

**Milton Town Council Meeting  
Milton Library 121 Union Street  
Monday, September 9, 2013, 6:30 p.m.**

**Transcriptionist: Helene Rodgvile  
[Minutes are not Verbatim]**

1. Call to Order ó Mayor Jones
2. Moment of Silence
3. Pledge of Allegiance to the Flag
4. Roll Call ó Mayor Jones

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

5. Public Participation

Mayor Jones: Mr. Abbott, my agenda does have public participation under number five, so if anyone, for any reason, was confused and a copy of the agenda got out without that notification, if you'll just courteously hold up your hand and you'll be called on; even if... Wait a minute. I have one who filled out the paperwork; respectful please; keep your comments to three minutes.

- Ed Kost, 230 Sundance Lane: Mayor Jones and Council. Two questions basically, one, at your previous meeting Council had approved the Town Solicitor to prepare a Complaint. I assume that has been completed.

Seth Thompson: It has been. It's not listed on the agenda tonight, but we do have a meeting next week and I believe it's on that agenda.

Ed Kost: Okay, my second question is related to the first question. It's my understanding that Chestnut Properties has requested the punch list be updated and I assume that Chestnut Properties has been in touch with Council to move in a direction of paving and I'm just asking for an update on what that situation is, where it may be going and what Council thinks may or may not take place, so that myself and my neighbors have some idea of what is occurring or what may occur and maybe I won't have to come to anymore meetings and spend time with you like this. I could just sit in the audience and listen.

Vice Mayor Booros: We enjoy you at these meetings.

Ed Kost: I have fun sometimes. By the way, for those of you who don't know how I have my thing, I keep a public participation thing at home and I make my own copy before I come here. It saves a lot of time.

Seth Thompson: To answer your question, Mr. Kost, I saw emails and then sent a confirmatory letter today that the developer approved the Town Engineer fees for

updating the punch list.

Ed Kost: Can we infer from that that they may actually do something?

Seth Thompson: I think one could infer that. I don't like to make too many assumptions.

Ed Kost: I'm used to guessing. I pray occasionally. Thank you.

Mayor Jones: I saw some hands up.

- Unidentified Speaker: In the interest of Monday Night Football, I'll keep this short. First off, I had a question at the last meeting concerning the occupancy permit that was provided to Cannery Village, or to Chestnut Properties, for the Recreation Center. Did that OC get consideration for the ADA, the Americans with Disabilities Act? Do you have an answer for that?

Seth Thompson: I'm seeing from the Town Manager that we don't have a response on that. No.

Unidentified Speaker: I asked at the last meeting how long do we have to expect for answers to these things? I thought it was a pretty simple question. Okay. My next one, is a little bit more difficult. This is related to safety. I heard the punch list mentioned. Two years ago I stood up before the Council and cited a situation where fire vehicles went out to Cannery Village and there was a supposed leak in the propane farm; the Fire Chief stated that at that time, one of the fire vehicles backed into someone's POV that was legally parked. The Fire Chief mentioned that thank God there's no fire; because they would have a heck of a job maneuvering their vehicles to fight a fire. At that time, two years ago the justification was that the roads had been approved by the Fire Marshall. Now, have we considered taking a large fire vehicle through the different streets and the different lanes in Cannery Village? I would challenge anyone to get a fire vehicle of any significance around behind Councilman Cote's house, because there are two ways to get there and both of them are extremely restrictive; as far as even getting a large SUV around there. Is that on the punch list to be considered before we go through the drill of having Chestnut Properties hopefully pave our streets and Lord knows, we all want that. I think that safety is the responsibility of the Town and God forbid if anything were to happen, because this is the second time this has been brought up, by me. Do we know that those streets can handle heavy duty fire vehicles? That is the point that I raise and I don't know how that's going to be resolved; other than taking the largest vehicle we have, or the largest vehicle in Sussex County. We have many houses, twin houses; the others, even the single family homes are very close together. God forbid if there was a fire out there, it could affect several families, not just one and being that the streets will be numbered properly, we know that the Fire Department will not have to look for the flames in order to get to where the fire is. So much for my sarcasm. But I wish that we would do something; make a determination on the streets; the street width. That's all I have. Thank you very much.

Mayor Jones: Just one moment. Mr. Abbott, would you ask Mr. Davis to pull the Fire Marshall's approval for that construction, so that we can have a look at that. Thank you Mr. \_\_\_\_\_.

Unidentified Speaker: So you can look in the minutes of a meeting... I can get you the date of the meeting that this was brought up and the people that mentioned it to me in talking to the fire chief, are people that are very prominent in Town, live in Cannery Village; one is a member of Planning and Zoning and the other one is on the Historical

Society, so they live right there on that corner where the propane farm is. Thank you very much.

Mayor Jones: Thank you.

- Lorraine Wasserman, 244 West Shore Drive: The only thing I've got to say is I was on my bike today and I was driving right past John's house, down an alley, and there were four parked cars on this beautiful lawn. We really need to get serious about the Code Enforcement, because it's a real serious problem, real serious; I'm telling you. The lawns are unkempt; well it's not as bad as that; and the wire keeps on dangling and I called about that wire on Mulberry, where I ride my bike; it's not a live wire, thank God; but it's still dangling around on the pavement. Somebody could trip over that or something. And that's about all I've got to say, other than that I'm very happy otherwise. Thank you Madame Mayor.

Mayor Jones: Can you tell me where is that wire that you've identified on Mulberry?

Lorraine Wasserman: It's right past the school; remember I sent you an email?

Mayor Jones: North or south? Are you coming towards the bridge or away from town?

Lorraine Wasserman: You're going towards Shipbuilder's and right there, there's a wire just hanging on the sidewalk.

Vice Mayor Booros: Madame Mayor, while you're writing down, there's one on Broad Street; you could reach up with your hand and pull down; on the right hand side of the street about halfway down.

Mayor Jones: Okay. Thank you.

Lorraine Wasserman: Thank you Madame Mayor and Council.

- Bob Howard, 217 Chandler Street: I'm speaking for the Milton Economic Development Committee this evening. I wanted to announce a Workshop and a seminar, both to be held in the library. The workshop is at the request of the Economic Development Committee; DEDO with funds from the USDA is sponsoring a workshop on downtown business development. It's open to the public. It's being advertised to all the Towns in Sussex and Kent County's. The discussion will include business retention and business recruitment strategies for commercial business districts; a look at the types of incentives communities are offering to actively stimulate business growth and support growth goals; and address business retention and enhancement as a means of supporting businesses that have already invested in the Community. I think it's a very worthwhile workshop; hopefully there will be numbers of people from the Committee going in and it's available to the public. You need go online and register for it, but it will be held here in the library on Thursday, September 19<sup>th</sup> from 10 am to 3 pm and lunch will be provided. The second thing I wanted to announce is an Entrepreneurs Expo that's going to be held here at the library on Saturday, September 21<sup>st</sup> from 11 am to 3 pm. It's being sponsored by YourEverydaySolution.com and the Home-Based Business Chamber of Commerce and this is an Expo that's designed to help people who want to learn how to get a business started; who want to grow their existing business to the next level; they're looking to build networks and explore new growth opportunities and it's also an opportunity for some of the businesses that come here, to exhibit their wares to members of the public who might come to see what they have to offer. These two workshops I think are very important for Economic Development in Milton and I

wanted to bring it to your attention. I have copies of the flyers from both of them, if I can leave them with you.

Mayor Jones: Sure, thank you.

Bob Howard: Thank you.

Mayor Jones: The Entrepreneurs Expo is on Saturday, September 21<sup>st</sup> from 11 am to 3 pm, here at the library. Thank you. Anyone else that would like to speak tonight?

6. Additions or Corrections to the Agenda

Mayor Jones: Does anyone have any additions or corrections to the agenda?

Vice Mayor Booros: I have one. Number 15, New Business, 15b; First Reading. I would like to delete the words "First Reading", since there is only one reading required to pass an Ordinance.

Seth Thompson: And just so everybody's clear again; I've encouraged the Town to make more than one reading, so that people have the chance to look at an Ordinance, once; but the Councilman's correct that a second reading would not be required. When it comes to Zoning, the Town would have to hold a Public Hearing, based on State law, as opposed to Town Code. The Councilman is correct, that again only one reading is required; I think we have that discussion tonight.

Vice Mayor Booros: It's a very simple change. It's moving something from one list to another.

Seth Thompson: And that certainly makes sense. I would still suggest that the Council then have a Public Hearing; it has to be notified in the newspaper; I believe 20 days in advance; because it has to do with Zoning. That's one of the stipulations that the State put on municipalities when they're adopting their own Zoning Ordinances.

Vice Mayor Booros: Okay.

Mayor Jones: Is there anything else?

Councilman Collier: Alright, under New Business, item c. I'd like to just pass on the first reading of that tonight. I reviewed it and I'm confused about some of the information in it; it doesn't ring true to what I recall we...

Mayor Jones: You said c?

Councilman Collier: 15c, Ordinance to Amend the Employee Handbook in several sections.

Mayor Jones: Okay.

Councilman Collier: It doesn't match with the notes that I took in that particular meeting and I'd like to review it further if I could please.

Vice Mayor Booros: I agree with Councilman Collier.

Mayor Jones: What's your recommendation on rescheduling that?

Vice Mayor Booros: How about until after the next meeting of the Personnel Committee, so we can look at it one more time.

Councilman Collier: Works for me.

Vice Mayor Booros: Let's not set a date for that until after the Personnel Committee meets to discuss it.

Mayor Jones: Okay.

Councilman Collier: I'm a little confused about one thing here in our Old Business agenda. We have an Ordinance to Amend the Town Code in multiple sections relating to fees and incorporating all fees into a Fee Schedule; then we have adoption of a budget and a Fee Schedule. Are these two conflicting with one another, or are they separate and I guess this question would be for you Mr. Thompson. In other words, if we go through this second reading and we pass it and it becomes an Ordinance, are we just setting ourselves up for a rewrite of the

Ordinance with the next item, two down?

Seth Thompson: I think the Ordinance itself is going through an amending... those that are in the Code and then the second item, adopting a Fee Schedule is the one page listing.

Councilman Collier: Alright, thank you.

Mayor Jones: Is there anything beside 15c, which has to be rescheduled following the next Personnel Committee meeting; anything else?

Councilman Collier: I have one other thing. There is no written report from Streets and Sidewalks for this month; so you can strike that please.

Mayor Jones: Can I get an approve for the agenda, with the requested amendments?

7. Agenda Approval

Councilman Coté: I make a motion to approve the agenda, as amended.

Councilman West: Second.

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

8. Presentation and Approval of Minutes from August 5<sup>th</sup> and August 15<sup>th</sup>, 2013

Mayor Jones: Have you had a chance to look through these?

Councilman Collier: I have one change on the August 5<sup>th</sup> minutes. It would be on page 26 and there's a statement that's attributed to me and I actually believe it would be Councilman Coté that made the statement. Do you agree with that Councilman Coté?

Vice Mayor Booros: Which statement are we talking about?

Councilman Coté: I don't know which statement you're referring to.

Councilman Collier: It would be the first one with my name beside it on that page; well I would question how many other homes in Milton have a...

Councilman Coté: That's probably me. **Correction made.**

Councilman Collier: That would be the only change I have for August the 5<sup>th</sup>.

Councilman Coté: I have a couple of changes for August the 5<sup>th</sup>. On page 20, item number 13 about halfway down the page; and it would be the second line attributed to me and it should say "when it's billed and not as it's collected." **Correction made.** The not was omitted. I have one other. On page 33, approximately two-thirds of the way down the page, there's a comment attributed to me that starts out "We just need to call it what it is." The dollar value at the end of that sentence should be \$64,000, not \$54,000. **Correction made.**

Mayor Jones: Any others?

Councilman Coté: That's all I have.

Mayor Jones: Anyone else? Any corrections to August 15<sup>th</sup>? Hearing none, do I hear a motion to approve?

Councilman West: Madame Mayor, I make a motion to approve the minutes of August 15<sup>th</sup> and August 5<sup>th</sup> with the corrections.

Vice Mayor Booros: Second.

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

9. Mayor's Report

Mayor Jones: I just wanted to make a comment and also to let you know under the Mayor's Report, it really is a time to share some good news in the community, so if you have that, I always welcome that and I'd like to share it with others. I did want to say congratulations to the Economic Development Committee. I thought that was an outstanding article in the papers, in

the local papers, that covered you on the Sustainability Project that you have had out at our Farmer's Market. It is due to be at the October Fest Farmer's Market on the 4<sup>th</sup>, which will be at the Dogfish Head Brewery and you can also view that at Lavender Fields Farm; is it from the 5<sup>th</sup> through the 12<sup>th</sup> of October, or just those two days, Mr. Howard?

Bob Howard: Just those two days.

Mayor Jones: Just those two days. It's a very beautiful display, if someone has not gotten out and had a chance to look at that. Also, I want to make a recommendation to the Charter and Ordinance Review Group to consider changing the election of Chairman and Secretary dates. There is no consistency. Planning and Zoning voted in April of this year. I see that the Historic Preservation is due to vote tomorrow on the nomination and election of a Secretary and my proposal would be that we give the committee six months and we take the votes in October. There's nothing that specifies when the votes are taken, just annually.

Seth Thompson: For which committee's?

Mayor Jones: Planning and Zoning.

Seth Thompson: I think Planning and Zoning actually says in our ordinance.

Mayor Jones: I thought it said annually.

Vice Mayor Booros: So our ordinance would allow them to vote before they're seated; the new people are seated?

Seth Thompson: I think it says at their first meeting. I can double-check though. But that was...

Mayor Jones: It's Chapter 30. That way, you know, every three years if you have a new Mayor that comes in, or even if that's the time for new appointments; it's very difficult to elect a head of a body like that, until they sort of get to know one another. If it's specific with a time, I just make that recommendation that Council consider that; that there's a little period of adjustment before some of those elections might take place, if they're specific. Does it say specific?

Seth Thompson: No. I stand corrected. It says annually. My apologies.

Mayor Jones: So I'll pass that on to you.

Councilman Collier: So noted.

Mayor Jones: Thank you.

10. Discussion of written committee reports

a. Finance Committee

Mayor Jones: Anything from Finance tonight, Councilman Coté?

Councilman Coté: No written report from Finance tonight.

b. Cannery Village Ad Hoc Signage Committee

Robert Weston: We're distributing our report in written form.

Mayor Jones: We'll just take just a moment to read this. Mr. Weston is this available to anybody on the back table, as well? Was this made available?

Robert Weston: No, it was not.

Mayor Jones: Well two things. Item number 4 is new as far as approval of tentative funding, since you've come before us.

Robert Weston: Correct.

Mayor Jones: And the other issue is one that I know Councilman Collier has talked to Mr. Frazier about, which is the break-away signs. Did you have anything you wanted to add to that specifically in reference to break-away signs?

Councilman Collier: My only concern is that if they're required, for residential areas, that we put the right thing in the first time, so that we're not doing it again by 2019.

Robert Weston: We agree with that. On the other hand, councilman, what it really comes down to is every ordinance we found was federal. Any search we did on the web and we've done extensive searches, three different people and the only thing we came up with was a Highway Ordinance, which specifically states 50 mph requires a break-away sign. It indicates that there may be some future need for other places, but it never states any other requirements at the moment. And the 50 mph zones have been required as of this year.

Councilman Collier: Correct and I don't have all of the documentation in front of me and I think that may be a mandate in the Delaware Manual for Uniform Traffic Control Devices, but I'll be happy to confirm that.

Robert Weston: As stated in the report here, we're waiting on a report from the State, to see what the State says about the same thing.

Councilman Collier: Alright.

Robert Weston: It's our impression that the only requirement is in highways of 50 mph or higher.

Councilman Collier: Again, I'm not going to argue whether that's true or false.

Robert Weston: Neither one of us knows completely.

Councilman Collier: Because I don't have the information. I got that from in front of me, I'm sorry.

Robert Weston: All we have is what we were able to accomplish on a search on a web.

Councilman Collier: I understand, thank you.

Robert Weston: Several searches for what it's worth.

Councilman Collier: Thank you for looking into the issue, though.

Robert Weston: No, it's a good one.

Mayor Jones: I would like to say while you're here, that there is a possibility of a vote this evening for financing these signs, so if Council chooses to have a discussion about this, I would say this is the proper time to do so. Anyone?

Robert Weston: If Council doesn't choose to discuss this, I would like at this moment to make my little personal speech, as a resident of Cannery Village. It struck me this evening as I was going over this and that I knew I had to be here, the architect that designed this place isn't here and isn't being asked to pay anything. The engineering firm that advised the Town on this, isn't here and isn't being asked to pay anything. I bought a house there and I'm being asked to pay for part of this. I don't understand why I'm responsible, at all. This is not a committee item. This is my personal response. I don't get it. I don't know why I'm paying, even the portion that I'm offering to pay. I didn't do this. I didn't cause these signs to not be there. I didn't cause this community to be designed the way it was designed. I didn't approve the community, as it is to be build, why am I paying?

Mayor Jones: A question for you. This is a little difficult in Mr. Davis' absence, but I believe that the engineer of record on this is here this evening. Mr. Kerr, were you part of the process in deciding on the signage and the approval of, in any way.

