work for the Charter, the Ad Hoc Committee did state that there should be a bidding process for the audit. That was actually ripped out of the Charter and is no longer there. One of the things that competitive bids do, well actually it does two things; one, it lets you know that you are getting a reasonable price for the work; and secondly, it brings in a fresh pair of eyes; because this audit has been performed by the same firm for quite a number of years. You guys like to rely on the Charter, the Charter talks about the responsibilities of the Town Treasurer, that the Treasurer shall have oversight responsibility as the official custodian of the funds. It goes on to say, in another part, the Treasurer shall make an affidavit of his or her belief in the truth and correctness as to such monthly statement. It is referring to the monthly statements that are prepared by the accounting department. I've looked at the monthly budget year-to-date and I've never see an affidavit and I would just like to ask this question, have I missed something? Is there a FOIA request that I have missed? Is there such an affidavit on any statement? Can anybody answer that? Because if not, then you are violating the Charter. You're very quick to give me an answer that we can't do this, that or the other, because of the Charter.

Mayor Post: Mr. Lester, I am going to have our Town Auditor respond to you from now on; because quite frankly you've never been happy with our answers; you have, since August 1st sent eleven FOIA requests; the Finance Director alone received 11 emails requesting additional responses; 9 other emails were received from you; and also there was a total altogether of 20 emails since July 9th requesting responses.

Norman Lester: Is it illegal for me to make a FOIA request?

Mayor Post: Absolutely not. We're going to make sure you get the right answer so you will know from the auditor and at the same time; I reviewed one that was a 6 page request of justifications of probably about 40 or 50 items. You have not been satisfied with our responses, so therefore we will have the auditor respond to you.

Norman Lester: And I'm going to take his word for it?

Mayor Post: That's up to you. That's why we have an auditor. He's been our auditor for a number of years.

Norman Lester: I think that's obfuscation on your part.

Mayor Post: I think we pay for professionals; just like we have our attorney sitting next to us. We're relying on her for her professional judgment and we can only hope that she's guiding us in the right direction. And as our attorney has said, as well, it's very good to have the same auditor year after year, simply because he's first of all looking for embezzlement, any type of wrongdoing. He has sent a letter in that response, because I know that obviously was a concern. He's already responded to that fact of what type of audit he does; what he reviews, etc.

Norman Lester: No. No. No. There is no audit report that ever says unless you hire somebody to audit for fraud, it will say we have tested books and records using certain tests. They don't look at everything and the goal of the Financial Statement is to fairly present the Financial Statement. Never does he say that he's tested and he's guaranteed the accuracy of every nickel and dime in that Financial Statement. He couldn't do it. And if you think he did, and I've tried to have this conversation with you and you refuse to have the conversation with me, you read the audit report and you'll see that that's what it says. If you got him to stand here and say that he looks at every document and he guarantees the accuracy, then he may be a colleague, but there is something wrong there.

Mayor Post: Let's review what he responds to you, Mr. Lester, and let's see if then you're not happy with your response, you will need to send another response to him.

Norman Lester: I will. Thank you.

Mayor Post: Thank you.

C Martin-Brown: Can our Town Treasurer answer the question of whether or not there is an affidavit every month? Just a simple yes or no answer.

Mayor Post: I would assume not because I do not think I have ever seen an affidavit.

C Prettyman: As the assistant Town Treasurer, I could say no.

Katherine Grieg, 326 Union Street: Good evening. I'm speaking as the President of the Milton Garden Club. We don't really have much to report. We're happy to see the rain this past weekend and I know Allen and his men were happy to see it, because they've been helping us water some of the things. All in all I think we've been pretty pleased with the gardens for the summer; and the planters; we had a lot of visitors here for the Bargains on the Broadkill festival and I can't tell you the number of people who said to me that they really loved coming to Milton because they liked seeing all the flowers. We are always happy to hear comments like that. We will be very soon in October changing over to the mums. Also tonight, I'm wearing another hat; I'm still speaking for Katherine Grieg of 326 Union Street, but speaking on behalf of Antiques in Milton and the Milton Historical Society. My son owns Antiques in Milton and for his entire life I've been involved a little bit in the antique business. He's been going to auctions with me since he was 6 years old and we have set up at a lot of outdoor antique shows, including one sponsored by the Milford Historical Society and one sponsored by the Lewes Historical Society and one day back in the spring, I said, Matt, I really think that the Milton Historical Society should have an antique show and he said, oh my gosh. It's really terrible when we're thinking alike; because I was thinking

that same thing. So, we got together and we talked to the Mayor and we talked to Melinda Huff of the Historical Society and we are having the first Milton Historical Society Antique Show on Saturday, September 20th. The yellow flyers are in the back telling about it. It's sponsored by the Historical Society, but Matt is organizing it. We still have space for a few antique vendors. We're not looking for yard sale vendors but we're looking for antique vendors, so if you happen to know somebody, then have them get in touch with Matt at the antique store across the street. Thanks.

Mayor Post: We will now close the public comment at 7:13 p.m.

2. Call to Order – We will now reopen the Milton Town Council meeting at 7:13 p.m. on Monday, September 8, 2008.
3. Moment of Silence – Vice Mayor Betts
4. Pledge of Allegiance to the Flag
5. Roll Call – Mayor Post

C Martin-Brown	present
C Duby	present
C Hudson	present
C Prettyman	present
C Abraham	present
Vice Mayor Betts	present
Mayor Don Post	present

6. Additions or Corrections to the Agenda

Mayor Post: Any additions or corrections to the Agenda?

C Prettyman: I would like to make a motion to amend the agenda by moving a) and b) from New Business up to Old Business as a) and b); and move the original b) from Old Business down to c) and the original a) from Old Business down to d) and put both of them in New Business.

Mayor Post: We do have an attorney here and we will be working through this very quickly. We have a motion. Do we have a second?

C Abraham: Second.

C Duby: I don't understand why we're making new business items into old business.

Mayor Post: Our solicitor commented on that, but she said it was permitted. I think C Prettyman wanted to accommodate the Lion's Club, because someone is here representing them and they have a meeting tonight and they wanted to get to that meeting.

C Duby: Is that true? Because I spoke with someone earlier who said he would be here for the Lion's Club and wouldn't be here until about 7:45 p.m.

C Prettyman: I spoke to someone and they said they would be here, but they didn't give a time.

C Duby: Is Mr. Springer here? At least as to that one. I spoke to him about 3:00 p.m. this afternoon.

Mayor Post: Because if we bring it up and he's not here, then we have a problem.

C Duby: He said he would go to the Lion's Club for the dinner and I looked at the agenda and estimated that we would probably not get to the Lion's Club item until after 7:30 and he said he would be here probably between 7:30 and 7:45.

C Prettyman: It's not something that it is necessary for him to be here for. It's just a sign that they want to put up.

C Duby: It's true. He was concerned that if there were any questions that came up somebody would be here to answer them. If we don't feel like we have any questions about it, then I think we're okay. That would be my only concern that he might not be here.

Mayor Post: All right, how do you want to handle this?

C Prettyman: Well, we already have a motion and a second.

Mayor Post: Can we have a motion to bring the Library one up? Do we have a second?

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

7. Approval of Agenda

Mayor Post: Can we have a motion to approve the agenda, as amended.

C Prettyman: I make a motion that we approve the agenda as amended.

C Abraham: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

8. Presentation of Minutes: August 4, 2008

9. Approval of Minutes by Council

C Prettyman: I make a motion that we accept the August 4, 2008 Minutes, as written.

C Abraham: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

10. Approval of Written Committee Reports

C Martin-Brown: I make a motion that we accept the Written Committee Reports, as written.

C Prettyman: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

11. Town Manager Report

George Dickerson: Good evening. There is a handout with regard to the Complaints. I draw your attention to the number since we started this. The year-

to-date is 147, but I think most interesting in that is also Allen's department, where we we're doing the work orders now, if you look at that, I just want to draw your attention to the number of work orders handled in July was 130; August 74; June 75; but year-to-date since we started this process, 333 have been handled. It just gives you some indication of the number of work orders that have been produced by our Maintenance Department and the great job that they do for us. There is a line item in the budget where Council can approve requests. This came in at the last minute and couldn't be put on the agenda, but I will read it into the minutes. It's a request for part of this year's fiscal budget by the Broadkill VFW Post No. 6984 for a \$25 donation to go toward their annual car show which will be Saturday, October 18th and that's a \$25 donation and there are funds appropriated in this year's budget that you could let that \$25 go to them. I bring that to your attention, Mr. Mayor, if you would like to act on that.

C Martin-Brown: Mr. Mayor, do you want anyone to make a motion?

George Dickerson: The Council has a standing line item.

Mayor Post: It's due when?

George Dickerson: They're asking for it now, to get ready for their October 18th event.

Mayor Post: We could put it on the agenda for the October meeting.

George Dickerson: Okay. The next thing is that I am pleased to announce that the work that was done on the Personnel Handbook has been given out to those members who are on the Personnel Committee and that review will be taking place. After their review, those comments are expected back to us as to what their wishes are and perhaps the Chairperson of Personnel, Mrs. Abraham, would want to perhaps schedule a meeting after that review. Just let me know whenever that would be suitable and whatever comments would want to be made. The other thing I need to bring to your attention is that our Charter requires a tax appeal process. In that process, it requires that legal notice be placed in the paper and we did so on August 4th. The deadline to file the appeal was August 22nd at Town Hall by 4:00 p.m. There were two individuals who picked up appeal forms, but no appeals were returned by the filing deadline, so the public hearing has been cancelled. That's all I have at this time.

C Prettyman: On the Personnel Handbook, I would like to go back to that. I know the Personnel Committee reviews it and everything, but I think that the full Council should see the draft of the Personnel Handbook, even after the Personnel Committee looks at it, I think the full Council should see it and if they have something, it could be addressed.

Mayor Post: C Prettyman the process would be just like any Committee, whether it's Streets or whether it's the Emergency Preparedness. The Committee would review it, make comments, and then it will come to the full Council for any comments.

C Prettyman: Okay, thank you very much.

12. Written Reports from:

a. Maintenance

C Prettyman: I make a motion that we accept the Maintenance report, as written.

C Abraham: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

b. Project Coordinator/Code Enforcement

C Prettyman: I make a motion that we accept the Project Coordinator/Code Enforcement report, as written.

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed. Motion carried.

c. Police

C Prettyman: I make a motion that we accept the Police report from July 21 to August 20, 2008, as written.

C Martin-Brown: Second.

C Hudson: Chief Phillips, have you been able to turn in a copy of the DEMA grant to the Town Manager, as he requested? Okay, because the other question was, you mentioned to me one time that you had received a second grant. Would you also turn in a copy of that?

C Prettyman: Mr. Mayor, shouldn't this be under budget, the questions that she has asked?

Mayor Post: She has a right to ask the question at any time.

C Hudson: Previously, our Council approved the amount of \$1,600 for the purchase of radios. How have you progressed with that?

Chief Phillips: I have not purchased them at this time. The reason was that I had to meet with Town Manager and we talked about the repeater issue and he advised me to look into putting the repeater somewhere other than the water tower, as our insurance company said the liability was too great to put it there. I've spoken with someone from the company and they are going to see if they can get me a different type of a radio that would not have these restrictions. I'll keep you informed of my progress.

C Hudson: First of all, when we voted for the radios it was not tied into any conditions, such as there has to be a repeater, or we don't get the radios. Our group, in the presence of the police liaison, has mentioned that they would be willing to raise money for the repeater, if necessary, so even without a repeater; could you please proceed with the purchase of the radios as approved by the Council?

Chief Phillips: Yes, Ma'am. We researched the radios and the radios we were going to get would have been worthless and they didn't work and we couldn't have talked to each other, so it would have been a waste of the \$1,600. So we're doing more research to get a radio that will work all over town.

C Hudson: The money has already been approved by the Council, so you can proceed with the purchase.

Chief Phillips: That was a problem we had. It was approved by Council and I thought the Council would give me the extra money. I didn't realize it comes out of my budget and there was no grant at the time. So if it's coming out of my budget, I didn't know what line item it was coming out of because we never talked about that.

C Hudson: This was approved after you told me that you had received money from DEMA, because you had already purchased the signs, the hats, and the flashlights and then, if you check the minutes and the date on the minutes, we approved the purchase of the radios and that's when you balked.

Chief Phillips: No Ma'am. The radios were not on the grant at that time.

That's when I went out and got the grant.

C Hudson: The second grant, you mean?

Chief Phillips: We changed the grant significantly, yes. At the time, I was under the understanding that Council was giving me the money. I didn't know it would come out of my line item; I didn't know where it was coming out of. When I left here that day I thought they were giving me the actual money to purchase the radios. That's what we were looking at, but we couldn't find any that would work. That's when I found out that the money was coming out of my line item, somewhere; that's when I started to look at the grant.

C Hudson: So you're police liaison will be at the meeting on the 23rd or you are invited to be there as well, to explain this to us, because we've been talking about radios since the inception of the neighborhood watch and we still don't have any. It would be really nice, especially when we have problems with hurricanes and flooding and things like that, if we finally proceed with this.

Chief Phillips: Another thing I would like to do is that I would like to separate the neighborhood watch meetings from the preparedness committee meetings and have a different night of that, so we could concentrate more on that and you can concentrate more on your committee. I would like to split those two, if there's anyway possible.

C Hudson: I'll discuss it with the group, because the same people who are doing the neighborhood watch, are also the active members going to the emergency preparedness training. I'd be glad to bring that up on the 23rd with the members to see if they want to do that, because you're talking to the same group of people and we could have a longer meeting; but to have the same group of people meet two different times... I'll bring it up to them and see if they actually want to do that.

Chief Phillips: That's fair.

C Hudson: Thank you. I appreciate your answers.

Mayor Post: We have a motion and a second. All in favor. Opposed.
Motion carried.