Bob Kerr, CABA Associates: I was not considered the engineer of record on the project; that would be George, Miles and Buhr. They were the engineer's for the developer. I assisted the Town in the review of the project. There were many recommendations that I

made, that were not incorporated in the final design and it was accepted by Planning and Zoning and Mayor and Council. I cannot specifically remember the signage, at this point. It's been too long. I would have to go back and look at the records.

Robert Weston: Are you willing to pay a portion of this?

Bob Kerr: No, Sir.

Robert Weston: Interesting. I'm not either, but I'm paying.

Bob Kerr: As I said, I can't say what the comments were about signage. I didn't have anything to do with addressing of the streets. I didn't have anything to do with the naming of the streets.

Robert Weston: I think for me and for the Council, it would be interesting if we did know what you did advise.

Bob Kerr: It's all available in the Town Hall. All the minutes are there.

Robert Weston: That would be interesting.

Mayor Jones: And here we are at the final hour of making a vote. In the over a year since Council walked the pavements in Cannery Village and looked at the sign issue, has this question actually been posed to Mr. Davis? The one I ask here, as far as the responsibility for the review of the design submitted by George, Miles and Buhr, on behalf of the developer and how...

Robert Weston: I don't know the answer to that. Mike, do you?

Councilman Coté: Mr. Davis has said in the past, that the Town had the final approval of what was done. I don't know what GMB's recommendations were. I don't know what CABE's recommendations were. But Mr. Davis has indicated on more than one occasion that the Town has the ultimate approval of the addressing.

Vice Mayor Booros: Except that the Town submitted the addressing to the County. I was in that meeting too.

Councilman Coté: No, that's not what he said. That's not what he said, John.

Vice Mayor Booros: Quite honestly, this Town doesn't make any recommendations or approvals on their own, without some recommendation from either Council or a paid engineering firm and I agree with you, Sir, it's been a year into this and we haven't looked to see what the Town Engineer said to us about the streets; whether it was a recommendation that the Town approve, based on the engineering firm, based on the attorney of record at the time, or did the Town just go out on their own and say oh, this looks good. Let's do it. If this Town approved something based on the recommendation of a paid engineer, who's the professional that we rely on, then I agree with you Sir; that the paid engineer should be responsible for a portion of it also.

Robert Weston: I'm not going to argue with you.

Vice Mayor Booros: But quite honestly, you're into it and we're calling for a vote tonight, I'm sure and my problem is there are a lot of things a year into it, that haven't been looked into.

Robert Weston: Interesting. It's an interesting point and it would be very interesting if the point was brought up a year ago.

Vice Mayor Booros: It would have been nice. Yes.

Mayor Jones: So doing the math that you provided here...

Robert Weston: In effect, the Homeowner's Association is willing to pay 50% of the cost of these signs, effectively.

Mayor Jones: I come up with a balance of \$12,565, based on your numbers. Thank you.

Robert Weston: Correct.

Mayor Jones: This is very good information. I appreciate it. Again, I recommend Council ask Mr. Weston any questions they have at this time.

Vice Mayor Booros: Have we ever heard anything back from Sen. Lopez?

Robert Weston: That's an interesting... You would know more about the response from Sen. Lopez, than I do, Mike.

Councilman Coté: I think we have to pass that one to Win, Mr. Abbott.

Win Abbott: The ball is in our court. It's up to the Council and the Homeowner's Association to first figure out what they're going to do, before we take that step.

Vice Mayor Booros: The developer, has he come forward with anything?

Robert Weston: I'll be blunt. In his arrogance, yes; but he's put a condition on it and we didn't include it, because he put the condition on it and it didn't seem right to apply an amount that is conditional for anything. I'm not even positive what his condition was, but something to do with what the Town paid.

Mayor Jones: Someone who has that information, I'd like very much if they'd share that at this time.

Robert Weston: The offer was \$2,500.

Mayor Jones: If..

Robert Weston: If the Town picked up the rest.

Councilman West: This should be a deal that goes back to Pret Dyer and Tom Draper.

Robert Weston: You're not going to get any argument out of me.

Councilman West: Because I made the statement when they started building those streets, to the Council and the Mayor at that time and they told me I didn't know what I was talking about. I know I'm just a dumb farm boy, but I know the difference between a perfect street and a shoddy one like they put in there and I told them; you are not going to get the fire trucks in there and they wouldn't listen.

Robert Weston: This isn't about the signage though.

Councilman West: It had to do with all of it, the signage and all and I told them, I said, I've gone back there and you go to look for a house and you're going to the wrong place. I said you need to address this and address it now and this went back to 2002, 2003.

Robert Weston: You should have been Mayor then. It might have happened.

Councilman West: I sympathize with you, but the Town should not have to pay for the developer's mistakes.

Robert Weston: Should I?

Councilman West: You all take that up with your developer, in my opinion.

Robert Weston: We already did that. His statement was I already spent...

Councilman West: You need to get a lawyer.

Robert Weston: His statement was I already spent \$80,000 on an engineering firm that gave me bad information.

Councilman West: Well you need to get a lawyer to work on this.

Councilman Coté: Excuse me Councilman West, the developer's name is not on the approval; they didn't sign it as approved; the town representative signed it as approved, so there's room for a debate on who's responsible and how much.

Councilman West: Right. I understand that. But my thing is, Councilman Coté, if they'd have nipped it in the bud when I brought it to their attention, in the beginning, this would not have happened now.

Councilman Coté: And all the parties involved had the opportunity to nip it in the bud; whether it would be the engineer's working for the developer; the engineer's working for the Town; the Planning and Zoning Committee at the time for the Town and the Mayor and Council at the time for the Town. Everybody had an opportunity. The only ones that didn't have the opportunity to do that, were the homeowner's.

Jeff Dailey: And we pay twice, because we pay our taxes, as well.

Vice Mayor Booros: Councilman Coté, you and I were in the same meeting with Heritage Creek and with all due respect, the answer from Heritage Creek was, well Cannery Village is working this out right now. As soon as they get it all figured out, we'll be okay, because they've got a bunch of houses facing the grassy area, which our Planning and Zoning Board just approved rear addresses; entry from the rear and not from the front. Okay?

Robert Weston: You understand this is emergency entry, that's in question here? It's not rear entry for...

Vice Mayor Booros: But I'm talking about rear entry where we have problems now where people can't find the right houses; the police break into the wrong houses...

Robert Weston: I get it. I get it. I get it.

Vice Mayor Booros: It's the same issue, addresses on the backs of houses, where once side of the street is one address and the other side of the alley is the other address. It's a problem. It's a problem.

Robert Weston: I get it.

Vice Mayor Booros: And our Planning and Zoning Board just approved it again for Heritage Creek, with our engineer sitting there and our Town Solicitor sitting there and it went through.

Seth Thompson: Right, because that's the design that was approved by Council on the Master Plan. The phase...

Vice Mayor Booros: With the recommendation of an engineering firm? Council just doesn't approve these things without somebody's recommendation and it usually comes from Planning and Zoning, who usually has the recommendation and the questions of an engineering firm and we've just done it again. That's all I'm saying. We've just done it again and now I'm sitting here and ten years from now when somebody says, who's going to pay for this, with Heritage Creek, who did this? I can tell you who I'm going to point the finger at now, because I was sitting in the meeting that night.

Councilman Coté: Excuse me, I sat in the same meeting and...

Vice Mayor Booros: Couldn't believe it either, could you?

Councilman Coté: I did have a hard time and maybe in fact, it was a conditional approval, because obviously the part that they were conditioning the answer on, hasn't been resolved yet.

Vice Mayor Booros: I hope not.

Robert Weston: May I just interject one more thing to Councilman West specifically? My limited knowledge of the law would indicate to me, I'm a businessman so I have some knowledge; would indicate to me that if I would have to go consult with an attorney, one of his first things would say, well you've got no choice but to sue the Town too.

Councilman West: Yes.

Robert Weston: It's not just the developer. It's not just the engineer. It's not just the

architect. The Town would have to be part of the suit. It would have to be.

Vice Mayor Booros: And my limited amount of law would be that the Town insurance company would turn around and go after the engineering firm who made the recommendation to the Town.

Robert Weston: I don't care.

Vice Mayor Booros: I understand.

Robert Weston: It doesn't make any difference to me.

Vice Mayor Booros: I know and I'm aware of that, but I'm also aware of the fact that the Town's insurance company would turn around and go after anybody's brother and sister, who recommended that we approve it.

Robert Weston: I'd be on that horse.

Vice Mayor Booros: It all flows downhill.

Robert Weston: I would ride that horse all day long.

Vice Mayor Booros: And it all flows in the same direction.

Councilman West: Mr. Weston I sympathize with your plight back there, because I know what it was all about back then.

Robert Weston: Thank you. I'm thrilled that somebody saw it.

Councilman West: I saw it.

Robert Weston: Because nobody else did.

Councilman West: I brought it to light and I was told by the Fire Department, the Town, I didn't know what I was talking about; that everything was fine. It came to light... How long has this been going on Mike? How long have they brought it before the Town, 3-4 years?

Robert Weston: A year and a half, I think and Jack, when was the first time we had an issue? 2-1/2 years ago? Is that right? 2-1/2 years ago was the first time it came up as a solid issue where an emergency vehicle couldn't get where they wanted to go.

Councilman West: Right, because I said this when they first started building all that back in there. I said you've not got the signs right, you've not got the roads right. Yes we do.

Councilwoman Patterson: We could sit here all night and keep pointing fingers, but ultimately this is a problem and the Town did approve it and there are significant safety issues over there.

Robert Weston: On top of this, one parting thing, let me just add. Assuming, for a moment that this doesn't get approved. One, it's an emergency issue and two, sooner or later, whether or not the signs get built right now, those streets are going to get paved. When those streets get paved, the Town's going to own those streets and then you're going to be totally liable for those signs not being there. I don't get the issue here. It seems to me and this is just a no brainer. It's an emergency issue for citizens of Milton, Delaware. Let's get this done.

Councilwoman Patterson: It is and we keep talking about fire trucks, but there are also ambulance issues, because I've heard stories over there with ambulances not being able to find the house, when somebody was having an emergency.

Robert Weston: Absolutely. Absolutely. One way or another Milton's going to pay for this. Not because I'm telling you to.

Councilwoman Patterson: And I think the fact that the Community Association will step up and offer to pay for the signs. It's commendable.

Vice Mayor Booros: It's very commendable. But seriously, I'm going to tell you what

my only and I've mentioned it more than once over the past 3-4 months; my biggest problem with the whole thing is not that the Town hasn't... The minute the Town sent out the Request for Proposal, the Town took some responsibility. If we didn't think we had some responsibility, we never should have appointed the Ad Hoc Committee for a community we don't own yet, for the streets we don't own yet; we never should have put out the Request for Proposal ourselves.

Robert Weston: Good points.

Vice Mayor Booros: Bottom line, we've taken some responsibility of some sort; where I have a problem was we have one offer and we still negotiated the requirement; of what the actual requirement was. Up until about a month ago, we hadn't concreted down what the actual requirement was and gotten the final quote from the one offer. So basically, we've been dealing with one company. My whole 37 year career was about competition and spending the taxpayer's money; we're dealing with one company.

Robert Weston: It is interesting as there was no responses.

Vice Mayor Booros: I have said it ten times. Now that we know what the requirement is, we know what the color of the signs is and we know what the size of the signs is and we know how many signs we need.

Robert Weston: No we always knew that.

Vice Mayor Booros: No, you all were ironing something out with Quillen a month ago; six weeks ago...

Robert Weston: Oh yes, but that's final detail. It wasn't necessary for an Request for Proposal.

Vice Mayor Booros: Now we know the final detail. Go out and get quotes from more than one company.

Robert Weston: Ask Win how many he sent?

Vice Mayor Booros: I don't care. He didn't email them out. He put it out in the newspaper. People didn't respond. You can email those RFP's out to 100 different sign companies and you can get your quotes back.

Robert Weston: This is news to me. We didn't know any of that.

Vice Mayor Booros: We didn't get competition, adequate price competition. We're dealing with the one local guy, a block away from your house. And it's taxpayer's dollars you're spending. I'm not saying we're not responsible for a portion of it...

Robert Weston: Why would you imagine there were no responses? I don't really get it.

Vice Mayor Booros: Why?

Robert Weston: I didn't get it at the time.

Vice Mayor Booros: In this day and age, because some people don't read the Cape Gazette when you publish it in the Cape Gazette. There's a lot of hungry businesses out there, my man. Send it out.

Robert Weston: That's what I thought.

Vice Mayor Booros: Send it out as a PDF and email it out to some sign companies and see how many quotes you get back. I'm dead serious. Now why hasn't the Town done that; because I said it ten times over the last few months. Once you've got the requirement nailed down and we know exactly how many signs we need...

Robert Weston: How do they say, It's Not My Job.

Vice Mayor Booros: Not Your Job. You're right. But it's my job to protect the taxpayer's money and make sure they're getting the best bang for their buck and quite honestly, we

haven't gotten competition and my only objection here is the fact that we haven't gotten adequate price competition and the best bang for our buck. Not that we're not responsible for a portion.

Robert Weston: Let me do this, then. Let me withdraw my offer of \$12,500, until the new competition is in, because...

Vice Mayor Booros: I'm not saying we're going to do it. I think this is calling for a vote tonight. I'm just telling you right up front, that's my only objection. It's been my objection for awhile now.

Robert Weston: I understand it.

Vice Mayor Booros: Not the fact that we're not responsible in some way.

Robert Weston: I understand it. I wish you had objected to me; because I would have put out PDF's.

Vice Mayor Booros: It wouldn't have been that hard, you know.

Robert Weston: No. It wasn't my job to put out the PDF to begin with.

Vice Mayor Booros: Not my job either.

Councilman Coté: Just to comment on that.

Vice Mayor Booros: Go ahead.

Councilman Coté: The more primary issue in this whole debate is the safety of the citizens of Milton and there's a secondary and maybe it's a third level issue about whether we argue about whether it costs us \$2,000 less, than we have right now. That's a secondary or tertiary issue. The primary issue is the safety of the citizens and right now that's still an issue.

Robert Weston: What's wrong with settling the share of the responsibility right now at this amount, getting new bids, alright; and reducing both shares equally?

Vice Mayor Booros: Because it's a safety issue and we don't have another month, or another two months. And that's Councilman Coté's point. If you keep stalling it off...

Robert Weston: I don't want to stall it off.

Vice Mayor Booros: Well it's been a year.

Robert Weston: I want the signs up now, tomorrow. I don't want to stall it at all.

Mayor Jones: Mr. Weston, just doing a little bit of math here, which is dangerous for me; out of the quotes that we have, the last time I talked to Mr. Frazier you have two quotes. One for the garage signage, which includes the installation, that makes each sign \$96.

Robert Weston: Right. Correct.

Mayor Jones: Allowing for the total for the garage signs, \$16,704.

Robert Weston: If there were 174, which there are not.

Mayor Jones: Okay.

Robert Weston: I did the math on that and it's \$14,784 for the 154 signs we know we need.

Mayor Jones: Okay. That is the number for the garage signs and are you using that number that includes installation?

Robert Weston: Yes. \$96 for 154 homes.

Mayor Jones: And so the other numbers remain preserved, the hotel signage...

Robert Weston: Correct.

Mayor Jones: The aluminum street signs and the moving the speed limits and I come up with \$10,281, for just those three items?

Robert Weston: That does fit. Yes it does. I didn't have those three items, but yes that

does work.

Mayor Jones: Okay. Alright. Okay. As I had indicated to Mr. Frazier in my contact, the larger of the push backs from the public have been the garage signs.

Robert Weston: Of course.

Mayor Jones: And that is why I had asked about which one of these figures you were using, because it does make a significant difference. Anyone else have any questions for Mr. Weston?

Robert Weston: Just to finalize the math on that. Assuming 1) that the Town picked up the amount you just described, the \$10,000 odd dollars. The combination of the amount the Homeowner's Association has already agreed to pay and the amount that, excuse the term, Pret would pay, if you picked up all the balance, it fits and does pay for that amount. Yes. In other words, if you ignored the garage signs, it would still be paid for. All of it.

Mayor Jones: I don't mind taking a moment on public record to say I think that that is a less than satisfactory deal from your developer, who hasn't treated you very well all along and to play that kind of a let's make a deal, I'm really sorry to hear that he has said that to you. But I thank you for your time. Does Council have any other questions before we move on? We will be visiting this again.

Councilwoman Parker-Selby: It's late and that type of thing; but I always have had the question why we only have seen, or my questions is only one company asked for these quotes and it goes along with what Vice Mayor Booros said tonight. But I did wonder why we didn't use some of the other companies to get quotes. Just for my own personal information. Because I'm used to getting more than one quote.

Robert Weston: My only understanding is, I didn't submit; I wasn't charged with getting bids and my only information is that what a municipality usually does and Win could confirm this or deny it; what they usually do is advertise it in the paper and the people, supposedly go through the paper and then they submit bids based on the advertisement in the paper.

Councilwoman Parker-Selby: You mean the companies who would give you the quotes?

Robert Weston: Exactly and I think Vice Mayor Booros' point was that why didn't we send it out to individual company's and I can't answer that.

Vice Mayor Booros: Within so many mile radius of the town, since people would want to come by and look at the neighborhood and check it out.

Councilwoman Parker-Selby: Yes, that's different. I'm not... Thank you.

Vice Mayor Booros: Madame Mayor, can this be moved up?

Councilman Coté: I'm just going to ask a question. We're talking around him a little bit, but the gentleman who sent out the information and orchestrated the process is sitting here and I guess I'd like him to kind of fill in the blanks about newspapers and emails or snail mail or whatever we use.

Win Abbott: It was advertised in accordance to our requirements and our ordinance for this. I believe it was advertised in the Cape Gazette, it was advertised in the Delaware State News, it was advertised for two weeks running. It was posted on our website. We post something like rebuild for the community center in Shipbuilder's; which was just a proposal. I get contacts from all over the nation. If you want me to do this all over again, I'll do it. I did my job and if you wanted for me to prepare for this, then Vice Mayor Booros could have asked me about this a month ago, a week ago, or a day ago; but no, I

did not bring all the documentation. I did this. That's all I have to say.

Mayor Jones: And other discussion with Mr. Weston?

Vice Mayor Booros: I have a question. Is there any reason why we can't just bring this, rearrange the thing and bring it up for a vote now and get it over with?

Seth Thompson: FOIA allows you to consider items out of sequence, if that's something the Council wants to do, you can do it.

Vice Mayor Booros: Then why wait?

Robert Weston: Thank you council members.

Mayor Jones: Thank you, Mr. Weston.

14. Old Business ó Discussion and possible vote on the following item:

c. Appropriation for Cannery Village signs in FY 2013

Mayor Jones: Is it the pleasure of Council to vote now? I am just as happy to go forward with the agenda, since it was not amended; but if it is Council's pleasure to vote at this time, we'll go forward.

Vice Mayor Booros: It's my pleasure to just put it to bed right now. One way or the other. I make a motion that we take this out of sequence and vote on it now. We haven't come up with a dollar amount, so... was it \$10,283 as the balance?

Mayor Jones: No, \$10,281, represents the hotel signage, the pocket park signs; it includes the aluminum street signs and it includes the moving of a speed sign and it also has to do with the EMS visibility. The total of that, that is leaving out the garage signage, is \$10,281. At this point, I'd caution Council to understand that unless you want to start the process over again, taking these specs and contacting sign company's directly, that Council ought to think that we are voting on a figure, not a vendor.

Vice Mayor Booros: Figure.

Mayor Jones: A figure, a money dollar figure.

Vice Mayor Booros: Absolutely. I'm not going to necessarily think that we're going to get anything Councilwoman Deaver and the time it might take from getting something from the County at this point, or from getting something from Sen. Lopez at this point. I think if it's that much of a public safety issue, waiting for them to come through is just going to take too much time. So if somebody is waiting for me to make the motion, that the Council approve \$10,281 to help pay for the signs, as the Mayor mentioned them; other than the house signs and the installation on the house signs; I make that motion.

Councilwoman Patterson: I second.

Mayor Jones: Discussion? How will this be handled? Mr. Weston are you able to answer whether or not a bill is presented to the Town of Milton and Milton pays this portion? Have you thought about how that would work out?

Robert Weston: We'd be happy... I think it was Councilman Coté's agreement that we can probably be assured that we could do it either way; either the Town would pay their portion or we would pay the Town our portion and then the Town... It's probably the right thing to do, isn't it, Councilman Coté? For us to give the Town their money and let the Town pay the whole bill?

Councilman Coté: That's what I would recommend is that the Town pay the bill and we give the Town and the Homeowner's Association of Cannery Village, provide their share to the Town.

Mayor Jones: One other thing, Mr. Thompson has indicated a comment here. Following

approval or denial, whichever way this vote goes, have you considered putting this out to any other vendor for bid, at this stage?

Robert Weston: If you were to authorize us to do that, I suppose we could do it; but that wasn't what we were authorized to do. Sure, why not?

Mayor Jones: Mr. Thompson had a comment in reference to that.

Robert Weston: Yeah. No. I totally agree. If we got a substantial smaller bid, it would seem reasonable that everybody would be reduced by the amount that the bid was lower.

Seth Thompson: I suggested perhaps that the Council would want to approve the appropriation as a percentage of the cost, not to exceed the \$10,281.

Robert Weston: Whatever the percentages are right now. It's probably 55/50%, or something like that. 55/45%, isn't it.

Councilman Coté: No, it's very close to 50/50%.

Robert Weston: No it isn't. It's closer to 60/40%.

Councilman Coté: It's closer to 52/48%.

Robert Weston: It's closer to 60/40%, Councilman Coté. It is.

Councilman Coté: Yes, you're right.

Mayor Jones: Because you have...

Robert Weston: So if we had the exact percentage, then yes, I agree with it.

Councilman Collier: Town's percentage would be 41%.

Vice Mayor Booros: If you would like me to amend my motion, I'd love if you give that percentage.

Seth Thompson: It is 41%.

Councilman Collier: 41% is what I have.

Robert Weston: Town's share?

Seth Thompson: Correct.

Vice Mayor Booros: 41% and this motion is predicated on the fact that the Town is taking such a hands on approach to this from day one, that I think we've admitted some responsibility and that's why I'm making this motion.

Robert Weston: Thank you, Sir.

Vice Mayor Booros: I make a motion that the Town cover 41% of the costs of these signs; not to exceed \$10,281.

Councilwoman Patterson: I second.

Mayor Jones: Any other discussion from Council? We'll take a roll call vote and we'll start to my left:

Vice Mayor Booros	Yes
Councilman West	Yes
Councilwoman Patterson	Yes
Councilman Coté	Abstain
Councilwoman Parker-Selby	Yes
Councilman Collier	Yes
Mayor Jones	Yes

Mayor Jones: It is passed. Thank you for your patience.

Robert Weston: Thank you Council.

d. Water Committee

Mayor Jones: Is there any committee report from Water?

Vice Mayor Booros: Can I comment on the Police Ad Hoc Committee? The meeting has been moved from the library on the 16<sup>th</sup> at 6:30, to WBOC Conference Room on the 16<sup>th</sup> at 6:30 and the agenda is amended today.

Mayor Jones: And it might be also, since we're just poking something in there, the meeting on Monday night the 16<sup>th</sup> is going to be located in the Fire Hall, not here at the library.

11. Town Manager's Report

Mayor Jones: Mr. Abbott is there anything you would like to add to your Town Manager's Report, other than it's been sent to the Council?

Win Abbott: Thank God we haven't had a hurricane.

Councilman Coté: Amen.

Mayor Jones: And we're looking at the Town Manager's monthly finance report. I have just one question and it's not necessarily about the figures.

Win Abbott: Is there anything on the 12<sup>th</sup>?

Mayor Jones: Oh, I apologize, I apologize. Let's go back to the Town Manager's Report then and I will ask it in that way. 11 is the Town Manager's Report. It's what I have in my hand. It's what I'm on.

Councilman Collier: Alright, thank you.

Win Abbott: No, there's nothing more than that.

Mayor Jones: Okay. My question to you then. We had talked about the Chandler Street widening project. Councilman Collier has added some information to that. What is the process in passing that on to Rep. Smyk, who did ask about something that Milton might come forward with?

Win Abbott: There is nothing more than for Council to authorize me to do that. I would just want to add one caveat, and that is that we have not quantified what the Land Acquisition expense would be. This involves a setback of about 5', but there's value to the land there; so it has to be surveyed and the value of permanent easement for that portion of the property, has not been put into it. But now we have all the information necessary, with Council's authorization, I will indeed put this forward to our local state representatives.

Mayor Jones: Okay. Councilman Collier, is that...

Councilman Collier: Okay, I'm assuming that the easement you're speaking of is for utilities?

Win Abbott: Yes, Sir. The pole has to be moved back onto some private land.

Councilman Collier: I just wanted to make sure that that's what we're talking about. Okay and the other thing is part of the intent and it may not have been conveyed very clearly, was to extend the curbing on the north side of Chandler Street to the entrance to that property, to create a barrier, so to speak and also to align drainage; because that gets the drainage down to the driveway and into the ditch; so that would be the only other thing there that would be added to that; just the extension of that curb 80'. I measured it.

Win Abbott: Very well, thank you.

12. Department Reports ó Public Works, Planning and Code, Police

Mayor Jones: We have a Public Works Report in front of us.

Councilman Collier: I have several questions for Public Works. I had forwarded \_\_\_\_\_ and I

believe you were cc'd Mr. Russum, about the stop sign at the intersection by the bank. We had a citizen complaint about the condition of it. Can you bring me up to date on where we're at with that? Because I looked at it and it is pretty shabby.

Dustan Russum: It is and it's getting changed, this week. It was on the list.

Councilman Collier: Alright, fair enough, thank you. And the other question I have is, have you had any success with 307 Conley Street, making an appointment to change out the meter pit?

Dustan Russum: Yes, Greg called him today. We were making appointments to get some more meters changed out. We called him today and left a message on his voicemail.

Councilman Collier: But you haven't had a response yet?

Dustan Russum: No, Sir.

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

Mayor Jones: You mentioned here on your walk through with DNREC in reference to the boards; particularly on the foot bridge. You and I have talked since they visited. Have you heard anything back as to their plan to possibly do any repairs to that footbridge?

Dustan Russum: I spoke with Rob Canero. He said he's got it on their list to do.

Mayor Jones: Okay. Anything else on the Public Works Report? Project Coordinator's Report. Mr. Davis is not here, but Mr. Abbott, you were a significant part of the brand new grant that Milton did receive; the Historic Preservation Fund Allocation. In reference to this project, are you aware that a survey was completed by the Director of the Milton Historical Society a number of years ago, doing the inventory in the Historic District? Was that ever shared with you?

Win Abbott: Yes and this is an update and the update... We have more houses that could possibly be surveyed, then there are hours available for even the student representatives of the University of Delaware, affiliated with this. So, there's an update not to the entire list, but to as many homes as is possible and this helps to keep our inventory properly cataloged.

Mayor Jones: Thank you. Anything else on Code Enforcement or Project Coordinator's Report? Police Report. Chief, I would find it very helpful to be able to look at this report as a comparison to July of last year. It starts up again in August of 2012 and the figures would be interesting for me to see the comparison. Are you able to describe in public, 19 Assist Other Agencies in the month of July. I don't know that they all are taken out of town limits for such complaints, but if so, and we have a light staff, that could be serious business. Can you tell me the nature of some of those Assist Other Agencies complains?

Chief Phillips: Right this second, no Ma'am. But I could find out and get it to you.

Mayor Jones: That would be very helpful, thank you.

Chief Phillips: And also do you want me to try and fix this thing to start showing the month we're in and the month that was last year?

Mayor Jones: I would like to see that. It's a helpful comparison, July of 2013 is just sort of standing on it's own; but is that something Council would find helpful?

Councilwoman Parker-Selby: Yes, I agree.

Councilman Coté: Yes, that would be good.

Councilwoman Parker-Selby: Chief Phillips under complaints, what kinds of things fall under complaints? That seems to be the largest number, when I'm looking at these.

Chief Phillips: Everything from domestics to accidents to wires down...

Councilwoman Parker-Selby: So all kinds of things?

Chief Phillips: Yes, Ma'am.

Councilwoman Parker-Selby: It does appear, just to comment, that Milton is a good place to

live, when I look at these, compared to hearing and reading the paper and seeing what's going on in other places; so I'm thanking you. Let's keep it that way.

Chief Phillips: Yes, Ma'am. Thank you.

Mayor Jones: Anything else for Chief Phillips?

13. Finance Report and Revenue/Expenditures Report

Mayor Jones: Mr. Abbott is out of the room. Do you have anything else looking at the expenditure report, Revenue and Expenditure Report? Mr. Russum, has the handrail been replaced on the gazebo?

Dustan Russum: Yes.

Mayor Jones: Okay, thank you. And Chief, I know we paid back in July for K-9 lettering. Has that lettering been put on that vehicle?

Chief Phillips: Yes, Ma'am. That's correct.

Mayor Jones: I have not seen that. Where is that located?

Chief Phillips: It's on the back glass of the vehicle. Red letters.

Mayor Jones: Nothing on the vehicle itself?

Chief Phillips: Not at this time, no.

Mayor Jones: We want you to take into consideration that most K-9 vehicles are marked very distinctly in somewhat large letters; so it may be something that we want to look into as far as embellishing that notice on that car.

Chief Phillips: We could address that, but there are a lot of them unmarked, State Police and other towns do have unmarked ones; but if your wish is to have more signage, then we'll take care of that.

Mayor Jones: We'll talk about that. Thank you.

Chief Phillips: Thank you.

Mayor Jones: Mr. Russum, we have purchased uniform shirts, or T-shirts for temporary labor.

Dustan Russum: Correct.

Mayor Jones: Do you plan on having those returned to you when your finished?

Dustan Russum: Yes.

Mayor Jones: Thank you. Not indicating that they can be used again, but... Anything else from Council? Mr. Abbott, now that you've returned to the room, anything more for us than the written document of your finance report?

14. Old Business ó Discussion and/or possible vote on the following items:

- a. Request from Fernmoor Homes at Heritage Creek for Final Sub-Division Approval for Phase 4 of Heritage Creek further identified by Sussex County Tax Map and Parcel # 2-35-20.00-56.00

Mayor Jones: Anyone here on behalf of Fernmoor Homes that wanted to say anything to Council?

Mike Coben, George, Miles and Buhr: I'm really just here to answer any questions you might have. Just as a quick reminder, and I'll try to be brief, this came before you on April 1<sup>st</sup> for a recommendation to forward to Planning and Zoning Commission. We had a preliminary hearing there on April 16<sup>th</sup>. In the interim, all the agency approvals have been acquired. Planning and Zoning did their final on August 20<sup>th</sup> and we're here this evening to ask you for final on Phase 4, which is the area here, black lined. It is a total of 42 lots; 17 single family homes; 3 triplex units; and 22 townhomes.

Councilman Coté: A quick question. I looked at the blueprints and I don't think I saw it, but I want to double-check; is this the section that has the rear addressed homes?

Mike Coben: No, Sir.

Councilman Coté: Thank you.

Mayor Jones: Is there any other discussion Council has for Mr. Coben?

Councilman West: Yes, I have one. Are we going to issue street signs out there in this development?

Mike Coben: That's not related to this phase, but I will... there are a grand total of 13 lots on one alley that do not address a public street. There was a fair amount of discussion about this at Planning and Zoning; basically the developer's agreed to abide by...

Vice Mayor Booros: Us buying signs when it comes up again.

Mike Coben: No, they will provide whatever it is you have determine through your committee at Cannery Village that needs to be there.

Mayor Jones: Okay, that does go with what you asked about; not really.

Mike Coben: That's not this phase.

Vice Mayor Booros: It's not on tonight's agenda.

Councilman West: No.

Councilman Coté: It's not on what we're voting on.

Mike Coben: That's going to be Phase 5, that's the next thing you'll see come back for final and one of the conditions there was that once the requirements are determined for Cannery Village, that those same requirements will be followed here.

Councilman West: Because we need to nip this in this bud, now, before it gets going.

Vice Mayor Booros: It took a year to get their requirements down pat; so are you willing to wait a year for that approval?

Mike Coben: We're just looking for a little guidance as to what you want; they've basically decided to provide it.

Vice Mayor Booros: That's not what's before us tonight, though. I make a motion that we approve, the final sub-division approval for Phase 4 Heritage Creek.

Councilman West: I'll second that.

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

Mike Coben: Thank you.

Mayor Jones: Thank you.

- b. An Ordinance to Amend the Town Code in Multiple Sections Relating to Fees and Incorporating All Fees into the Fee Schedule (second Reading)

Seth Thompson: Mayor and Council, hopefully I was clear when we were talking about the agenda. The reason that this isn't duplicative from our item that appears later on the agenda is, again this is revising your Town Code, where if it referred to a fee in the Town Code, it will now basically say See The Fee Schedule, so all the Town fees will be listed on one Fee Schedule.

Mayor Jones: And so, as the Chairman of Streets and Sidewalks goes forward, I think we need to put that back on an agenda to read about making the penalty for Streets; that refer to Fee Schedule, as well, as that's to be written.

Councilman Collier: I think we withdrew that idea, because it is considered a fine and fines are not listed on the Fee Schedule. So that would remain within the ordinance what the proposed fine would be.

Seth Thompson: That's correct Councilman. A fee is you're giving somebody license to do something based on an amount of money that's being paid, that should bear some relation to the administrative costs borne by the Town vs. a fine which is punitive in nature.

Mayor Jones: The point still is that we need to get that back and look at that.

Councilman Collier: Correct and that's where Mr. Thompson's paperwork ends.

Mayor Jones: Okay, so you have an ordinance to amend the Town Code. Hearing no more discussion, is there a motion?

Councilwoman Parker-Selby: I move that we accept these changes.

Councilman West: Second.