13. Old Business

- a. Request from the Sussex County Council on behalf of the Milton Public Library to waive building permit fees for renovations to the second floor of the building located at 123 Union Street.

Mayor Post: I do believe you received in your packet what that estimated cost would be for the building permits. I think it was \$7,190 that we would be waiving. We have waived all the permits in the past for the Library.

Carol Fitzgerald: That's correct, I'm Carol Fitzgerald. I'm the Director of County Libraries for Sussex County. My offices are in Georgetown, Delaware. The Town has been very gracious in our construction projects in waiving the building permit fees. We appreciate it and we're asking you to do this again. This will complete our construction. It will complete the second floor with meeting room space; a fire exit; there will be a small kitchen area; some storage; restrooms; and it will complete our second floor.

C Prettyman: I would like to make a motion to waive that fee for the building permit for the \$7,190.

C Hudson: Second

Mayor Post: All in favor. Opposed. Motion carried.

- b. Jeff and Kim Hamer appeal of B.O.A./H.P.B. denial of demolition permit for 207 Union Street 2-35-14.19-173.00

Mayor Post: If you would step forward and give your name.

Stephanie Hanson: Yes, thank you very much. Council Members, my name is Stephanie Hanson. I'm an attorney at Young, Conoway, Stargate and Taylor in Georgetown. I'm here representing the Hamer's tonight; they are not with me this evening. This is, as you know, a continuance of the appeal hearing that we had started this past April; and it was also heard by the Board of Adjustment and the Historic Preservation Commission back in November of 2007. You should have received a Supplemental Exhibit Book. There are three exhibits in the Supplemental Exhibit Book. One is a comment from Devon Design; they were the structural engineers for the Hamer's; they just provided a page with some comments. Fred Lake, who is the engineer and just wanted to provide some extra comments into the record, after the Hearing this past April; we've provided a quote for restoration of the property, that was submitted by Camenisch Company, Inc. and they're quote was \$580,000. We've also submitted, in this Supplemental Exhibit Book, an appraisal of the property that was done by Landmark Associates of Delaware; and they appraised the property under the hypothetical condition that the building on the property was new or in very good condition; that was the basis upon which they did their appraisal. The first part of this Hearing back in April was a little long, but it was very comprehensive and I have no intention this evening of subjecting you to a redo of anything that we had that evening; because I know you have it all in your records. At the conclusion of the last hearing, we were asked to do a couple of things. 1) We were asked to get an additional estimate of the cost to renovate or restore the

property; and, 2) we were asked to contact the State Historic Preservation Office and see if they would come out to the property to take a look at it and provide some comments. We've done both of those things. Tab 2 in your Supplemental Exhibit Book is from Camenisch, that's our second estimate of how much it would cost to restore or renovate the property. You will recall the original estimate was for \$745,000; that was supplied by E H Custom Homes; this is the second one from Camenisch and its \$580,000. We also contacted the State Historic Preservation Office and I spoke to Mr. Terrence Burns and explained the situation to him and asked if they would like to come down and take a look at the property and he said that they really don't have the manpower or the time to do that, but suggested that I contact Mr. Dan Parsons, who is the Historic Preservation Planner for Sussex County, so I contacted Mr. Parsons and Mr. Parsons did come out and take a look at the property; but he felt that he would not be in a position to testify or provide comments on the property. So what we did do, then, on our own, was we contacted Ms. Rebecca Shepherd. We thought somebody must be in a position to come and tell us something about the property. Ms. Shepherd did come down and take a look at the property; and, she opined that the property is perhaps even a little bit older than we had originally thought. I think we had in the record it's 1885; she's thought that perhaps it may even be from the mid-1800's; and she thought that particularly with respect to the first build section, that there were items of historic significance in that first build section. And she specifically had mentioned to me the doors; the windows; the window sills; and the staircase as being significant. What we'd like to do is set aside the issue of whether or not there are historically significant items associated with the property, because I think as I mentioned before, any time that you have a property from the 1800's you're going to have a certain level of historic significance associated with that. There are other elements that the Council also is required to consider, when you weigh whether a demolition permit is something that is appropriate for a property. I just wanted to bring those up to you and mention those sections of the Code that you'll find them in. They are mentioned in three sections. The first section of the Code is 4.9.8.4. Now this is the Old Historic Preservation Ordinance; this is the one that we're under. It says, specifically: In reviewing the plans for construction, change or demolition the Board shall give consideration to the following: it mentions the structural condition of the property and the economic feasibility of alternatives to the proposed demolition.

C Martin-Brown: Ms. Hanson, may I make an intervention? Is that the Board of Adjustment to which you are referring?

Stephanie Hanson: Yes, the Board of Adjustment. You heard from both the structural engineers; this would be from Devon Design, who is the structural engineer for the Hamer's; as well as the structural engineer for the Town, which was Steinle Construction; that they felt that the building was in such a state of disrepair, they said, so as to be a hazard or beyond

reasonable efforts at rehabilitation or repair. Regarding the economic feasibility of the alternatives, I believe that was the whole point for the two estimates, we also decided that maybe what we should do, is now we know how much it would cost. You've gotten two estimates of renovation and restoration. How much would the property be worth if it was good as new; if it was in very good condition? That's what lead us to get the appraisal from Landmark, because that's not something that the Council had required in the past, but we needed to have a bench level that we could compare against. If you say it's going to cost \$580,000; how much is the property and that structure, really going to appraise for when you're done with it? Well the answer to that is \$240,000. So with that in mind, we feel that it's really not economically feasible. When you're doing a cost more than two times the value of the property; when it's actually completed; that's not economically feasible. Secondly, there is a section in the Code that specifically talks about demolition. With the demolition permit it states that if the structure is in such a state of disrepair as to be a hazard or to be beyond reasonable efforts at rehabilitation or repair, a demolition permit can be issued. We've been over this a couple of times now. Those were both the conclusions of the two structural engineers; but also, again, clearly a cost of over half a million dollars, to almost three quarters of a million dollars; which is more than two and three times the value of the property once restored, is something that we feel is beyond a reasonable effort at rehabilitation and repair. And, lastly, there is also the section in the Code that talks about the Board taking into consideration the effect of the structure on the health, safety and welfare of the Town. We have within the Devon Design report, the structural engineer's report, that talks about the instability of the chimney at the rear of the property and states that it appears to be unstable and a restraining metal strap attached to the building has been added, presumably to prevent complete collapse. Clearly given the storm frequency, the age of the structure, and the fact that it's in a residential district, we feel that the issue of safety comes up with collapse as a safety issue. So, in summary, from the April Hearing and tonight, both the structural engineers for the Hamer's and the structural engineer for the Town, believe that the structure meets the requirement for demolition as stated in the Town Code; specifically, that it is in such a state of disrepair so as to be a hazard or beyond reasonable efforts at rehabilitation or repair and we feel that we have shown that the cost of restoring or renovating the structure is not economically feasible and would not represent a reasonable effort at rehabilitation or repair. In conclusion, we respectfully ask for your approval to demolish the structure at 207 Union Street.