Mayor Jones: Any further discussion? All those in favor say aye. Opposed. Motion carried. We have handled 14.c.

d. Adoption of a Budget and Fee Schedule for fiscal year 2014

Councilman Coté: I believe the budget that came out with the package shows on page 6 a surplus of \$24,741 and I believe it incorporates all of the, with one possible exception, which I realized later; incorporates all the changes we made or suggested at the last meeting. The one item that I wasn't sure about is the Employee Holiday Bonus. I don't believe it's been included in this budget. I believe there are 17 employees, or potentially 17 employees at \$125 each, which would be about \$2,125; which would reduce the surplus by that amount to roughly \$22,000. The surplus is before any adjustments for police retention and salary increases for any or all of the Town employees.

Win Abbott: Madame Mayor, may I add that you do not have before you the Town of Milton Fee Schedule for fiscal year 2014 and although there have been no changes to the Fee Schedule discussed by the Town Council since they've taken over the process of adopting the budget for the next fiscal year, there is one change that is contractual. It will not have a net effect on the budget, but that is our trash fees. We have a three-year contract; trash fees will go up; I understand that this subject is on the agenda for next Monday night's meeting and you will have a Fee Schedule with at least that amount there; but once again, it will have no bearing upon the outcome, because there's no net gain with regard to the amount that we charge to customers vs. what we pay to the vendor. Just a point of order.

Mayor Jones: Well this is still a time to review and bring forth some information. I have some information to share, as well as on page 4 of the document under Parks Department Other Expenses. It's been explained that account 5286, Milton Memorial and Mill Park to cover mulch and the like and the \$1,500 in 5280 was spent pretty much last year for equipment; small pieces of equipment. I am concerned as we are trying to upgrade the Parks and the replacement, particularly of the bushes on Rails to Trails, that \$1,500 if used for supplies again, will leave nothing for the replacement of shrubbery in our parks and there was an awful lot of money paid for those to begin with. I would like to increase that number with the stipulation that the increase be spent on living things that go into the park; not extra tools and/or equipment. I realize right now we don't have a lot to work with and we have not talked about salaries and the recommendation from the Personnel Committee's meeting last Friday. So that is my consideration. I know that I've been a real push for the Parks and I just do not believe that \$1,500 worth of material, not right now, earmarked for shrubbery or trees, is going to be enough, if the

Council wants the Park upgraded.

Councilman Collier: What is the dollar figure you had in mind?

Mayor Jones: Well, I would like to give them \$4,500 in that line.

Councilman Coté: That would be \$3,000 additional?

Mayor Jones: That's correct and again, that is stipulated for shrubs and trees, plants.

Councilman Collier: Shall we create another line, rather than have that in Supplies, so there's no confusion as to what's what?

Mayor Jones: Well Supplies is very erroneous. I don't care what you put in it. Supplies, in most of the departments, Supplies are erroneous; so no I wouldn't indicate that you put it in another line item, but that it is stipulated by Council and if Council approves; that \$3,000 of that is to be spent for shrubs. That would have to be monitored.

Councilman Coté: It would be much easier to monitor if we opened a new account called Plantings, or some similar name, and just gave them a \$3,000 budget for that line. That would be much easier to monitor that way.

Mayor Jones: Well Mr. Thompson just said if under account 5470, Repairs and Maintenance Equipment...

Seth Thompson: It sounds to me like there might be some overlap between 5280 and 5470; that if the Council wanted to move the \$1,500 and combine it with the Repairs and Maintenance Equipment, to have a \$2,500 figure there and then change Supplies into however you want to describe...

Councilman Coté: Well I think we should address that question to Mr. Russum.

Dustan Russum: I'll use it wherever you put it.

Councilman Coté: I think we're just trying to...

Dustan Russum: 5280 is Supplies; that's included your mulch, things like that; that's where I pull that from.

Councilman Collier: Not including this.

Councilman Coté: And small tools?

Dustan Russum: 5280.

Councilman Coté: So I think the idea... I think what Mr. Thompson was thinking about is that maybe Repairs and Maintenance of Equipment was a duplication of small tools, but I think small tools is a separate item...

Dustan Russum: Yes, Repairs and Maintenance of Equipment, that would fall under playground equipment, the lawnmowers, things like that.

Councilman Coté: Rather than buying rakes or shovels or whatever else we need.

Dustan Russum: Rakes and shovels would be 5280.

Councilman Coté: Again, I think it would probably be simpler to just have a new account called Plantings; leave your Supplies where they are; \$3,000 for Plantings and Repairs and Maintenance Equipment.

Councilman Collier: I'm in agreement with Councilman Coté, just for simplicity's sake.

Mayor Jones: Well then I'm a little confused under 5286, Milton Memorial and Mill Park and it may be my mistake.

Councilman Collier: That's your mulch line, I'm pretty sure.

Mayor Jones: Well, but Mr. Russum just said mulch was 5280. So if that's the case, that's duplication. That's what I thought, Milton Memorial was for the expensive type of mulch and the tree mulch and the \$1,500 that was read to us the night here with Mr. Abbott under expenditures, included small spades, and rakes, that type of small

equipment. If the mulch is being absorbed...

Dustan Russum: Hold on. I've stated the numbers wrong; because most of the other stuff in the other departments is 5280, water and them; so Milton Memorial Park, 5286 that would have been the mulch; not 5280. My mistake.

Mayor Jones: Okay, thank you.

Dustan Russum: All the other departments run 5280 as Supplies and that's why...

Mayor Jones: Okay, well if you are willing to create another line item, what are we going to call this?

Dustan Russum: That makes it easier for me.

Mayor Jones: Okay.

Councilman Coté: Park Plantings...

Councilman Collier: Horticultural Supplies. Whatever.

Mayor Jones: I wouldn't make it Horticultural Supplies.

Councilman Collier: Yes, then that could be fertilizer and everything else under the Sun.

Mayor Jones: Plantings.

Councilman Collier: Plantings. Works for me.

Councilman Coté: What did we decide?

Councilman Collier: Plantings. And that brings us down to \$18,000.

Mayor Jones: If I may, I'll take... I'll wait until Vice Mayor Booros comes back.

Anything else on the budget this evening? I have some items here for the Police Department, but I do want to wait until Vice Mayor Booros is back in the room.

Councilman Coté: I think if we could, I would like to clear up my confusion about the Holiday Bonus. Are we going to include that? We can put it in each department, the total and like I said the total is about \$2,000, \$2,250, \$2,125 depending on the number of employees. So is the Council agreeing to include that?

Mayor Jones: I would agree to include that.

Councilwoman Parker-Selby: That's something that's been done every year.

Councilman Coté: It's been done in the past and it will go through the payroll system, so taxes will be withheld and employment taxes will be paid, by the Town, as well; so it's \$2,125 times 1.0675 for the total.

Councilman Collier: So we're talking about \$2,269 if you want to use round dollars. Is that correct?

Councilman Coté: Okay.

Mayor Jones: \$125 bonus.

Councilman Collier: \$125 bonus and then you have to consider there's a tax for the employer's portion and Social Security and Medicare.

Councilman Coté: Social Security and Medicare.

Mayor Jones: And you used how many employees for that number?

Councilman Collier: 17.

Councilman Coté: 17. I think that's the right number. 17 may include the two recruits.

Mayor Jones: I would like to recommend, based on the information you'll receive from Council, that on page 5, under Police, the last item does not have an account; it's under K-9, Occupational Health. I recommend that the \$2,250 be removed, as well as until we have more definition...

Councilman Collier: Isn't that line also somewhere else?

Mayor Jones: Wait a minute. Yes.

Councilman Coté : It's in Administrative.

Mayor Jones: I recommend it be removed from page 3, no account, under Administrative, Occupational Health and Public Works until we are able to better define that. I do see we give pre-employment testing. There already is a line item for that.

Councilman Collier: So now we're back to \$20,081.

Councilman Coté: Just asking a question. Should we leave the amounts in there, in an effort to get more definition; or take them out and...

Councilman Collier: Like a placeholder? Is that what you mean?

Councilman Coté: Yeah.

Mayor Jones: Well you did receive the paperwork on what Occupational Health consists of.

Councilman Coté: Right and I don't know how either amount is being... It's not clear how either of these two amounts, the \$2,000 in Administration, or the \$2,250 in the Police Department is being spent; based on the Schedule we received, but I think the activity represents something we should do, so I would request that we leave it there and then define it better and then if it's less we can reduce it; if it's more we may need to increase it.

Mayor Jones: Well, some of the things on the Occupational Health was flu shots, making those available to the employees; but at the cost of the employer, I wasn't sold on that document.

Councilman Coté: I guess what I was thinking is that rather than strictly go by that schedule we were provided, if we have an idea on what should be there, what should be included in that activity, that we define the activity and then get the numbers for it; rather than try to fit lines from that Schedule that we received, to add them up to \$2,000; I don't think would be good; but I think to have \$2,000 for that activity, because if we have any pre-employment physicals or random testing that we need to do, we need to have provided something in the budget to do that and if it doesn't match up to that Schedule we received, so be it; but we need to provide something in the budget to allow us to do those activities that we need to do.

Mayor Jones: Mr. Abbott, what account are our pre-employment physicals taken from for any account per se?

Win Abbott: Miscellaneous and I'm going to take a moment to complement Councilman Coté on trying to articulate this. There are a number of things in that Schedule that might not be applicable to this particular account, that might be applicable towards an employer that wishes to offer a greater level of service to their employees. However, there are some things that might not be obvious that the Council should consider. For example, Police Officers and their Public Works employees are exposed to situations where they may be exposed to tetanus or bloodborne pathogens. This especially considering our health insurance costs might impose a significant burden upon the employees who do things like step into a hole, or into the line of fire, or whatever, with situations that might cause them significant health implications and for the benefit of the employees, I would wish to advocate that us, as an employer, do the best we can by them. Thank you Councilman Coté for wishing to articulate that which we have not formulated to perfection at this time.

Councilman Collier: I think I understand your point Councilman Coté, it's just as a placeholder until we develop an Occupational Health Schedule of our own, but we need

to allocate the funds now, for the future.

Councilman Coté: Yes, this is the time to allocate the funds, even if we get to decide what the Schedule or what the uses are a little bit later on; we need to allocate them now.

Councilman Collier: I'm okay with that idea, if the rest of the Council agrees.

Mayor Jones: That would be fine, but I'll give you the assignment to follow up on it; because we can't just drop it. It needs to be defined if you're going to use it, so if you're going to leave it in the budget, it needs to be defined, brought back to Council. Okay? As a consideration for your budget, the Personnel Committee met on Friday. Out of that came a recommendation back to Council about adopting a salary compensation schedule for the Police Department. Along with that came a recommendation also from Council for a yearly compensation document. You have one of each. It was the recommendation of the Personnel Committee once we reviewed a salary schedule for the Police Department. We took into consideration the Ad Hoc Committee's original recommendation; the idea target has always been retention. The information that came to us from the Ad Hoc Committee and as of last Friday we ironed out some information on a pay schedule raising the rate of a new recruit, patrolman, going into the Academy, to be \$17 an hour; competitive with other agencies; not as high as many in the County, but certainly brings Milton into a better position to be competitive for better recruits, as well as retention. However, I have to tell you I'm the first person who really sucked in air when I did the figures. The recommended salary schedule came to you also with a recommendation that there is a suggested Police Department rank structure and some other policies that would need to be looked at. The SOP's in the Police Department relating to salaries, such as disciplinary action that would prevent an officer from increasing their rank or grade. The Committee's recommendation also was that the Chief's salary would need to be negotiated through a review of his contract. So the figure that is offered, the difference that came with this salary schedule and someone certainly should do the math on this, besides me; but when I ran this a couple of times today, the addition of just the projected police salaries, \$39,520. Also with this is adopt a physical fitness standard. This physical standard is one that is used by the Town of Rehoboth. It is far more expensive than the price of Occupational Health, as it applies to day to day living and quality of health. Those 45 years old and above, would have this extensive lab testing done every year after 45 and up to 45, every other year. It's an abbreviated system of physical standards for those people who are under 45; but then every other year they get the full gamut of doctor's review, blood review, treadmill testing, all the qualifications are held within this document that I have given you. It was the Committee's recommendation that this be reviewed and taken into consideration, adopted, if you will; a plan for these physical standards; but also understanding the cost that the topic be revisited during the six-month review of budget in order to gauge the availability of funds needed to begin the process. It's noted here that the Milton Police Department should be properly notified of the Town's intent to begin this process, as soon as funds become available. Notifying the Police Department at this time, would give the officers six plus months to prepare. Physical Standards would be shared with the Police Department. Also in this package, you'll find the salary schedule for the remainder, or as it is listed here, non-bargaining salary range chart; something that is already in place. The recommendation is that a 3% raise to all employees be placed in the budget; but not distributed until as called for by Code, performance evaluations are

reviewed by the Personnel Committee and raises are given based on merit. That is already in place. That's the first piece of the recommendation. The second, came in the form of...

Councilman Coté: Madame Mayor, the 3% pool of money, is that included in the \$39,500 you mentioned?

Mayor Jones: It is not.

Councilman Coté: It is not. Okay. Thank you.

Mayor Jones: Also recommended during a discussion with the Committee is a yearly compensation document; I've presented a copy here to you. As noted, all of these benefits are not available right now under Milton; but the form can be modified. This was really just set as an example of some compensation available through municipalities. What it allows is, it allows the employee to see... It starts right out with what your new hourly rate of pay will be; your hourly increase and your fiscal year salary for the coming year. More importantly for my point-of-view, it includes the many things that Milton pays to sustain a workforce; Social Security taxes, Pension Plans, medical insurance, dental insurance (if it applies), life, accidental death, disability, unemployment, worker's compensation, memberships to blood banks or health facilities, mileage or vehicle allowance, uniform allowance. I will say in the cases of the Police Department as we get into that comment, I believe that it may not just be the police, so I'm not going to target them; that the take home vehicles have a particular value and they ought to be recorded as a benefit. They are not now. For those who do take home vehicles, the differentiation between a vehicle that may be driven to Houston, Delaware, back and forth, may be worth the \$5,000 figure that we're placing on it in a year's time. It's not going to be worth it to the man who lives four blocks away from the Police Department and only takes his vehicle that far. So there's really not even a level playing field on the amount assigned to the value of the vehicle, that's in the Police Department. They are exempt. That's what we found last year, correct Councilman Coté, they are exempt from paying taxes on that value?

Councilman Coté: Yes.

Mayor Jones: I can't say that same statement with any certainty to others who have take home cars; that would be Public Works and the Water Department. I don't know that answer.

Councilman Coté: I think there's a minimum, essentially a minimum amount that they can be taxed on.

Mayor Jones: But it is a benefit, nonetheless and this sheet would then finally be able to, in a year's time, you could really look and see what the cost to Milton is for the employee. It's a more accurate figure than just knowing what your new salary rate is going to be. So these come to you as a recommendation from the Personnel Committee. I think there is lots of room for continued discussion. I presented to the Chief early on in the budget that salaries like this, finding the money for this was going to have to come from within. I know we have looked at the budget in earnest and it is getting later, but I think it is something that we still are going to be forced to look at tonight, as this relates to police spending and most important for me, sustainability. If you're going to do it this year, then it has consequences for years to come, so it must be considered very carefully. If anyone has any questions on the schedule that was prepared, I will try to answer that for you.

Win Abbott: Madame Mayor, for the benefit of the Council, I passed out a supplemental packet this evening and within that packet was an analysis; the bottom line figure on the analysis differs from that which you calculated and the reason why, and we're talking about the increase in cost for salaries; the reason why is equivalent to the amount of the increase in the two new recruits, which we do not have from \$14.86 to \$17 an hour; so you'll see where you cited a number of \$39,000 and change, I cited a number \$49,000 and change; that was my analysis. The difference is equivalent to those last two pieces. Just to be sure that nobody on the Council is confused about the two different packets they received.

Mayor Jones: And does your number even include the amount paid for Medicare, the insurance...

Win Abbott: No. Just like I'm sure your number does not anticipate the value of time and a half times the total number of hours of overtime that we anticipate paying, which was a calculation that I did early on. So, no, I didn't go that far. I'm sure you didn't either.

Mayor Jones: I didn't.

Win Abbott: I just wanted to explain the difference between the two things that they received tonight.

Mayor Jones: And that's very, very helpful. This is a huge step for this Town. On Ad Hoc Committee's recommendation maybe there are some mix and match benefits that we can exchange. This is a rather hefty bump for the officers and it's all predicated on the starting salary, which is slightly lower than the recommended middle range that was recommended by the Ad Hoc Committee. But when it plays out, it becomes quite significant. I had some personnel concerns with this, which I don't feel free to discuss tonight; which I believe really drove up some of these values. I do not know how we can go forward with all benefits and this salary recommendation and the police budget in the condition it's in. Now I'll be quiet and let anybody else speak.