Mayor Post: Does anybody have any questions? C Martin-Brown wants to speak.

C Martin-Brown: If you're calling for a motion, Mr. Mayor, I would like to make a motion that we deny the demolition permit.

C Hudson: I second that.

Mayor Post: We have a motion and a second. Any discussion of this motion?

Stephanie Hanson: Mayor Post, I didn't know if I could interject one potential compromise into this situation at this point in time, or is it right before the vote, or not?

Mayor Post: If it's fine with everybody, I'm fine with your comment.

Stephanie Hanson: I spoke with the Hamer's prior to the meeting this evening and there is the recognition that particularly with respect to the Section 1, the first building section, that there's a lot of history associated with that. We got that from Ms. Shepherd when she came down, particularly when she thought that that section was even older than we had originally thought. One of the things that we had discussed back and forth, but they really were not interested in doing that, up until very recently, was perhaps getting a partial demolition permit for the remaining sections. Keeping section one up and doing what we can do to do a renovation or a restoration with that section. That would keep the streetscape, you would have the building with the whole front section, that would keep in line with the streetscape and they would work with the Town. They would need to work with you to find out what else they can do with the property. Because right now they can't do anything. They can't even sell it, because anyone that comes in automatically looks at the \$500,000 ticket to restore it. When you're done restoring it's going to be worth \$240,000. So, if there's the possibility that we could look at some sort of a compromise like that, that is something that the Hamer's would be interested in doing.

C Hudson: I would agree with that, because basically that's something similar to what I did to my house. The front is all original. I had the back two rooms torn off completely and a whole new room built on. I remember John Barton's Bed & Breakfast, the front is original and a lot of the back is brand new. The whole back two sections are brand new. That is to me a workable compromise because it's the appearance of the front of it that is a concern to us, that it not come back as something like a double-wide or something completely out of character with our Town. If the front can be maintained and restored, and then you build on the back to create it into a restaurant or whatever the Town agrees to, or a residence, or whatever, I would be in total agreement with that.

Mayor Post: I think you're proposing a wonderful solution to what I thought was a bad situation. I think if we could have a withdrawal of the motion, and the second.

C Martin-Brown: No, Mr. Mayor, what I would like to do instead, is to modify the motion.

Mayor Post: We have to withdraw the motion.

C Martin-Brown: I can modify the motion. That's a wonderful response from your clients. I would like to modify the motion so that the demolition permit is issued for a site specific area. We have a blueprint and we have scoped out those areas that can not be touched; we go to the

back rooms that you are concerned about and willing to demolish, that is appended to the demolition permit, so it is site specific. It doesn't show a little here and a little there and before we know it we have a little hole in the ground. That's what I don't want to have, so I want a site specific demolition permit issued for the area and therefore we would move to approve a site specific demolition permit.

Stephanie Hanson: Would that be like the first build?

C Hudson: I think she means room specific.

Mayor Post: I thought they referred to that front part as the first build?

Stephanie Hanson: The first build. The first floor has the parlor in the front and the sitting room and the stairs and you go upstairs and it has the two bedrooms that are what they called the first build.

C Martin-Brown: So the modified motion would be that the permit for demolition is not issued for the first build; but it is issued for the 2nd, 3rd, 4th and 5th build, whatever there is out there and that that limited demolition permit is issued by the Town, with the documentation attached. I must say from a personal perspective, that's a wonderful response.

C Hudson: Second.

Mayor Post: We have a motion and a second. Any discussion to this motion? Let's have a Roll Call vote:

C Martin-Brown Yes, for a limited demolition permit that does not include the first build; because it's historic; because it's in the Town Center; because we have enough vacant places that sit fallow.

C Duby Yes. Let me just say I think it's a good compromise and I'm happy that your client's are happy with this and I'm glad that it gives us the opportunity to preserve something; but let me also say that I was prepared to vote no on the previous motion, because I think you have made more than an adequate showing that it simply was not cost effective for your client's to continue to try to renovate the entire property. I think, as much as I value the historic character of this town, I think with each property, it not only has to be restorable, which was questionable in this case; but there also has to be someone there with the resources and ability to restore it and I didn't see that here. The only caveat I would add, is that I wish that your client's had been a little more comprehensive in their review of the property, before they got into it and would have saved a lot of us all this mess.

C Hudson Yes, because I would like to see the historic character of the town retained and I was going to vote to deny an appeal for the demolition permit, just for the record.

C Prettyman Yes and I concur with everything that has been said.

C Abraham Yes, because it does retain most of the historic character of the site.

Vice Mayor Betts I had decided to vote to demolish it due to the fact that all the money that was spent in showing us that the structure was not really the best; but under this condition, I would like to see everything stay as historic as possible. I just felt it was bad for the property owners not to be able to do something with their property; when it was not feasible for their pocketbooks. I will vote in favor now that it has been decided that they will maintain part of the structure.

Mayor Don Post Yes, because I think it's an excellent compromise; however, I do think the restoration is feasible; I do not believe that renovations cost \$500 a square foot; and, so I think it would be a major loss to the Town to keep demolishing our historic structures; and what one person eyes as historic and another eyes as historic, is totally in the eyes of the beholder. A lot of the people in Town cherish our history. I am impressed with the offer and the Town will certainly work with your clients as we move forward.

Motion carried and thank you for working with us.

c. Discussion and possible vote to rename Atlantic Avenue.

Vice Mayor Betts: I have a report. The Town sent out 28 surveys to ask if the property owners would like the name changed for Atlantic Avenue and 19 came back that the property owners voted no, do not change the name of Atlantic Avenue; two property owners voted to change the street name to Veteran's Way; one property owner voted to change the street name to Veteran's Avenue; and one survey was returned undeliverable. So it's up to the Council now, because it looks like they don't want to change the name.

C Prettyman: I would like to say this. As a veteran, a disabled veteran, having had 4 brothers serve in the military and return all of us home to our parents safely, I definitely am against the change to Veteran's Way. I would like to leave it as Atlantic Avenue. I have nothing against the American Legion. In fact, I belong to American Legion Post 444 for over 40 years. I am voting no on this issue of changing Atlantic Avenue's name.

C Hudson: I make a motion that we retain the name of Atlantic Avenue, as it is, and not change it.

C Prettyman: Second.

Mayor Post: We have a motion and a second. Any discussion to the motion?

C Hudson: I would like to ask in the future, as I recall C Betts; you mentioned that somebody on your Streets and Sidewalk Committee came up with this idea.

Vice Mayor Betts: That's right.

C Hudson: May I ask in the future, that perhaps you could get the names of the people on the street, if something like this should come up, and members of the committee do a phone survey before even bringing it to the Council, because that would save on postage and time. We're working on a budget tonight and we're trying to cut overtime; trying to cut temporary help; trying to cut expenses; and this was a town expense I think we could have avoided. Thank you.

Mayor Post: Any more comments on the motion? All in favor. Opposed. Motion carried.

14. New Business

- a. Request from Milton Lions Club to place a sign on Town property located at 210 Front Street.

Ed Springer for the Milton Lions Club. We would like to put the sign down there because people are having problems locating the Med Shack down there, if they go to pick up a wheelchair or a walker or crutches or anything like that and it would be very helpful for them to find the med shack down at the maintenance yard.

C Prettyman: I would like to make a motion for them to put the sign on the Town property at the location of 210 Front Street.

C Duby: Second.

Mayor Post: We have a motion and a second. Any discussion on this motion? The only thing is you'll work with the Town Maintenance yard where to place it down there. All in favor. Opposed. Motion carried.

- b. Identity Theft Presentation, "The fastest growing crime. How your health records can be compromised" - Josie Mullin

C Prettyman: Mr. Mayor, the reason why Josie is here is because of me. I attended a staff meeting and I was very interested when she brought the issue up; I did not realize that most times you think it's where they get your credit card and they get your ID or your driver's license; but take it from one that has lived in a hospital for the last couple of years; I looked at my medical papers and they have everything on that; my date of birth; my religion; my race; social security number; all these numbers are out there and I just thought it was so very important for Josie to come to us this evening, when crime is going up and people are taking other people's identities and just to let us hear what is going on.

Josie Mullin: Thank you Mayor Post and Council Members and, of course, town residents. Our purpose this evening for myself and my associate, Mary Bucaniano, is to offer you information concerning the severity of identity theft. Mary will talk to you more about what happens when your

medical information is compromised; because it is very serious. We have several handouts that we will give you. One of them is a two-minute survey. It is very important for us to get some feedback from you. I have a list of emotional impacts for victimization and this is taken from "Identify Theft, the Aftermath of 2007"; the company is the Identity Theft Resource Center. This pamphlet is all about that and I've just taken a few inserts from that. We also have on our blue card, web-sites that you can go to, which will verify some of the information that we'll be giving you. The information that I'll be giving you this evening is a one sheet reference to the Identity Theft Resource Center. Since 2003 the Identity Theft Resource Center has conducted annual victimization surveys to study the impact of identity theft crimes, on its victims. The percentages represent people with lives that have been interrupted, altered, torn apart, and are impacted for years to come. They're people with feelings and emotions whose outlook on life and interactions with others, may change, due to the invasive nature of the crime. In 2007, 62% of respondents reported thefts had committed financial crimes that resulted in warrants being issued in the victim's name; more than 2-1/2 times higher than it was in 2006; and double the amount since 2004. Cost to the victim: in 2007 an average of \$550.39 in out of pocket expenses for damages done to an existing account. In reference to new accounts that have been victimized, the victims spent an average of \$1,865.27; compared to \$1,342 in 2006. Costs to businesses: in 2007, the average loss was \$48,941; as compared to \$87,303 in 2006. Victim hours repairing damages that were done: victims reported spending an average of 116 hours repairing the damage done by identity theft, to an existing account which was used or taken over by the thief. With new accounts created, over 157 hours to clean up this mess that occurred. Extended involvement in 2007, 705 victims indicated that it took up to 12 months to clear issues of misinformation; compared to 50% in 2006. I'm just going to list a few of the emotional impacts that victims deal with: denial or disbelief; new or renewed illnesses; sense of powerlessness (this is real important); and, there are even some episodes of suicide. It is a very serious problem. With that, I am going to introduce you to Mary Bucaniano and she's going to give you a little more information. Thank you.

Mary Bucaniano: Hello everybody. I'm Mary Bucaniano and thank you very much, Mr. Prettyman, for bringing us here today and for explaining the problem so well. I think you really nailed it. How many of you have ever been a victim of identity theft or know anyone who was a victim? Okay, thanks. Most people, as Mr. Prettyman said, consider identity theft as a financial matter; but in reality, that is only about one quarter of the incidents. The five major types are: financial; criminal; medical; driver's license; and, social security identity theft. Does anybody have any idea which one of those thefts is the fastest rising right now? Medical, correct; absolutely, which is why we are here today. Very often the theft of one piece of information leads to very different types of identity theft then you

would imagine. For example, somebody stealing your driver's license can lead to a criminal identity theft; because they might go out and do a hit and run or a DWI and all of a sudden there is a warrant out for your arrest; the theft of a social security number might have somebody opening up bank accounts and writing bad checks, so now you've got another warrant for a financial incident, even though it's your social security number. Now let's get down to medical identity theft, and I think the best way to let you know the impact that medical identity theft can have upon you, is to relate a story that was documented in the August 2007 copy of Good Housekeeping Magazine. There was a woman, named Andory Sachs, in Utah, whose driver's license was stolen. It was stolen by someone who looked somewhat like her. Her name was Dorothy. Dorothy proceeded to use Andory's license and go into the hospital and have a baby. Now the problem was that Dorothy was a meth addict and her baby tested positive for meth addiction. In the meantime, Dorothy left the hospital and abandoned the baby. Andory Sachs received a phone call from the Child Services Department in Utah saying your child has tested positive for a meth addiction and by the way, you abandoned her in the hospital and we really need to do something about this. In fact, we're on our way to your daughter's school to go pick her up and take her away from you because you have abandoned your baby. Obviously, Andory Sachs said it's not me. I never had a baby; I don't know what you're talking about; but she sort of remembered that her driver's license had been stolen and realized that there was a problem here. To make a long story short, they questioned the seven year old child about her mother; asked her all kinds of questions; did you mother have a baby; was your mother in the hospital last week; etc.? They finally cleared her name, however, that is only one piece of the story, because Andory Sachs actually had a blood disorder, so now somebody was in the hospital with a different blood type, that is now comingled with her records; and I don't know if any of you have ever had an incident of medical identity theft; but it is very, very difficult to fix your records because of the HPPA Privacy Act; so in some instances it works for us; and in others, it works against us. Andory Sachs fought long and hard to have them change her records. She also was not allowed to look at her medical records; which is unbelievable; to see what was actually in them. With a blood disorder, like she had, this could be serious, even deadly; and this is the impact that medical identity theft can have upon you. All of a sudden, your records are co-mingled with somebody else's and it always falls upon the victim to prove who you are; to prove that it was not you. I could tell you story after story of people who have been accused of running up hospital bills and of being accused of doing all kinds of things that they never did; because different pieces of information were stolen. The interesting thing to me, about this story, is not only the devastating medical effects it could have on this woman; but secondly, her medical information was not even stolen. Now, C Prettyman mentioned that all the information that is on his medical records