Vice Mayor Booros: I'll say something and I was in that Personnel Committee Meeting. Whatever decision this Committee makes, I want it to be clear to the officers who we're looking to retain; which I assume is most or all of them; that we decided that it should be retroactive back to October 1<sup>st</sup>; so even if we don't pound it out until November or December, it will be retroactive back to October 1<sup>st</sup>. I assume that will be the same for non-bargaining unit... other town employees, is the same thing; because I don't think we're going to come up with a down and dirty number now. My only thing is, in looking at who's getting the bumps and I'm not going to sit here and name names, but in looking at who's getting the larger bumps here, I have to look at the current use of overtime, Chief sorry; and who's getting the current overtime; because not only are we talking about sustainability for next year. Once we give it this year, and all the staff, the taxes and insurance and all the stuff that goes along with it, we have to come up with this next year, too; assuming we're not going to raises anyone's taxes. That's going to affect the overtime budget and I mean when you look at who's getting the overtime, it's usually the higher paid officers, quite honestly. And, the higher paid officers are some of those that are getting the largest bumps on your chart here. I didn't do the chart. It looks like a nice chart to me. But I have a problem with the fact that that's going to also affect the overtime and I think we've got scheduling issues that have to be looked at to eliminate some of this overtime and that's my only concern with... I can tell you right now how I'd come up with the \$39,000, but I don't necessarily think you want to hear what I have to

say. But I'm worried about the other stuff that goes along with it under sustainability.

Councilman Coté: I have a couple of questions, because I'm not on the Personnel Committee, so I didn't attend any of these meetings. The \$39,000, does that include the increase in the Pension?

Mayor Jones: No, that's salaries alone.

Vice Mayor Booros: No, strictly salaries.

Mayor Jones: Strictly salaries.

Councilman Coté: Because the Pension is plus 15%, or 16%.

Mayor Jones: Health insurance.

Councilman Coté: And I'm looking at... I'm trying to struggle looking through charts and things that I've seen for the first time while people are talking; has there been any consideration on the, I guess I want to say "the civilian" member of the Police Department?

Mayor Jones: That would be a non-bargaining salary range employee.

Councilman Coté: Okay.

Mayor Jones: That would apply to the 3% of the piece that was given to you also, as part of the schedule.

Councilman Coté: So that's all that's... because we have in one of these packages there's a schedule with names and grades and I don't know when we last graded... I don't know how you fit into these grades.

Mayor Jones: It is applicable as it applies to the proposed rank structure sheet.

Councilman Coté: Is that in this one with the yellow sticky's on it?

Mayor Jones: It is in this package.

Win Abbott: Madame Mayor, Councilman Coté I understand it's a little bit confusing, because you have two packets, one was prepared by the Mayor and one by myself. At the Personnel Committee which was just on Friday afternoon, the pay schedule, for lack of a better word, that was created in 2007 has been carried through and discussed extensively by the Personnel Committee over time, is there as a model. We're plugging in existing pay rates to what already existed. The actual rates for an individual you won't find at the dollar and cent value of a grade and level on that; however, it would be within there and it was requested of myself at the Personnel Committee Meeting on Friday afternoon that we find the place for each person within there; which I did, and is in that supplemental packet that I provided this evening; so it's retitled "Civilian Employees" instead of non-bargaining. Non-bargaining was the old term that was at the top of the page. Same schedule, but you have a little bit more detail now. So two packets of information. One deals exclusively with the Police Department that Mayor Jones had put together. The other one deals with the Police Department and the Civilian Employees, including the Administrative Assistant that's in the Police Department and they're different, but each person is identified in there within their applicable range. Now because people are not paid at the dollar and cent value of a particular grade and level, they're plugged in at the range. It is above this, but below that. So you have something to go on. Once again, it's a lot of stuff, just for one night, but we did the best we could since Friday afternoon.

Councilman Coté: At some point, I would raise an question about the grades and how each person got in them.

Win Abbott: They just fell in. They were there and that's where they were, so we just

plugged them in. That's all.

Councilman Coté: Okay.

Win Abbott: Nothing special.

Councilman Coté: And the grades are defined somehow?

Win Abbott: They are what they are.

Mayor Jones: The grades are defined. This recommendation for a rank structure is very close to the Chief's original, that is in the current SOP. It will tell you how a patrolman jumps to a Corporal.

Councilman Coté: I'm looking at a different page that has the non-police officers and it got to my... I'm trying to look at these things for the first time and I got there from my question about whether the civilian member of the Police Department was considered in any of this. It appears to be the lowest grade; which I'm not sure how... Other than based on it's fact of where that person is right now, should those duties and responsibilities be graded higher?

Win Abbott: There's nothing special, except this. When I took a look, there are grades and then levels or steps within each grade, so for a person that is valuable, then what I considered is the fact that they may wish to be with the Town for a few more years and basically the levels within each grade are equivalent to another year of service; so what we did was picked out a place where there might have been, out of 15 possible levels, down at 2 or 3; so when you look all the way to the right with a description, they have a maximum attainment in salary or dollars per hour and that affords them the opportunity to grow within that particular job description over a period of the next 5-7 years. That's all. Nothing special or magical about it, it's just that the schedule existed, the pay rates existed; we just plugged them in.

Councilman Coté: Okay, so the jobs themselves on this page, have not really been graded as to what they do, they're just where they've fallen in the pay ranges? Is that a safe...?

Win Abbott: More or less. I have a little bit of experience with what people do and what the value is in the marketplace, so it's not like my grandchild did this and just said that number fits. There is a maximum value for people that have a certain skill level and that was kept in mind when I picked these things out, but the schedule existed; the people and the rates existed and I did the best I could in the time that I had to plug them in. You can rethink it anyway you want, but that's how it happened.

Councilman Coté: Alright.

Mayor Jones: And so the grade that was determined, you have also based on their years of service?

Win Abbott: Yes.

Chief Phillips: And that would be a wrong assumption to be honest with you. That person you're talking about has been here almost six years and it would be better for that person to quit working for us and go back to a job with the Town, starting all over and she would make more money. And that is not fair to the young lady. Her qualifications as well... yeah but her qualifications are well above other people that are just starting out. She could quite and go work for the department, work for the Town Hall and make more money; after being here almost six years. I think she needs a bump, I don't care what anybody says. That's how I feel.

Mayor Jones: Why she has a current rate on it and a grade and then the top level of that

grade and the top pay at that grade, I see there's no recommendation on my sheet, right? That's correct?

Win Abbott: There are no recommendations for raises of any civilian employee. None. Except at the top possible level. This is all for Council to decide. Nobody has made a recommendation for any civilian employee to get a raise of any sort.

Chief Phillips: That's not correct, because I have.

Councilwoman Parker-Selby: So we're going to do that tonight.

Chief Phillips: Vice Mayor Booros, your question about overtime for certain officers and their rank. There are certain things like Evidence Tech and one of the officer's is in charge of it, is above the rank of Sargent. He is in charge of evidence, which means he has to go to Court on his days off, etc., etc., because he's covering shift now and there's also the things that have to be taken to the M.E.'s office that he does. There's also things that the Lieutenant does and he has to call the calendar and things like that, so it comes time that they have to come back and work extra duty sometimes; so that's where some of that might come in, Sir. Just to let you know.

Vice Mayor Booros: I understand. All I'm saying is that when you look at the chart that Mayor Jones came up with when the Personnel Committee met the other day, those gentlemen get a hefty bump.

Chief Phillips: I understand. I understand what you're saying.

Vice Mayor Booros: On this ladder here and in looking at the payroll, which I do see every week when the Mayor signs it, I've seen the overtime and who's getting the overtime and how much overtime has been not only spent for the past couple of pay periods, but proposed for this pay period and the next pay period; and I've seen who's getting it and then I'm looking at this chart and the dollar figure they're about to get and we're looking to find the \$39,000; where the heck are we going to come up with the overtime to pay the higher paid guys all this money.

Chief Phillips: Well a lot of it came up at the last minute, because we were looking for...

Vice Mayor Booros: I understand and that doesn't negate the fact that we're trying to give you a raise and we're still going to have to come up with the money.

Chief Phillips: I understand. I totally understand.

Vice Mayor Booros: That's all I'm saying and quite honestly if a lower paid officer could share in some of that overtime, that would save the taxpayer's the money, quite honestly.

Chief Phillips: I understand.

Vice Mayor Booros: That's all I'm saying. I don't know why those guys are working the overtime. I have no idea. That's your business. I don't ask what y'all do. All I know is I'm seeing who's working it and who's scheduled for it and who has worked it over the past couple of pay days and now I'm looking at this dollar figure on this chart, thinking okay, let's bump the salary's up and how much more overtime do we have to come up with for next year? That's all I'm saying. It's hard enough to come up with the \$39,000...

Chief Phillips: I understand.

Councilman Collier: \$39,000 is not a totally accurate figure; that's just a difference.

Vice Mayor Booros: That's just the salary's difference.

Mayor Jones: That's just salary.

Councilman Collier: That's just the salary's, it doesn't take into consideration, as Councilman Coté pointed out, Pension; the employer's share of Social Security...

Vice Mayor Booros: Which is 15% and the overtime.

Councilman Collier: Well the overtime is something that's kind of hard to put a handle on. It's not like we... I don't know how the Chief budgets his overtime, but does he say okay, well that's 100 hours per man, or is that 100 hours at this level, 100 hours at this level, 50 hours at this level? I don't know how they arrive at the figure.

Vice Mayor Booros: The figure's going to have to change. If those hours are required, the figure's going to have to change if they all get a raise. That's all I'm saying.

Chief Phillips: Vice Mayor Booros, if I could. It all depends on if they have trial, some officers have more trials than others and sometimes they get held over if there's a domestic, or if they get a prisoner at 8:30... 5:30 and they're supposed to leave the office at 6; then someone else comes in and another officer is tied up; they have to stay over and handle that case and things like that. That's where some of it comes into play. Just to let you know.

Councilman Collier: Okay, well how do you project that figure, is my question Chief? You must have a basis or is it just a number that you say, well this feels about right.

Chief Phillips: It's just a number that's in the past history that we've used before.

Councilman Collier: Alright, so basically you look at what you did last year, and adjust it to what you think you might do in the ensuing year?

Chief Phillips: Pretty much. Yes, Sir.

Councilman Collier: Alright, thank you.

Mayor Jones: Honestly, I was on the Committee that made this recommendation, but as I changed hats and I am on Council, this money still has to come from within and we're going to have to look at this budget, along with the Chief of Police or without the Chief of Police and some decisions are going to have to be made. You have a fleet of vehicles that are parked out there. One of the things I'd recommend is except for the vehicles that we anticipate and I have not heard definitively outside of passively being listed on the budget, is it your intention to hire two officers this year and not one?

Chief Phillips: At this stage of the game, I was waiting for the next meeting with the Ad Hoc Police Committee and see where we were going with that.

Mayor Jones: I think that that information is something that you need to share with Council, because the Ad Hoc Committee is not making the decision on the budget. One officer represents \$35,000 and that is not an indication that I have a preference for what you do with it; but I'm looking at places, regardless of the number of recruits you put in the Academy, having an auction on the sale of all police vehicles, except for the number of vehicles you plan to hold onto for a recruit and/or recruits going in the Academy. The K-9 officer, I cannot find a reason that there are two vehicles for that position. The dog either rides in the sedan or he rides in an SUV. It needs to be a choice.

Chief Phillips: I've had someone come and give us a price on three of the vehicles. That's correct.

Mayor Jones: I would prefer it not be done that way, Chief, honestly. I would rather see a town auction and I have discussed this with Mr. Abbott, not at great length, but a town auction of not only your vehicles, but vehicles of supplies and material and equipment and frankly just metals that may be then salvageable and bring money and I see it as a clean sweep in the town and it's a bidding war. I don't think it should be sold by somebody.

Chief Phillips: I was getting an estimate to see what the prices they would sell for. Basically, we've sold them in the past on E-Bay or Craig's List or whatever they call it

and we've actually made out pretty good, believe it or not; people pay pretty good for used Crown Vic's.

Mayor Jones: Okay and I understand the history, but I believe the sale of town-owned vehicles belongs to the Town and it would behoove any department that had extra material, you take in found properties, such as bicycles once they are free to be released and are sold to the public; varieties of materials that may be again found property, may be of value to someone and you can't sell all that on E-Bay; or I suppose you could, but I don't think that's the professional thing to do. I'm for an auction in this Town and see what we can get out of our surplus stuff; that's part of what we can do to reduce that parking lot over there and get some money out of what's sitting there.

Chief Phillips: That sounds fair. We could do that.

Mayor Jones: And I would want the Town Manager to make that list, head that up, from inventory given to the Town Manager by separate departments. That is interesting to see what the gasoline usage will become. We've gone to a new fueling system for all departments, so that may, or may not, prove out to be a good thing. We'll wait and see until we have some figures recorded there. But right now, the \$32,000, which includes \$10,000 from the EDIE and SALLIE grants, is sitting right there in... No, I'm sorry. That is not SALLIE and EDIE. I stand corrected, that came out of the Sussex County Grant; so we're at \$32,000 in fuel this year and we're due to reduce the fleet; that may bring some of that down with that action. I'm sorry. It really is targeting your department because this is a whopping large number, without the consideration of the rest of the staff in the Town and so we have to figure out a way to level the playing field; to give you these bumps requires an exchange someplace. Council. Comments?

Councilman Collier: I'll have to agree, it requires giving up and I know the police chief's taken a hammering so far and he was very reasonable about trying to cut his budget by 10% in his various operating expenses, but I'm afraid we're going to have to cut a little deeper. There's got to be some changes. If you reduce take home cars, you might cut the fuel bill by two-thirds.

Vice Mayor Booros: Madame Mayor, it should be understood, that I think the raises for the other employees, other than the police, there are going to have to be some cuts there too. The money isn't available there either.

Mayor Jones: I understand.

Councilman Collier: It's going to have to come from all over the place.

Vice Mayor Booros: It's going to have to come from across the board.

Councilman Collier: The only other place that I know of that you could significantly reduce the Town's expenditures, would be to realign employee benefits, because I think right now we do a 70/30% split; whether it's a single plan or a family plan or whatever else. Maybe we just need to go to 100% of the individual employee and look at what we have there. I mean, you know, it's the 11<sup>th</sup> hour and we're now discussing these things and we should have been discussing this early on, but from what I've seen and figures I remember in previous reports, we have some employees that get somewhere between \$5,000-\$6,000 in compensation for health insurance on the 70/30% plan; and others who get \$13,000; so if you level the playing field out to where you just take care of the 100% of the individual employees; that may well recoup a lot of money, but I don't know. Is that where we want to go? Trying to look at the glass from both sides, I can understand where the employee's aren't going to like that a whole lot, but...

Mayor Jones: But it levels the playing field.

Councilman Collier: It levels the playing field. It puts everybody on equal footing. It's much like your comment about the guy that takes his car four blocks, or the guy that takes it to Houston.

Vice Mayor Booros: The single guy is definitely getting the raw end of the deal.

Councilman Collier: We have to be concerned with our employees first and of course, well some employee's think that if you're concerned with me, you're going to take care of me and my family; but I'm not sure that that's necessarily what we need to do at this point in time, because right now my rough math says that if what we had laying out there is over and what we had as unaccounted for money or money unspent in our revenue projections, we're now at minus \$31,000 and we haven't even gotten to where we need to go. So it's got to come from someplace.

Councilman Coté: How did we get...

Chief Phillips: If I could address two things, please? One, as far as take home cars, I understand where you're coming from with that. The one issue you have to understand is if we have a home invasion, we have something that we get on the phone and call all the officer's in. My question is, if I call you in as an officer and you're in your personal vehicle and you strike a deer or a drunk hits you head on, and I've called you in, where does the liability rely on the Town, compared to the officer that got called in and time is everything if we're having a home invasion or a robbery. We need assistance. As you can tell, we assist the State quite a bit and they don't have the manpower to assist us either. That's just something to think about.

Councilman Collier: Well and I just thought about that and whether they ran head on into another driver, a deer, whether they're in their personal vehicle or the Town's vehicle; if you've placed them on duty, they're on duty. You run that risk...

Chief Phillips: I'm not a lawyer, so I don't know how that would work out. If they're on the clock as soon as they get called in, but I'm not sure who's car insurance or worker's compensation or who would take care of their POV; that I don't know. I'm not a lawyer. I don't know that side of the law.

Councilman Collier: I'm not sure where their being in a town vehicle change anything vs. being in their personal vehicle, if they are on call.

Chief Phillips: No, this would be if we had a robbery, they would be coming with lights and sirens to get here to help out and find them; because if we have a robbery, we need to get the area flooded with people as quickly as we can. Like I said, the State Police you can tell by their case load, they would not be much assistance to us as far as looking for people. We can call their evidence techs in and help us dust for fingerprints and things like that; but as far as manpower needed, we won't have much luck in that aspect. That's the Council's call however they see.

Councilman Collier: I'm trying to appreciate your point, Chief and I'm sure that you had a good one in there; I just... For me, you have to appreciate where I'm at. I've worked for a government agency for a long, long time and if snowflakes hit the ground and they tell me they want me to work, I get in my car and I go.

Chief Phillips: Well police work is a little different. Your life's in danger and you need to get there and all your equipment is in the car, so when you get there... If someone was in their POV, they'd have to drive by a victim's house to go downtown to get a vehicle and then come back to the victim's house. That would be time consuming and it could cost

someone their life, from that aspect.

Councilman Collier: Alright, well we could probably argue this point and we'll agree to disagree, okay?

Chief Phillips: Okay. That sounds fair.

Mayor Jones: Then I'll go in another direction...