and on his medical cards; however, her driver's license was stolen; so you can see how it can be anything that is being used to identify you and can impact you medically. She was actually the victim of three kinds of theft here; she was a victim of driver's license theft; there was criminal theft here, because she was charged with abandoning her baby; and, there was a financial impact also because she had a \$10,000 hospital bill that this woman had racked up. There were all kinds of impact from somebody stealing her driver's license and using it in the medical way. People also are, in this day and age, stealing medical cards, left and right; your social security number is on the back of your Medicare card; and, people are stealing them and using them to rack up hospital bills because in our economic crisis, this is a very tough time and they can't get service in any other way; so they're finding other ways to deal with this. What can you do about all of this? Unfortunately, identity theft is on the rise; although legislation is coming out, both State and Federal, trying to prevent and control it and try to take these people to jail. Just as an aside, the woman who did this did not go to jail. She ended up getting a plea bargain; being on probation; and she got that baby back; just so you know. The victim is still suffering, years later, every time she enters any hospital, there is a question about what is right and what is wrong, on her records. She has had several incidents of that and is still trying to figure out how to correct all of these records. Do you think that Andory Sachs could have used some very good help at that time? I do, I think she needed help; and I just wanted to tell you that the reason Josie and I are here; is that we do have a program that handles all kinds of identity theft, including medical. In this book called "The Silent Crime", a gentleman named Michael McCoy, who is a researcher for the National Science Foundation and the Center for Information Protection received grants to study the impact of identity theft on the victims; very much like Josie was talking about; the emotional aspects. This has huge ramifications in our society today. If something like this happens, the victims are very much distracted; they are in their workplace; they are trying to get work done; they have to make phone calls. We have a program that can help them with this and in this book, this gentleman compared four different programs and he said that our program which is partnered with Prepaid Legal Services and Identity Theft Shield Background America, two 36-year old companies that are in the business today; he called ours the best, the most robust program with access to attorneys 24 hours a day, 7 days a week, in 50 states with complete credit monitoring and restoration services. We do have a way to help people; we can't stop identity theft; but we have a way to help people. We would appreciate it if you would fill out our survey, and if anybody has any questions, we do provide these services for individuals; families; businesses; employees, as an employee benefit; we believe everybody needs to be protected in some way against identity theft, because it is such a big problem today. Thank you.

C Prettyman: Thank you.

Mary Bucaniano: Do we have time to give some of this information out? Noble agreed to collect the surveys.

C Prettyman: And I will pick them up and drop them off to you.

Mayor Post: We thank you for that presentation and we will continue while you are passing out the papers.

- c. Employee of the Quarter- for 1st and 2nd quarter 2008

C Abraham: The Employee of the Quarter program is an award program where employees are nominated by their coworkers. The nomination could be for a job well done; going above and beyond; having a positive work attitude. The Employee of the Quarter for this last quarter for April – June of 2008 is Cathy Jacobi. She's not here this evening, but I'll see that George gets it to her.

C Prettyman: Cathy is a little beaver. Anything that they give her to do at the Town Hall, Cathy is there and she is definitely a team player.

Mayor Post: This is the only award this evening.

- d. Request from the Milton Historical Society to hold the 1st Annual Governor's Day Walk/Run on Saturday, October 11th

Mayor Post: You have the request in front of you and all we need is a motion.

Vice Mayor Betts: So moved.

C Prettyman: Second.

Mayor Post: Any discussion to the motion? All in favor. Opposed. Motion carried.

- e. Discussion and possible vote to approve the Fiscal Year 2009 Budget.

Mayor Post: After several meetings and a public hearing, you have the final draft that was proposed from the last workshop that was to trim the budget, once again, and the one thing I can say is that it looks like out of the capital expenditures, as far as from the cash reserves would be the lawnmower \$15,000 for the Parks Department; the real estate tax reassessment of the Town out of the General Funds \$83,000; and, although this was not shown as a line item, that way, the \$55,000 remains for the radio read meters; which I think is pretty good because when you add those three up I believe we are at a \$12,030 deficit from the General Funds; but you'll see that coming out of cash reserves for both the \$12,030 and the \$55,000. As C Duby said, it's all in the same wash, but, again I'm pleased that we've got it down to really just showing the \$12,030 which we will be able to take as we've shown in the proposed draft budget out of the reserves, as well.

C Duby: I thought the other night it was \$67,030 that we had to take out?

Mayor Post: That was with the \$55,000 that was still in there. You're right. It was \$67,030. But we left the \$55,000 in regarding the handheld water meters to get that out of it. It's been like a 5-year project and it's

over with. That doesn't mean that things won't have to be modified as we move forward.

C Duby: Mr. Mayor, in terms of voting, as noted in the Town Manager's memorandum of September 3rd, there are some votes we have to do related to the pay matrix and the hiring freeze and that sort of thing. What's the order we should do these in? Do those first and then approve the budget?

Mayor Post: He has summarized the motion that would capture all of those things that we had talked about. Ronda has it and the attorney reviewed that, to make sure that it captures all the things we discussed, because at the same time we were talking about a hiring freeze; a freeze on promotions; and also a freeze on the pay raises, which includes the COLA and the matrix. I forget what else is in there, but she reviewed that and that incorporates all of those issues. It may include in there the tax assessment and it's also included in the capital expenditure list. It also has the capital improvement list, as well, which is entitled Capital Improvement Budget Plan 2008 – 2014 and that too can be amended at any time.

C Martin-Brown: Mr. Mayor, was the Capital Improvement Plan discussed at either one of the workshops?

Mayor Post: No, you have it attached. For some reason, it was not submitted but it needs to be approved with the budget, but it can be amended at any time.

C Duby: When was this developed?

Mayor Post: It was just recently developed, but we need a Capital Improvement Plan to go with the budget.

C Duby: I know, but I'm just concerned because we've never discussed it.

C Hudson: We had a Capital Improvement Plan in last year's budget and unfortunately, we didn't discuss it then either.

C Martin-Brown: The reason I question it, Mr. Mayor, is I looked in the Charter and when I look at what's included in the approval of the budget, it doesn't mention a Capital Improvement Plan, and that's why I was asking.

Mayor Post: We need a Capital Improvement Plan for one thing, for the annexation acreage impact fees. We did adopt it. That's when we adopted a Capital Improvement Plan; that's why it's fairly new because the acreage annexation impact fees began in 2004; so that's why we've only had one.

C Martin-Brown: If the Capital Improvement Plan is adopted tonight, can it be retabled after the beginning of the new fiscal year for further discussion?

Mayor Post: I would assume it could come back up for discussion because it can be modified at any time.

C Martin-Brown: One could anticipate perhaps a working group exclusively on the Capital Improvement Plan after the beginning of the new fiscal year?

Mayor Post: I don't know if you need a working group; but anybody can review it so the Council can comment on it. If you see something that you think needs to be added, or C Hudson, anybody has the right to bring it up and say they would like to add to the Capital Improvement Plan; but we need it on record for the \$8,000 per acre annexation fee and any other funds that may come into this Town that go into an account for these projects.

C Martin-Brown: Thank you for your clarification, Mr. Mayor.

Mayor Post: Anyone can comment on this and add to it.

C Martin-Brown: Can we delete from it?

Mayor Post: You can delete it if you want; this is just a start.

C Martin-Brown: This is a vehicle.

Mayor Post: This is a vehicle and it can go wherever.

C Abraham: I just wanted to mention, just so we're all aware; I've had several town employees make contact with me in reference to the health insurance and I feel, just because they've come to me, and they are our employees, that I need to mention that they are concerned with losing the 3%, the matrix, and then the health insurance rates changing for them. I think they wanted to know if we could find a happy medium with some other figure and I felt the need to mention it; because they have come to me.

Mayor Post: I think it was a happy medium because we had a range of between 5-50% and we chose 30%.

C Hudson: The other thing we agreed to was to spread the hurt around so that we didn't lay off anybody; we were talking about laying off three people; and everybody is keeping their jobs.

C Abraham: I was just mentioning it.

Mayor Post: We understand that. It's just something that everybody's facing right now. The alternative was that the Council was very adamant at the first workshop that they did not want any positions to be eliminated.

C Duby: I also would just like to say again what I said at the workshop. My personal feeling is that we are doing too much to balance this budget on the backs of our employees and I'd like to see us do it elsewhere. I know I'm outvoted on that, but, I just want to say that again. I also have one question. Could someone clarify for me where we left it at the end of the workshop on the take home cars? Are we keeping all of them or some of them? What was our recommendation?

Mayor Post: I think we ended up keeping all but two.

C Hudson: My understanding was that we were keeping the entire fleet of 15 cars; but only 13 people would be driving them because over my protest, people had said that none of them would be sold.

Mayor Post: Those that you're asking to not take them home are absolutely needed. It's not like it's not needed. For example, we've chosen now not to let the Code Enforcer take home his truck. But, as well, the Code Enforcer comes in on Sundays many times, to make sure that people are not violating the Sunday ordinances; and we've had many

requests. His day is spent all day riding around; whether testing that new sound meter thing, or whatever, or reviewing property where people have called with a complaint. So, what we chose, which I think is a wise decision, he can not take it home but to take the vehicle and sell it at a car auction, you're not going to get much to start with; so I can't see possibly, as the fleet needs to be replaced, I think we need to possibly consider whether all vehicles will be replaced. As you have heard me say as well, in this fleet we have some of the police officers which live right in the downtown area and they have take home vehicles. We need to put it into prospective and I think we need to address this, which we will be addressing as time moves forward.

C Duby: It's really a misnomer to call this the issue of take home cars; it's having a vehicle assigned to each individual employee.

Mayor Post: That they drive home.

C Duby: Even, as you've pointed out, in the case of the Code Enforcer, if we say this is no longer a take home vehicle, that doesn't save us anything on that vehicle, because he still needs it for his work.

Mayor Post: It saves us from the gas to and from. That's it.

C Duby: But the fact is that somebody that lives across the street from the police station, never actually took it home, anyway, but he had a car assigned to him; so we're talking about rather than having a smaller fleet of vehicles that rotate every shift; and police come in and different policemen use it; we're talking about having enough vehicles so that each individual police officer and town employee who gets the car; has a car assigned.

Mayor Post: So for two personnel from the Administration Office, the take home car was removed.

C Abraham: Can I ask what was that a savings of?

Mayor Post: Not a lot.

Robin Davis: Speaking on behalf of my help and myself, I only live 2-1/2 miles away from here, I think mine was \$200 a year for me, only. The original figures had Mr. Dennis at 59 miles roundtrip; I think he's now down to 48; he's just recently moved; so he's going to be a little closer. Off the top of my head, I think it's in the \$2,500 range for him. Between both of us, I believe the range would be about \$2,700 to \$3,000 per year, at the most.

Mayor Post: I think it would be \$2,500; but it's the wear and tear on the truck.

C Hudson: I would like to ask a question about the budget, so if someone could make a motion, so that we could have a second and then have a discussion about the budget.

C Duby: Can't we have a discussion without a motion?

C Hudson: It's not Robert's Rules of Order, so to speak.

Mayor Post: Would you like to make a motion, down there?

C Duby: We haven't amended it, that's why I think we should discuss it before we make the motion, because it may or may not be amended.

Mary Schreider-Fox: As a practical matter, you've been discussing some of it anyway, just in the last few minutes. I think you can continue to have a general discussion and then if the motion is made and seconded, you can discuss that motion and still conclude the discussion.

C Hudson: Then can I go ahead and ask questions about the budget? Under Streets, 5150: under Street expenses, it's got salaries; payroll taxes; medical; it doesn't list employee insurance or employee pensions. Since salaries, medical and payroll taxes are all being split up between departments; I was wondering why employee insurance and employee pensions are not listed here under Streets? It's just a question.

Mayor Post: Where is it? I thought she said Streets. Salaries are under account # 5100; then the COLA, I don't know why that's #5100, as well; payroll taxes.

Jennifer Cornell: In Streets, the pension and the health benefits are all within the Water Department. The Maintenance Department is split between Streets, Parks and the Water Department; so pension and health are within the Water Department.

C Hudson: How come some of it's broken down, between Streets and Water?

Jennifer Cornell: The payroll, Social Security and Medicare is directly related to the wages; so I could split that out. With wages, it's a variable, what's going to be split between the departments, it's going to depend on how many hours they have been working on the streets, working in the parks, so it's a little more difficult to split out health insurance benefits.

C Hudson: Again, under Streets, should there be a line item for the street lighting that we're paying for Wagamon's?

Jennifer Cornell: We're paying that with Municipal Street Aid funds, so that's there.

C Hudson: In 2006-2007 or some previous year, three employees were given increases not associated with merit or COLA. Can I ask who authorized these increases and which account is that budgeted and paid under?

George Dickerson: That would be me. For Administrative or Maintenance or anything, other than police, that would be me. A lot of those raises were given at that time because some employees had never been brought in line with the matrix, and that was done at that time to bring them up to where they should have been. Once I learned there was an approved matrix for 5 years, which you will be voting to freeze tonight, then I brought those people up to where they should be.

C Hudson: Thank you. For the person who submitted these questions, it asks about the RV watering. It says it was deleted from this budget; that's because it's not a continuing thing and it's not a leased vehicle? We bought it and we paid for it and we're not buying another one next year.

Mayor Post: No. We discussed it at the first workshop, because they wanted another one and we were adamant that the Council did not want to purchase a second one; so it was removed from the draft budget because

we decided at that workshop, absolutely we knew we felt the flavor of the room; so it was removed. That was the whole purpose of having the workshop.

C Hudson: There was another question under Police, #5390: the question was it increased from \$19,000 to \$29,000 after August 19th. Actually, in the 2007 budget it was budgeted at \$27,000 and I guess I'm answering the question for this person.

Mayor Post: It was revised for last year to \$32,500.

C Hudson: Now we've revised it back down to just barely more than what it was for 2007.

C Duby: That's because of the change in the take home vehicle policy.

Chief Phillips: Did you include that \$25,000 grant that I got?

C Hudson: I didn't understand where the \$19,000 came from; but in 2007 we budgeted \$27,000; and currently we're budgeting \$29,795.

C Abraham: I think it went down because they lost an officer, which means a car.