Chief Phillips: Can I add one more thing? The Committee had also come up with the possibility of instead of hiring two officers, hiring one and I wasn't sure what the Council's take was on that.

Mayor Jones: Which Committee?

Vice Mayor Booros: I don't think the Committee ever mentioned that.

Chief Phillips: I think the Ad Hoc Committee had talked about that.

Vice Mayor Booros: I think you mentioned that, Chief.

Mayor Jones: No, that never came to us as a recommendation from the Ad Hoc Committee. That was on you to decide; that's the last I remember. Moving away from vehicles, a couple of items. I'm on page 5 right now...

Vice Mayor Booros: Before you leave page 4. I just want to say one thing, that I don't know if it's been addressed because I was out of the room for a few minutes. On the streetlighting \$50,640, I think we really need to look at that. If, by chance, Heritage Creek gets passed off to us this year and we take possession of Heritage Creek, we have not considered the streetlighting in Heritage Creek. I think it's significant. It's bring.

Mayor Jones: Are you talking 6115... What account are you on?

Councilman Collier: On page 4...

Vice Mayor Booros: 6115, the \$50,640 is not taking into consideration Heritage Creek.

Mayor Jones: The dedication of that.

Vice Mayor Booros: The dedication and I think that might occur, at least for a portion of Heritage Creek that's currently lit up. That could be significant.

Councilman Coté: And you also might want to consider that as Chestnut Properties has asked for the punch list, if they complete the punch list, which is a big if...

Vice Mayor Booros: When pigs fly.

Councilman Coté: A big if, but if they pave and those streets come in, they could be here before next year, before we get our next year's allotment.

Vice Mayor Booros: That's all I'm saying on that line item. I think we really need to look at that one too.

Mayor Jones: Okay, back to page 5, two items that I see. One under 5490, Uniforms. To date we've spent \$2,456. I still do not have a uniform inventory and we're asking for \$12,300. That would be a line item I would recommend be cut commensurate, not necessarily with what we've spent to date, but we haven't spent anywhere near that and without a uniform inventory and without knowing the size of the new recruits, we have no idea whether that much money is necessary. Also in the line item above it, I know it's bold, but I have talked about these cellphones for the police and for other employees for a very long time and as long as it is a requirement of your job position to be reached in some way or have a message left in some way at your home or a cellphone that you own, I do not see the point in paying \$12,500 for cellphones for Police Officers who are able to communicate by radio and when I say communicate by radio, I mean the most life threatening, which is the call that comes out of Sussex to tell the officer where they need to be, what they need to watch out for and the officers talking to each other on

those radios in the cars. I think the cellphones for the Town Employee's, other than some Town Employee's may be able to give greater justification; I don't think we need to supply cellphones to all Town Employees. Or, excuse me, the majority of Town Employees; and that's a very large line item and it's going to at \$12,500, it's going to come in slightly less this year. We've already spent over that.

Councilman Collier: That's not entirely so.

Councilman Coté: But that's not just the cellphones. That's the cellphones, the land lines and the air cards for the laptops.

Chief Phillips: Laptops.

Mayor Jones: Well, I understand the air cards and the land lines, but I think we can find some savings in cellphones used by town worker's now. Not just targeting. I'm just looking at this line item as it applies to the police.

Councilman Collier: Chief, can you tell me what your cellphone budget is out of that line, or somewhere thereabouts?

Chief Phillips: I don't have the numbers right in front of me. No, Sir, I do not.

Councilman Coté: I might.

Councilman Collier: Maybe I should dig.

Councilman Coté: Account number 5480...

Mayor Jones: And then you'll need to go to Public Works. Is that correct Mr. Russum? Phones are provided for Public Works?

Dustan Russum: Correct.

Mayor Jones: Only two?

Dustan Russum: Four.

Mayor Jones: All four men in Public Works carry cellphones?

Dustan Russum: Right.

Mayor Jones: Are you able to tell me out of the \$4,500... for the telephone line item, I'm just looking for a number...

Councilman Coté: Madame Mayor, in the police, version number five, the detailed version number five, they have approximately \$5,600 for the nine cellphones.

Councilman Collier: Is that cellphones and air cards, or just cellphones, Sir?

Councilman Coté: That's just the cellphones; the air cards are another line item.

Councilman Collier: Okay, that's fine; that was what I wanted to know. Because I understand the need for the air cards.

Mayor Jones: The cellphones for Public Works? Do you have that information as well in your documents?

Councilman Coté: I don't think I do.

Mayor Jones: Okay. Again, it's a benefit. It's not being looked at as a benefit and as tough as it is, this Council needs to tackle some of these very tough decisions. We want to make our workforce competitive by increasing their salaries or their baseline salaries in the case of the Police Department, Milton needs to find a way to do that. We don't just have a huge pot of money in order to do that.

Chief Phillips: If I could just touch on the phone thing and however you all vote is fine with me; but the phones are important because sometimes if you're home sleeping and you're on call for Court; we can send you a text telling you not to get out of bed and go in; it costs us overtime; where if we didn't have a way of reaching out to you, someone's personal family may not be able to afford that many minutes; I'm not sure. Or we've also

had it where we've had people wanted and we've actually texted pictures of people that are wanted, etc. I'm just telling you, it's an entirely different light of how we use it, just so you'll know. How you guys vote is going to be how you vote. It's fine.

Mayor Jones: I'm sure they're useful tools and I was a real dinosaur for a number of years when I refused to carry one, but there's an awful lot of personal cellphones out there and I just... as much as for all the Police Department, I can't quite.... Mr. Russum, maybe you can shed some light on why all four worker's in Public Works need to carry town cellphones.

Dustan Russum: Everybody's got a cellphone. That's what I call the guys on, if we've got a leak, we've got a situation; that's what we communicate with. It's after hours and I need somebody to call in; I call their cellphones.

Mayor Jones: But if it's a requirement of an employee and their job description calls for them to be available for emergency calls, that means they're either going to stay tethered to their house or their phones or they're going to get a cellphone and I don't quite understand how it is Milton's responsibility to supply all these extras in Milton's employment sheets, or benefit sheets are really not reflecting this. There's a lot of investment in an employee. It's not just the health benefit. It's the take home vehicles... Mr. Russum, I understand that we have to do certain checks on water seven days a week.

Dustan Russum: Correct.

Mayor Jones: You and Mr. Wingo have take home vehicles.

Dustan Russum: Correct.

Mayor Jones: You would have to drive to work anyway; five days a week.

Dustan Russum: Correct.

Mayor Jones: For those on call, perhaps you need to take home one of the town vehicles on a Friday afternoon and leave it there on Sunday night, when you've done your job and take your POV back home. Just consideration for the Council. These are all things that... Nothing is off the table. If we're looking for money and we need to look hard for money. Unpopular as it may be. These are conversations that are being held in the community; these are things that we've heard in public participation for years; and it's something that Council needs to consider, as well as a couple of years ago I brought up about the insurance benefits and I was instructed we would not be having that conversation and yet, it levels the playing field. If you pay for every employee's 100% insurance, it levels the playing field. Otherwise, somebody's getting \$4,800 of insurance benefit and somebody's getting \$13,000. Somebody's making out better, but they're all going to get possibly the same percentage of raises.

Chief Phillips: I guess the only other thing to do would be to make the phones also part of the package when they're hired; just something to think about.

Vice Mayor Booros: That still doesn't get us the money.

Mayor Jones: Well, but...

Chief Phillips: I know it doesn't help the issue right at hand. I understand.

Vice Mayor Booros: Short of raising taxes, which I don't think anyone on this Council wants to do to anybody, right now...

Councilman Collier: Taxes and fees are our sources of revenue. If we can't find it anywhere else, then we have to make cuts in our expenditures to make the difference; that's pretty much the bottom line here and as tough as it may seem, sometimes you have to make ugly decisions.

Mayor Jones: If we are taking care of our employees by raising their rates, by their salaries, by a percentage of raise per year and in the Police Department's situation; raising the bar and putting into place a system that should help us not only court qualified applicants, but keep them once we train them in the two years they are here; then we have to bite the bullet. But biting the bullet is a little difficult when the money is distributed in other places. We need to find this money, or look at a huge deficit in this package, or not agree to give raises of any sort, to anyone, including the salary schedule produced for the Police Department; or go back and work the Police Department. See one of my issues on and this is tough; Chief, understand, this is really tough to say; you have an officer here who is just qualified in their ninth year for the position that they hold and yet they have held that position for a couple of years. That's one of the people who is going to get one of the larger bumps and would really now just be qualified to take that position, if it was opened. But we've already given the title, for some time. Actually that applies to two of the officers. So that management decision is going to cost us in the long run and I'm concerned, as I said, I am very concerned about sustainability if we make these recommendations this year and you think we'll pay for them this year; where are we going to get it from here on out? I believe you can have a good employee and I believe that that employee can provide great service to the community and it's citizens, without supplying them with cellphones and take home vehicles and some of the perkø that go along with this. The compensation is there in their salaries; it's just giving more and more and more.

Chief Phillips: Ma'am, if we were to do that for the new officers coming on, don't give them the benefit of the take home car and the phone, it would be one thing; but I think if you try to take that from the other officers already here and then you still give them a raise, they're really not coming ahead in any way, I don't think. I understand that's life, but I'm just saying.

Mayor Jones: Think about that. Think about what you just said. We're getting ready to give them more money and we're already paying for their cellphones and their vehicles, so where have they lost anything in your formula? Again, a cellphone has suddenly become a cost of living to most people. The take home vehicles, I almost have a hard time arguing the point, simply because take home vehicles last longer... their longevity is greater than vehicles that are passed from shift to shift.

Councilman Collier: Alright, well it doesn't all right true at every level either though, because by my best guess, I'm thinking we're spending about \$560 a year per officer for a cellphone and we have an officer that's getting a cellphone; who lives four blocks from the station and if you took his car, what did he lose? \$560 bucks and maybe he's getting several thousand dollars increase in salary? So it doesn't ring true in every case.

Chief Phillips: If we had the luxury of hiring everybody in town, we'd have it made.

Councilman Collier: And I understand that perfectly well. Everybody makes a conscious choice of where they work and how far away from work they are and I..

Chief Phillips: If we hired everybody in town, then we'd have nobody to arrest; because they wouldn't be causing a problem, I guess.

Mayor Jones: All I'm asking Council to do is look at the operating expenses of this budget and look and see if anything can be cut to find money for raises. All raises. So it is not exclusive to the Police Department, but the largest hit is in the Police Department.

Councilman Collier: Well how do you gauge what it takes for take home car, other than

gasoline usage and even if you remove that privilege, there's still some usage; so how do you gauge the difference?

Mayor Jones: I don't know whether Consumer Index is used for the \$5,000 a year figure, or not, but that has been the number tossed around as the benefit of a take home vehicle. Now...

Councilman Collier: Well, it's appearing to me the thing to do, we've got too many unanswered questions, so maybe the thing to do is to freeze everybody's wages until we get answers to these, so then we don't have to find those dollars today.

Mayor Jones: Why would you freeze wages? Wouldn't you just put off giving raises?

Councilman Collier: Well, that's the same thing; freeze wages; put off raises are one and the same, but until you get definitive answers... We're looking for a significant amount of money in the eleventh hour, so if we just hold the line and get a budget, at this point and review it in six months with the pertinent facts, they're not going to get a retroactive bounce, that way, because they've already eaten into a portion of it. I mean, I'm just looking for some way to come up with a solution...

Vice Mayor Booros: And I'm looking to retain officers and the Police Ad Hoc Committee doesn't want to wait six months to come up with the money for these new officers coming in through the Academy, or retaining some of the lower paid ones we have right now; so putting off a portion of this, I don't have a problem with. Putting off retaining those officers at a certain line...

Councilman Collier: Then we need to draw a line on this proposed pay scale and say that we're going to deal with it at this level and at this level it's up for future consideration.

Vice Mayor Booros: But to totally put it off, absolutely not.

Councilman Collier: Well, draw the line on the pay schedule then; give me an idea, because...

Mayor Jones: So you're advocating drawing the line on the pay schedule, but not cutting the line items for...

Councilman Collier: No, first of all, in order to come up with where you cut the line items, you need to know what the number is. I've got to have a goal in order to obtain it.

Vice Mayor Booros: Chief, how many people are you going to hire, one or two? I'm giving you a quick one, right here.

Chief Phillips: I'm not sure if this is a trick question, or not.

Vice Mayor Booros: This is not a trick question. This is a question. We're looking for \$39,000; do you know where we can find it? Because you don't want it to be your cellphones, we don't want it to be the...

Chief Phillips: If you all make the decision to stay at eight, instead of nine, then that's what we can do.

Vice Mayor Booros: No, we're asking you. We made the decision to lower it to nine, or whatever we made a decision to lower it to. This is your choice. We're talking \$39,520, plus benefits and other things that go along with it. If you know where any of this can come from... We can sit here over \$500 for cellphones and still not...

Mayor Jones: \$5,600 for cellphones.

Vice Mayor Booros: I understand that, but that's not getting us \$40,000 plus dollars. It's a start, but it's not getting it... I'm asking the Chief.

Chief Phillips: I guess, I'd be willing to do that, even though I'm not totally in favor of it, but if it's going to help retain officers, then I guess if that's what is in the best interest.

Mayor Jones: Madame Mayor, I'm not saying that's not important over there, I'm just asking the Chief where he would come up with it, or a portion of it...

Chief Phillips: I'd be willing to take I guess \$3,000 off of uniforms for what it's worth. Every little bit helps, I guess.

Mayor Jones: But even \$3,000 off the uniform is triple what you've spent this year and you have five officers, four officers down and a clothing supply closet that we have no idea what it's in and whether or not it can be reapplied to a new officer. I still think at that amount \$10,000 is excessive when you've spent \$2,456 this year; not taking into account the number of recruits; but it's also not taking into account, the possibility that there is clothing in the Quartermaster's closet that can be used.

Chief Phillips: What number would you like to see it, Ma'am?

Mayor Jones: That's not just my number, Chief; that is in combination with how you believe you are set to equip new officers who are coming in. Again, I know you don't their height and weight right now, but I mean we have asked for an inventory list of those uniforms. How many uniforms do your officers have? How many shirts, pants, jackets? It all adds up. It all adds up and that's for all departments uniforms. We don't have a town-wide inventory to my knowledge.

Councilman Coté: I think the thing we need to consider is that it's not our number, it's our number, including you.

Chief Phillips: Now you want me to do it? I'm just kidding. It does make sense to try to use all the uniforms we have, even if we have to have them tailored. I do agree with you there. That would make more sense if we were to do that, the best we can.

Councilman Coté: Well I'm even thinking about nine vs. eight here. That's the biggest place you find the number.

Chief Phillips: I understand.

Councilman Coté: A consideration in that, I think, is going back to the first night we did this; where we talked about revenue and we know we can't spend this money yet, and we're not spending it in 2014, but eventually our big industry is going to open their 80,000 square foot warehouse and however many square foot I don't know what to call that piece on the front of the building; and eventually that's going to be taxed and we heard an estimate of only a couple of thousand dollars in revenue, which I find hard to fathom.

Chief Phillips: How about if we knock the uniforms down to \$7,000? Does that help?

Mayor Jones: Just one moment. Let's talk to Councilman Coté about that. I don't want to appear a hungry dog waiting for the taxes coming from Dogfish only to reinvest them in only salaries. This Council hasn't talked one bit about Capital Improvements, taxes that are going to roads and sidewalks and improvements and infrastructure that benefit all. Not just our employees. Our taxes must go to other things, other than salaries and what we are now calling fringe benefits of salaries; cellphones, take home vehicles, insurance rates...

Councilman Coté: I haven't been at any of the Police Ad Hoc Committee meetings. If retention is the goal, when you give something on one hand and take something away on the other hand and I'm not saying we shouldn't do it, but the possibility exists that I got something good, but I got something bad, too.

Vice Mayor Booros: The perception that came out of that committee, was none of them looked at the cars as a dollar value; not a one of them.

Councilman Coté: Okay.

Vice Mayor Booros: The Chief sitting in the room, all the cops sitting in the room, all said they don't put a dollar value on that, it's just something they get. It's a carrot to dangle in front of them. We're the agency that allows you to take your car home; that's what we are vs. Milford. Well guess what? Milford won, they took two of our guys, no cars go home, but they gave them money. So they made the choice that they wanted the money, not to take the cars home, but then again both of those officers live close to Milford.

Mayor Jones: I don't know when it became a given. I tried to track the history of the take home cars at one point and I could find where there was a pilot program of sorts, where a recommended radius of 15 miles and then suddenly the pilot program appears to have morphed into a vote by Council that everybody in the Police Department got take home vehicles. When it morphed into everybody in the Police Department and Public Works received cellphones, I'm not sure when that happened either; but you talk about that one hand is delivering money, while the other one is taking back your cellphone. I don't see that as punitive. I don't see that as a slap in anybody's face. Right now, if we are attempting to take care of our employee's so that they have more money in their pockets, then perhaps getting in line with what other people are doing, which is buying their own cellphones, is a better way to go. Look, I work for the City of Rehoboth. The City of Rehoboth has plenty of money. The City of Rehoboth issues the Chief of Police and the Detective a cellphone. Period. Public Works, the Director of Public Works carries a cellphone; the Director of Wastewater Management carries a cellphone. They have plenty of money to give all those things to all those people.

Vice Mayor Booros: Do they have take home cars?

Mayor Jones: They do not have take home cars, but they make money.

Councilman Coté: Money's a good thing.

Mayor Jones: And they're union. I'm sorry?

Councilman Coté: Money is a good thing.

Mayor Jones: Money is a good thing.

Chief Phillips: Your Detective and your Chief and your K-9 have a take home car.

Mayor Jones: We have no K-9.

Chief Phillips: Okay, but you did have.

Mayor Jones: We did and I would have included that, if Rehoboth had a K-9. They're very specific vehicles. But I will also say that Rehoboth's K-9 did more work outside the jurisdiction of Rehoboth Beach than ever did inside the jurisdiction that was paying for the dog and the officer and the training and the car.

Chief Phillips: How about if we do this, Madame Mayor? What if we do away with the cellphones, except for myself, my Captain, the Lieutenant and the Detective? Those are the people I need to get a hold of when something bad happens.

Mayor Jones: I don't want to play Let's Make a Deal with you Chief.

Chief Phillips: I didn't mean it that way.

Mayor Jones: No, no, no.

Chief Phillips: I was trying to help out.

Mayor Jones: The reason I say that and I didn't mean no malice in saying that to you. There are members of our Council that I haven't heard from this evening and I'd like to hear some comments on this discussion. There must be feelings, either you support

some of this or you don't; and if you don't, then say that too. But please enter into the discussion.

Councilwoman Patterson: Well I'll step up. We're talking about leveling a playing field and it's tough. I own a business and when you look at health insurance... We take care of the employees that work at our office, we just can't take care of their extended family's and things like that; but we worked out a deal with them. It's also interesting what Vice Mayor Booros said about us losing two Police Officer to Milford and they don't have take home cars. I do think within a certain parameter it's okay, but we have an awful lot of \_\_\_\_\_ on townspeople's cars. I mean the townspeople own the cars and they're going way out of jurisdiction. I think, initially the take home cars was an issue to have local police presence, because usually your officer lived close to town and the police car parked in the driveway was a deterrent and things like that; but some of these towns are awfully far away and I'm not trying to take things away, but it is a little bit of a different time. We're trying to find money in the Town and we keep bringing up the concept of leveling the playing field; because some people are getting a little bit more in benefits and other people, not. These are tough decisions, because everybody's working hard and every penny right now counts and I run a business and I totally get that and that's my take on that.

Chief Phillips: I understand the part about the take home cars. They've also left for Milford, for \$14,000-\$15,000 more a year and they have a union there and they get guaranteed raises and it's a different atmosphere altogether.

Councilwoman Patterson: See, I'd like us to become that.

Chief Phillips: Certainly.

Councilwoman Patterson: One of the greatest perks of my life is that we live in town. I walk to work. I walk my kids to school and I walk home and I have to tell you, that's a blessing. But that didn't happen before. Places that I lived, I had to drive long distances. My husband's also on call all the time and he's always had to pay for his own cellphone and his own transportation to the hospital and the like, so I understand being on call and having to get somewhere, in an emergency quickly, but take home cars were never afforded to someone in his position. It is a big expense and we keep asking for details to find out what is the mileage and what does it really come down to, because there's insurance on the cars that we take out and there's the gas and the mileage, which is a little bit of wear and tear on the cars, as well and I do know other municipalities have cut costs by not allowing the take home cars. So, these are tough decisions because everybody's working really hard. I get that.

Chief Phillips: It's been my experience and no one's taken any take home cars, any towns haven't taken any take home cars away, that has them. Most of them would like to do that, because they found that it saves wear and tear from what they tell me and it's also good for retention, except places like Dover, Milford and big places like that, can't afford to start it. Once they started, it was one thing, but...

Councilwoman Patterson: Well sure, but it's interesting that two officers did leave here and they are in Milford and they don't have take home cars in Milford, because they're getting better pay, because they're looking at the money coming in as opposed to just the take home cars are given, and not looked at as a \$5,000 benefit, or something like that. Do you know what I'm saying?

Vice Mayor Booros: The benefit is you've got not only the car and the maintenance on

the car and everything else, but I'm looking at \$32,000 worth of gas in a town that's one square mile.

Councilwoman Patterson: 1.2.

Vice Mayor Booros: 1.2 square miles. You have officers... I know we have officers that leave their engines running when they go into to eat lunch for an hour. We have officers that leave their engine when they go in to get their breakfast in the morning. It's gas. It's taxpayer's money. It's gas.

Councilwoman Patterson: Well it's the townspeople's cars, too and you kind of feel like they should stay in town. I like the Mayor's idea of taking surplus vehicles and surplus scrap and having an auction. I understand E-Bay is great, but it's time consuming, even for you on your time to run all of those auctions and to have a town-wide auction, might be a benefit to the Town. It's the townspeople's things and we can derive any kind of income back on that; because where does a municipal town like ours get their money from?

Chief Phillips: Well I was amazed what we got for the Crown Vic's back then; it was unbelievable. The junkyard wouldn't give us \$500 and I think on E-Bay we had to give like \$1,500 to \$2,000 for them and we made more money off of E-Bay or whichever one it was. We made more money off that then we did selling it at the junkyard.

Mayor Jones: But from my point-of-view, I don't need a Police Officer on E-Bay; I need him on the road.

Chief Phillips: I understand that.

Mayor Jones: And that's why for the sale of town vehicles, the responsibility belongs to the Town that owns them, not the department; so I would ask you to cease and desist that and I wouldn't recommend that we just sell them for salvage. I recommend we auction them once necessary equipment is finished with. Excessive computer equipment. I remember I think last year you were given X number of computers, but they needed hard drives. Believe it or not, that equipment, on an auction block, will bring something. Old printers, old desk lamps, old desks and furniture. You put it out there. People come and bid on it. An auctioneer who knows the market will do that assessment also. You may pay a small amount for the auctioneer. I am not someone who does that for a living, so I'm not sure what that is.

Councilman West: But Mayor, you'd be better off to do like the State does. They do it online. They do online auctions and they make out better than they do having a town sale. There's more money to be made that way, than there is...

Mayor Jones: Can you show those figures? I mean, Rehoboth Beach has an auction once a year, simply because between the found property of the Police Department, we take in found property. What's the process for getting rid of that? Once we've retained it long enough to see if we can contact an owner, or an owner comes forward; we have stuff. In today's world we call it stuff and I think there's a small amount of money to be had from it. I also believe there's money to be had from the Accounts Receivable list; how we're going to recoup some of those old bills; I haven't heard a plan put into motion for that, but there's money sitting there. I'm talking it behooves us on behalf of the citizens to look for their money wherever we can find it. I don't advocate spending it all on raises. I'm just talking about being responsible. The idea of giving a man X number of dollar raise and take back his cellphone. If he's not considering the cellphone a benefit, or the cellphone has not been represented as a benefit on this package that he gets every year;

then what's he missing? He has to get his own cellphone? I don't think that's cruel.

Councilman Coté: It's not. I agree.

Councilman Collier: No, it's... Not at all.

Vice Mayor Booros: I would hope that the man has his own cellphone and he's not using the town cellphone for his personal use.

Councilman Collier: Yes, well that would be my hope too. Has anybody audited the bills lately?

Vice Mayor Booros: That would have been my thought right off. I don't look at their cellphone bills.

Councilman Coté: We don't see all the cellphone bills.

Councilman Collier: Oh well, then you'll never know, I guess, unless you audit the bills.

Vice Mayor Booros: No, I mean I would just assume most people have their own cellphone; if you have a work phone for work, that's fine. I have two cellphones. I think Mayor Jones has two cellphones.

Mayor Jones: And I don't answer usually, either one of them.

Councilwoman Parker-Selby: Chief, are the cellphones monitored? Do you monitor the cellphones?

Chief Phillips: As far as what they're used for, it should be used for work.

Councilwoman Parker-Selby: They're only for work, because in the education system we were given cellphones, but we were monitored; somebody would check to see if it's not being used...

Chief Phillips: If someone does a picture, if it's a picture of a car accident or a crime scene and they use it to send it back; that would be one thing, even though we have cameras; but sometimes that may be all they have in their hands.

Councilwoman Parker-Selby: Well monitor. I'm thinking about the bills coming in under each person's number, or what have you. To see if they're being honest.

Chief Phillips: Right, they're looked over. Yes.

Councilwoman Parker-Selby: I'm sure they're honest about it, but that type of thing. You mentioned earlier you would possibly, looking at yourself, in helping with this problem, look at maybe decreasing the number of officers who have phones to only the top officers, or something like that. Correct?

Chief Phillips: Yes, Ma'am.

Councilwoman Parker-Selby: And how about the uniform's? Did I hear you say something about you could get...

Chief Phillips: We could try to use the uniforms downstairs and have them tailored to fit the people and..

Councilwoman Parker-Selby: And then you also mentioned the biggie, which was you would take eight officers vs. nine. Is that correct?

Chief Phillips: If that's what the Council wishes for, yes.

Councilwoman Parker-Selby: Is that another option? You're saying if that's what the Council wishes for... I'm just asking you would it be that detrimental to your...

Chief Phillips: If it's going to help retain officers and do what we need to do.

Councilwoman Parker-Selby: I think about the report I told you I thought looked very good, each time I look at it; it's not really something way off the wall and I'm thinking, well at this point even, I think we could probably do with maybe eight vs. nine. Now if Milton changes and it gets to be a little New York City or something, then we'd have to

revisit that.

Chief Phillips: That's for sure.

Councilwoman Parker-Selby: That's just an observation and my comments.

Mayor Jones: Chief, one thing on your uniform line item, 5490 on page 5, before it gets too far, I made a recommendation to you this year and you followed it by putting \$1,000 in your uniform line item for your uniform cleaning.

Chief Phillips: Yes, Ma'am.

Mayor Jones: I still think that is a uniform line item, but I don't want you to lose out on having it. If we're reducing it for the purchase of uniforms, we need to reduce it now by \$1,000 and place it up in account 5345; if that is how it needs to be calculated. 5345 is your uniform cleaning and it has a dash in it right now.

Chief Phillips: Yes, Ma'am.

Mayor Jones: That's because \$1,000 of it sits in your uniform budget.

Chief Phillips: That's correct, yes.

Mayor Jones: So, if you're looking at it we're now looking at \$11,300 as the actual uniform line and we're going to put \$1,000 up top so that you do not lose it. It doesn't get lost in the fray. I think \$1,000 was the number, was it not, Chief?

Chief Phillips: Yes, I believe it was. Yes, Ma'am.

Mayor Jones: Alright.

Councilman Collier: Alright, well, some other small things for consideration, since we're scrounging for dollars. If he's going to reduce the force to eight officers; I believe if I recall what the document that Councilman Coté referred to earlier, it might have said that we have ten air cards on hand, so if we're paying for ten, we can reduce it to eight; or do you keep an extra one? Is that why there's ten?

Chief Phillips: We do keep a spare. Yes, Sir.

Councilman Collier: Alright, so then you're only reducing it by one. That's only a small amount of money, per month; but over the year...

Chief Phillips: We have already shut different things down, different phones down of officers that are gone.

Mayor Jones: Where are the cellphones from the four officers that are gone?

Chief Phillips: They're already shut down and we have them at the station.

Mayor Jones: Councilman Collier I'd like to point out that Chief hasn't made the determination. He's leaving the number to Council to be their responsibility.

Councilman Collier: I understand that. I'm just asking questions, so if we're going to hack, let's get all we can get. Let's not leave any pennies unturned.

Mayor Jones: I would say based upon the monies spent this year and pending an inventory, that the uniform line item, which is now at \$11,300, be cut to \$8,000 and I even think that's generous, considering we've only spent \$2,456 to date. If anybody would like to add to the \$8,000 and if you think that's too severe a cut; then please speak up; if you think it should be cut a little bit more, do so.

Councilman Collier: The only thing I would add, the only other thing I would like to see is a definitive uniform policy, because I still see all sizes, shapes and types and colors of uniforms; I see officers in what I would term motorcycle boots.

Chief Phillips: Those came automatically with the boots and britches.

Councilman Collier: I don't know, you know, there seems to be a standard blue uniform, but there also seems to be about four or five different other uniform combinations that

you see at various times too, Chief. That's my only thing. Sometimes I wonder when I see...

Chief Phillips: We have uniforms we wear for Nite Out and also the night shift wears a different pair of pants, because the other pants that I'm having right now are about \$110 apiece and the other pants they usually wear at nighttime are like \$40-\$50 apiece; it saves us money if something happens and they get a chase and get a rip.

Councilman Collier: I just... I've seen green BDU's, black BDU's, white shirts, blue shirts and I'm not even counting the polo shirts. I'm sure there's some distinction for some officers wearing a white shirt. I think that's usually an administrative color, if I'm not mistaken.

Chief Phillips: That would be correct, yes.

Councilman Collier: So that's the only thing. It may further reduce your uniform expenses if you standardize.

Mayor Jones: We're obviously going to be working with the Chief to work on some other policies, so we can add that.

Vice Mayor Booros: Madame Mayor, is the \$418,948 in salaries for the Chief; does that include the ninth officer?

Councilman Coté: Yes.

Mayor Jones: Yes. At the present rate.

Vice Mayor Booros: At the present rate. And what is that present a year? \$30,000, \$31,000, \$32,000, something like that?

Mayor Jones: \$31,844.

Councilman Collier: What's the hourly rate?

Vice Mayor Booros: \$31,844 plus what we've taken off of the uniform budget and what we've taken from the cellphones, pretty much almost comes up to the \$39,000.

Councilman Collier: We haven't taken anything from cellphones for sure yet, have we?

Vice Mayor Booros: She will. Look at her.

Mayor Jones: Wait a minute, it has to be a cellphone policy across the departments, not just the Police Department.

Vice Mayor Booros: I understand that.

Mayor Jones: One thing that's kind of falling between the bricks here, is the need for an IT person in the Police Department. Now it was put on the Chief's budget as \$5,000. I do have and want to present to Mr. Abbott, the name of a person who does police work, DelJIS access, and will be able to give you a price as a consultant to the Police Department and be able to tell you what he may and may not be able to do for the department. Again, the eleventh hour. The bell rang on Friday and said, they need somebody for their IT work. That was brought to our attention during the budget and it has not played out on the need for a line item, so these are monies that all need to be considered.

Councilman Collier: Well, that's true, so we still need to find some more money. We're not home yet.

Councilman Coté: Well the \$418,000 that's in the salary line now, on the salary schedule, includes the two recruits at \$33,400.

Councilman Collier: That also includes Pension. Well the other lines include Pension dollars and stuff like that, so essentially we've covered the salary increases with reducing it to eight officers, more or less; less than more, I guess. And also the Pension

benefits and the other stuff; but we still need a little bit more, so I think that let's pull back on the cellphones to... I'm more in favor of three or four; but I guess to be a nice guy we could say pull it back to four for the department and let the Chief distribute them as he sees fit.

Councilwoman Parker-Selby: I have another question here. Under Dues and Subscriptions, could you explain? Whose is that? Is that the Chief's to police; Dues and Subscriptions is proposed is \$2,000; but yet we've had \$770, but \$2,480 is the proposed and I'm thinking what kind of Dues and Subscriptions are these?

Mayor Jones: That's a good point.

Councilman Coté: That's the gun range fees that we put there in the budget there, for the first time this year. It was in Training and now it's in Dues and Subscriptions.

Councilwoman Parker-Selby: Okay, so that's something added. That looked kind of strange.

Councilman Coté: I think that's the biggest piece of the difference is the gun range.

Vice Mayor Booros: Madame Mayor, is the \$39,520 include an increase for the ninth officer?

Mayor Jones: No.

Vice Mayor Booros: Okay. I was just wondering.

Mayor Jones: No, it doesn't include it for the eighth officer, either. That is what is on the books, the proposal for going forward with who we have. I found a document from 2004, along time ago, through the Chief; they must have been anticipating taking the cellphones away, because there is a little bit on the goals and objectives about "Town of Milton will no longer provide cellphones for use by officers off-duty. They would retain three cellular phones, with a spare battery for each in the Police Department and an officer coming on duty shall sign out a phone for his or her use during a shift and sign the phone back in. So we are not the first to have to tackle some tough issues. But as we discuss it, we're going to have to give consideration to where the Council lies to vote on it and if we're going to reduce cellphones in one place, I think we have to look at other departments.

Councilman Collier: Well, I haven't got there yet, but I'm getting there. I'd like to propose that we reduce the number of cellphones in the Police Department to four and let the Chief be responsible for where they lie. I believe that Public Works should be cut in half, because it's the right thing to do. If they currently have four, I think it should be reduced to two and let the Public Works Director decide where they lie. Now I don't know what the exact cost per unit is and I'm guessing about, based on the figure that the Police Chief had in his budget, but it's about \$560 a unit in the Police Department, per year, more or less. I don't know exactly the number, because I don't have those figures in front of me. Chief, you have nine cellphones in your department, or ten?

Chief Phillips: Whatever officers we had, is what we had.