Mayor Post: To a point, it will soon reflect because it was still up for discussion; it was coming through a \$25,000 grant, which the Chief discussed at the second workshop. We decided that \$10,000 would be used for the gas, to offset any additional gas costs for the Police Department; and the \$15,000 will come back in to offset a portion of the car leases. So technically, that grant might reduce our \$12,030 that we were also talking about. That's the key; grants are something that can be achieved throughout the year. It's just not at our budget time.

Jennifer Cornell: Can I clarify? From the workshop, one of the items up was the take home cars. The discussion was to allow the Police Department to retain their take home vehicles. \$10,000 of the Sussex County Grant was going to offset those costs. So there is \$10,000 added to that line item, bringing it to the \$29,000; that's why it increased by \$10,000; that is the Sussex County money. You'll also see on the revenue side, the grant is showing there.

C Martin-Brown: Mr. Mayor, we had two interventions tonight in the public participation session about the fee system and about Council salaries. Is that to be entertained tonight?

Mayor Post: You can certainly discuss it, and as I said in the second workshop, first of all, I would be glad to entertain anybody to waive mine, if 15 people from the public would be glad to donate the equal amount to the park fund, starting with the person who suggested this, who is Mr. Collier. I would be willing for that. At the same time, I said everybody sitting up here is from different means. I do think people like to pre-judge or assume; but for my part, anybody that thinks that \$1,200 is a lot for having 3 or 4 meetings a week; plus numerous hours spent on the Internet and phone dealing with the town issues; and my weekends, as well; I think anybody sitting up here who would like to give their money back, should do it. I think it's great and I think there were two of them that suggested they would do it.

C Doby: As Mr. Collier pointed out, we are required by the Charter for those payments to be made; but as he pointed out, there is nothing in the Charter that prohibits people from giving it back. I think that each of us should and can make that decision for ourselves and we individually can choose whether we want to make that public or not. I think the Charter requires that we be paid; I think each one of us should be free to give the money back if we are able to or if we choose to do so and that should not be a matter to be put into or taken out of the budget. That would be my suggestion.

C Martin-Brown: More precisely, Mr. Mayor, it was in the fee structure that the demolition permit and inspection fees came up and since the fee schedule is part of this budget, I'm wondering if that needs to be entertained now or should it be tabled for another time?

Mayor Post: We can amend it at any time.

C Martin-Brown: Just so we know that we've taken up the feedback from the floor.

C Doby: I have a question about the health insurance benefits. In the earlier draft of the budget, employee insurance benefits were \$43,000 and in the latest one that we got, just a few days ago, they're \$44,551. The employee contribution of 30% doesn't seem to be reflected there, so what am I missing? Is it reflected somewhere else?

Jennifer Cornell: The percentage is reflected; when I prepared the final draft I reevaluated all the employees. Some had status changes, so those numbers changed a little bit across departments; but overall the 30% is reflected across the board.

C Doby: So what are we saving, approximately, by asking the employees to do that?

Jennifer Cornell: I believe it was close to \$30,000.

C Hudson: I have a question, pertaining to almost the same thing. Under Administrative Expenses, the benefits went up 3.61% under employee insurance benefits; but under the Police Department the employee insurance benefits went down 20%.

Jennifer Cornell: Again, that is just status changes; there were some employees in Administration that now have families, now have spouses, so that changed a little.

C Hudson: Wouldn't you think it would have gone up, as well, rather than down?

Jennifer Cornell: For the Police Department? I believe their status for the most part stayed the same, so you're seeing a decrease there.

Mayor Post: That kind of relates to the budget issues, as far as insurance and the new personnel book that everybody eventually will be reviewing, we'll be doing something similar to a lot of major companies, we have not had on the books before that if the spouse of the primary carrier of the insurance can get their own insurance, they will have to do that. It could possibly reduce this even more. Once we adopt that new policy, if any employees' spouse has insurance available at the company that they work

for; they will be required to get it there. We will not be paying for it through the Town. That will be a new policy going into effect, hopefully, when we review this new employee manual.

C Hudson: Can I ask for some suggestions for next year, rather than have this go across the page, the way it does this year, can we have it go across this way, as it did last year, so that when you read it on the Internet it's not up and down? The second thing I would ask is that what we have actually spent, could be added to this budget, so that we will see what we actually spent on each of these items last year and maybe the year before. We have what is proposed on here; but we don't have that included in the budget; I would also like to see what we actually spent for last year.

Mayor Post: I think that's a good suggestion to put in last year's actual spending, even though it's done way before the end of our budget year, but there is nothing wrong with doing that to a point. As far as any other years, if you use our Town Audit, you can get 5 years of comparisons in our Town Audit; which is well detailed and kind of structuring this budget, under the audited plan of the way they wanted this reported. Also, for those people that don't know how to turn it around to read it the other way, our Town Clerk put the instructions right on the web-site on how to turn it so you could read it.

C Martin-Brown: Mr. Mayor, I would like to make a point of clarification from the Charter. We've heard a lot of discussion about the format and the layout of the budget; and, Section 28, for people who are here and have been to these meetings; the Town budget says, the budget shall contain the following information: 1) a detailed estimate showing the expense of conducting each department and office of the Town for the coming fiscal year. I know there were suggestions about how it ought to be aggregated or reflected and there were some concerns that the budget was presented by department; but I wanted to share with others, that it's a requirement of the Charter, that it be laid out by department.

Mayor Post: That's a request of our auditor, as well.

C Martin-Brown: Right, but that's what the Charter requires. I just thought it was important for people that have been privy to this earlier discussion.

C Abraham: I would like to make a motion to approve the budget, as presented. I would like to make a motion to approve the Fiscal Year 2008-2009 Town of Milton Budget, as presented. My motion should also include, but not be limited to, the approval of the Capital Expenditures for the lawnmower, the reassessment, the Capital Improvement Plan for 2008 through 2014; the proposed fee schedule changes; and a hiring and promotion freeze, which shall be contingent upon the future needs and approval of the Personnel Committee, as well as the COLA and pay matrix which is based on employee yearly performance appraisals and shall be effective with the start of the new fiscal year October 1, 2008.

C Prettyman: Second.

Mayor Post: We have a motion and a second. All in favor. Opposed.
Motion carried. Thank you.

15. Executive Session: Discuss Land Acquisition, Litigation and Personnel

Mayor Post: I do believe there is a need to go into Executive Session.

C Duby: I move that we go into Executive Session.

C Martin-Brown: Second

Mayor Post: I have a motion and a second. All in favor. Opposed. We are going into Executive Session at 8:47 p.m.

C Prettyman: I make a motion that we come out of Executive Session.

C Hudson: Second

Mayor Post: I have a motion to come out of Executive Session. All in favor. Opposed. Motion carried.

C Prettyman: I make a motion that we accept the Letter Number 1; and any other conversation or changes in this would go from C Betts and C Duby for final approval.

C Hudson: Second.

Mayor Post: All in favor. Opposed. Motion carried.

16. Adjournment

C Prettyman: I make a motion to adjourn.

C Duby: Second.

Mayor Post: All in favor. Opposed. Motion carried. Adjourned at 9:13 p.m.