Councilman Collier: Alright you have nine, so we're now reducing it by... so \$5,600...

Councilman Coté: It was actually \$5,580... Well \$5,600 is a good round number to use. You're talking about \$3,100 in reduction.

Councilman West: I have one question on these cellphones. How many of them are under contract right now?

Chief Phillips: With the State, it's every ten months you could renew the contract, so it won't be really an issue as far as...

Councilman West: And it's a two-year contract?

Chief Phillips: No, Sir.

Councilman Collier: No, it's not the same as a private holder...

Councilman West: I'm just asking the question, because...

Councilman Collier: Alright, so we're also going to reduce the Police Department to well nine air cards from ten, so that's not a big significance. What is that per month about \$50-\$60 bucks, \$40 bucks?

Councilman Coté: It looks like about \$400 a year.

Councilman Collier: Per card?

Councilman Coté: Per card.

Councilman Collier: So there's another \$400, which every bit counts. So based on those nine phones, it's closer to \$600 for a phone, so we're reducing it by \$3,100.

Councilman Coté: What we should keep in mind, the details of these line items, the four line items that are included in the detail of the Chief's budget add up to \$13,400; the budget is only \$12,500, so there was already a \$900 drop down from the detail to what made it to the budget.

Councilman Collier: Okay, I gotcha. There's a \$900 difference in there somewhere. Gotcha.

Councilman Coté: So we don't have as much room as we'd like to think.

Councilman Collier: Well, I'm just trying to get a handle on numbers, that's all.

Councilman Coté: Maybe that account could drop from \$12,500 to \$10,000.

Councilman Collier: I'm still very perplexed about take home vehicles and I think we are missing the boat in one aspect. Now I know that we can't do anything with the police as far as you can't tax them on take home vehicles. Public Works is a different place and I work for an agency that could very well be considered Public Works oriented and everybody who gets a take home vehicle, gets taxed based on a per day rate and the taxes are taken out of them quarterly. Now that is called Wages In Kind and it appears in their W-2 as part of their salary and it impacts their Pension dollars, so most guys don't complain, nor is the rate per day that they get nailed for that vehicle a whole lot, that they cry about it either, because they can't put gas in...

Councilman Coté: I think it's only \$3.

Councilman Collier: It was \$3 a day. I wasn't going to give up the dollar amount; it's \$3 a day, but nonetheless, you know, it's not that we're missing the boat, but again this is a benefit that they receive, so I don't know how we want to address that.

Mayor Jones: Well you're still paying oil and fuel and repair on those vehicles.

Councilman Collier: Oh no, I understand.

Mayor Jones: Unlike the emergency people that Chief has indicated are responding in with lights and sirens, I will grant you there will be emergencies for Public Works. How many in a year's time, I'm not sure. I've never asked for the numbers, but these gentlemen are still driving to their jobs. The only difference is they're driving to their jobs at the expense of the taxpayer's. That makes it different. That makes it different. Because everything they need to respond is going to be right here in the parameter of Milton; it's going to be on that truck that's in that yard when you arrive and go back out.

Vice Mayor Booros: The only thing that needs to be taken into consideration are the ones that pick up the free help on Tuesday, Wednesday and Thursday; whoever that person is, if that person is coming from Greenwood or something that has to go by

Georgetown, that should be taken into consideration on those three days. That wouldn't mean both of them, three of them. I wouldn't want them to stick them in the back seat of their personal vehicles.

Councilman Collier: And I wouldn't expect that either and that's certainly a consideration. I hadn't advocated taking them away, yet, but it's certainly a consideration; but that's only one person and we currently in Public Works have two going out of here, every day.

Mayor Jones: And a third person who does the rotation to check the water, who doesn't have a take home vehicle.

Councilman Collier: I think you offered up the idea that if we have one parked here, they can certainly get one for that weekend, if that was the case; but again, and I don't know that Public Works always uses the Public Works vehicle on the weekends, because whoever had last weekend's rotation, I believe it was, they came in their personal vehicle, because I saw them. Or sometimes they come in other vehicles. I'm sure there's a reason for that.

Dustan Russum: Because sometimes we like to go other places besides Milton, so if we've got to go to Rehoboth or Ocean City, we'll...

Councilman Collier: And I understand that and I'm not looking for an explanation, nor what I was going to talk about what other vehicles I've seen them in, in any great detail.

Mayor Jones: I am only assuming, Dustan, when someone like yourself is called in on an emergency and you are apt to be called in in that regard, it would be the Town of Milton's policy to pay you when you have received that call and so my thought would be, you would already be on the clock by the time you left your home.

Dustan Russum: Most of the time when I'm called in, except for regards like last week, I was here until 1:30 in the morning with a leak. It only takes 2 or 3 hours. I really don't start my time... I start my time when I leave, but I don't pay myself for going back. I just start from there, finish here and go home and I look at this take home vehicle for myself. I do consider that part of my pay and also the benefit to the Town, as you're getting an employee, or two employee's, pretty much on call 365, 24/7...

Vice Mayor Booros: That came with the job, though, Dustan. Didn't it?

Dustan Russum: Correct, but Win already figured out last year what it costs per man, per vehicle and I think it came out to a little less than \$100 a month, is what the Town was paying for me to be on call 365. You look at other Towns that might not supply a take home vehicle, but there's an on-call person. That person gets compensated; they either get 2-3 hours a day, paid, on top of their normal 40 hour work week.

Mayor Jones: Well and that's why I asked you about the drive time. Milton's going to cover your drive time; you've already gone on the clock.

Dustan Russum: Correct.

Councilman Collier: Well.

Mayor Jones: We just picked up a new pick-up truck. Does that mean that we are due to get rid of a Public Works vehicle?

Dustan Russum: Correct.

Mayor Jones: There's one parked behind the Public Works Building now?

Dustan Russum: Correct.

Mayor Jones: What do we use that for?

Dustan Russum: The Dodge, we haven't used it. It's been out of service.

Mayor Jones: Why do we keep it?

Councilman Coté: We just got the new truck, didn't we?

Win Abbott: First of all, the new truck, we just purchased. It was budgeted at this time last year for purchase. Now, the guys in the Water Department have asked me to put the vehicle on sale and I delayed because you have asked me to do an auction. As you had indicated, there's a lot of stuff to be sold; like Christmas decorations in the Public Works Building and so on. That's why. We're going to try to do it altogether now.

Mayor Jones: I maybe didn't make that clear. Mr. Wingo and Dustan already had vehicles. There's a vehicle parked behind the Public Works Building. We've just taken on a new one. So now there's four; one disabled. What are we doing with the others? There's a diesel, right?

Dustan Russum: Yes.

Mayor Jones: Okay and you just got a new truck and Mr. Wingo drives a truck and that still leaves the vehicle parked behind the Public Works Building. So when I ask you if we're getting rid of one, are we getting rid of one that is operational at this time, or are you talking about the one that's parked behind the Public Works Building?

Dustan Russum: We'll be getting rid of the one that's parked behind the building.

Mayor Jones: And the third truck will be anything in particular that you have that earmarked for?

Dustan Russum: That's just goes to the fourth employee that uses it around town, that carries the fuel tank and it also pushes snow. It has a plow on it.

Mayor Jones: Okay. Councilman West did you have anything else you wanted to say about the budget, except the phone plan?

Councilman West: No, I don't have anything else to say.

Mayor Jones: You know Chief, that overtime right now does include the SALLIE and the EDIE grant, but your original number was \$29,000. It's listed at \$43,712, that includes the SALLIE and the EDIE grant, which you put in for overtime. That number is going to change drastically as would that holiday overtime, if these bumps go into effect. I consider management of overtime one of the most important things that you do for this Town. The line would have to be held somewhere. It's not a bottomless pit. It cannot be. It just can't be. We're looking at Training and Seminars, \$5,900 to date. We've put in for over \$10,000; now some of that was moved into the appropriate training line item, but that still covers an awful lot of training and I don't have your original sheets in front of me, so I can't say, but the Police Department is also sitting on \$15,000 worth of Sussex County Grant money left; so I think you haven't come up with anything that you want to see that spent on. My wish list would have been the solar sign coming northbound on 5 at the school; that's what I would like to see that spent for.

Chief Phillips: That's what I've been working on now and I've got a couple of other irons in the fire trying to get some more money to put at least two in front of each school; all three schools.

Mayor Jones: I think that's a little excessive, because the speed doesn't drop in front of all three schools. It drops in front of that school.

Chief Phillips: I was making a public safety issue, just trying to get people to slow down for the school kids.

Mayor Jones: I think that there are signs that indicate you're in School Zones and the change in the speed limit, but that one in particular drops and that appears to be the

place that most people feel caught, as far as radar and/or speeding. That's why that particular place was targeted. I would say, my own opinion would be try one, we'll see how it works; but I don't want to see the one stalled, while we look to install them in all schools. There are signs up in the other schools and they're already in 25 mph zones.

Councilman Collier: We've got a request for that one that you're speaking of; which you'd like to see at least for the last two years running.

Chief Phillips: Over the years, we've had people that live on Mulberry and all the streets where schools are have complained about people speeding and we've had to sit up there and run radar and stuff. I just thought it would behoove us to do that for the protection of the kids and educate the public. However Council sees fit.

Councilman Collier: Chief, I think it's a good idea, but I'd rather see you start with one and at least start with one and then let's phase them in. I don't think our budget's in a position to absorb several at one time.

Councilwoman Patterson: I'm going to have to agree.

Councilman Collier: Start with the one. Let's get one in and see how it works, because you had some concerns of a stationary one over one that's portable and I have to tell you I'm not very keen on the idea of one that takes pictures and records results and stuff like that, because to me that's reactive policing. Let's do a little proactive policing and sometimes the presence is better. I know it's a great tool, because it tells you whether you're wasting your time out there or not, but I think just one shift out there will tell you whether you're wasting your time or not.

Chief Phillips: Well the sign, actually the good thing is, it comes as solar and it also has data. It tracks how many cars come down the road, what speeds they go, so we can keep track if someone says they're flying excessively, we can look at it and say they're really not and it will tell us how many cars come down the road.

Councilman Collier: I guess that's okay, but to me all I could say again, that's kind of reactive policing; that's like placing a surveillance cameras all over town. If you put surveillance cameras all over town, why do we need officers patrolling; you just need one guy sitting in there and one guy getting chased around to get to it, so maybe we need to replace officers with cameras.

Chief Phillips: That's food for thought, but who's going to go out there and stop them from fighting, other than watching the camera?

Councilman Collier: I understand your point. We could argue that one too, but we won't. I have to agree with the Mayor. I would like to see us earmark a portion of that to place that one solar sign. I think that would be a real good idea and I think it would speak loudly and would speak to the citizens loudly that the Police Department is paying attention to what they think their needs are, too.

Chief Phillips: Okay, with that being said, I might be able to save that \$15,000 for something else, because I have something else in the make to at least get one or two signs already that I don't think are going to cost us anything. I can't guarantee at this time, but I'm working on something.

Councilman Collier: Alright, if that's the case and it turns out to be that way, sobeit; we'll talk about rearranging the money in six months.

Mayor Jones: We meet again on Monday, Chief. Could you get us a dollar figure please for the one sign?

Chief Phillips: Absolutely.

Mayor Jones: One solar sign and whatever its battery is, that's necessary and the post, which I think is sold separately for the northbound side of Route 5 between Heritage Creek and wherever it is best placed before the school. On Monday, that would be a big help.

Chief Phillips: Yes, Ma'am.

Mayor Jones: Again, as we look desperately, we haven't come up with anything for capital improvement in our streets yet and equipment needed.

Councilman Collier: I understand.

Mayor Jones: We have, for example; it's just an example; in this particular account I'm looking at for Employee Insurance Benefits in a department that has... make sure, two people, the insurance benefits projected for this coming year is \$19,337; which this year we've already spent \$14,114. That's a two person department. That's enormous and again, the idea that employee or employees may get more in benefits than we're able to give in other kind money, to other employees.

Councilman Collier: Mr. Abbott, can you possibly provide us with what it would cost the Town to provide health insurance to each employee at 100% for the employee only?

Win Abbott: Yes.

Councilman Collier: Would you mind doing that?

Win Abbott: I will.

Councilman Collier: Thank you, Sir, because that would probably give us a better idea of what we're looking at.

Councilman Coté: When would we like to see that?

Councilman Collier: I hope by our next meeting. I mean I didn't make that...

Councilman Coté: Before that meeting.

Councilman Collier: If you could just email it to me, I'd be happy. I don't know if you can get it that fast, or not, but it would certainly make me happy, because then it gives me a number to crunch.

Mayor Jones: And I would ask you for another value, Mr. Abbott, because our employee's right now pay for their own dental insurance. Is that not correct?

Win Abbott: Yes 100% employee paid.

Mayor Jones: I would be interested to know, separate from the question that Councilman Collier asked you for; what it would be as a cost to the Town for dental insurance, as well. Thank you. Does everyone feel as if we've beaten up on the budget enough this evening to move to the next item or do we have other things we need to discuss?

Councilman Collier: Amen. I think we've got a lot to think about now.

Councilwoman Parker-Selby: Yes.

Councilman Coté: I just wanted to check in and make sure we had noted a couple of things that would be changed. I just wanted to make sure I had them correctly. One was to add in the Employee Holiday Bonus; to add \$3,000 for plantings in the Parks Department; did we agree to reduce the Police Department cellphones by five? Which is about \$3,000.

Councilman Collier: Public Works by two.

Councilman Coté: Did we agree on that? Okay.

Mayor Jones: We moved the \$1,000 from the Police Uniforms to Uniform Cleaning and then I made the recommendation to reduce the line to \$8,000.

Councilman Coté: And that's agreed? I see a lot of heads nodding yes.

Mayor Jones: It's up to Council.

Councilwoman Parker-Selby: Yes.

Councilman Collier: Uh-huh.

Win Abbott: Pardon me, Ma'am. I'm just trying to follow along here. You said you moved \$1,000 from one place to another and agreed to reduce it to \$8,000.

Mayor Jones: I'm sorry...

Councilman Collier: The remainder in that line.

Mayor Jones: Right. In account number 5490 for the Police, we removed \$1,000 and placed it in Uniform Cleaning account 5345. The remainder, which was \$11,300, was agreed to be reduced to \$8,000. Yes, Sir.

Chief Phillips: Are you putting that \$1,000 back on that line item?

Mayor Jones: No, we're going to leave that \$1,000 up there just for your cleaning. I didn't want you to lose out on that.

Chief Phillips: Right, but the night you stuck it there, it was going to go back to Uniforms.

Mayor Jones: We're going to keep it in Cleaning.

Chief Phillips: Okay, thank you.

Mayor Jones: Yes, that was on my advice, but that's not how the accounts go here, so we wanted to make sure that you didn't lose your cleaning money. That's what I have on my sheets Councilman.

Councilman Coté: I think that's what I had. And we discussed \$8,000 vs. \$9,000, but I don't know that we came to any conclusion.

Mayor Jones: I heard no conclusion.

Vice Mayor Booros: Was there any conclusion, \$8,000 vs. \$9,000.

Councilwoman Parker-Selby: I think we just discussed it or asked about it.

Chief Phillips: I thought we already settled that, but I guess not.

Councilman Coté: What did you think we settled on?

Chief Phillips: I thought you all were good down to \$8,000.

Vice Mayor Booros: Would that be your recommendation, Chief?

Chief Phillips: I'm not crazy about it, but that's your call.

Councilman Coté: Is there any way we can live with it?

Sam Garde: I'm sorry that I'm talking, but I'm the only guy here, I think, who's a citizen.

Mayor Jones: Council needs to make a determination on your recommendation.

Sam Garde: The only public safety professional here is you, Chief. In my view, a public safety professional needs to take a position, make a recommendation on the basis of public safety, not on the basis of a budget and not on the basis of a negotiation. If \$8,000 will do it, that's great for all of us. If it won't, we've got to find a way to support not. That's one citizen's view.

Mayor Jones: I appreciate that. I do, but again, Council looks to you, as the chief law enforcement officer. You need to make the recommendation to us. Then we have to take it into consideration. Mr. Garde is correct.

Chief Phillips: I believe that he's correct.

Mayor Jones: It is not the Council's... I don't think it is our position to come right out of the box and make that suggestion to you. I think that was Councilman Coté's comment in that it is an inclusive decision; but just like other committee's we take the recommendations under advisement.

Vice Mayor Booros: But Madame Mayor, this is all predicated, initially, on officer retention; we're currently down to how many?

Chief Phillips: Seven.

Vice Mayor Booros: Seven and are we getting public safety right now? If we don't come up with the money to give these guys the boost, we may lose two more in the near future. Right?

Chief Phillips: Yes.

Vice Mayor Booros: So now we're down to five, Mr. Garde. So let's talk about public safety. That's how I'm looking at this right now, as retaining the officers we have in place, right now; getting another recruit out of the Academy to help out; nine would be great; twelve would be great; fifteen would be optimum, I'm sure. But can we get what we need?

Mayor Jones: Well along those lines...

Vice Mayor Booros: Look what we're getting with... We have seven, one just came back off sick leave, right?

Chief Phillips: Yes, Sir.

Vice Mayor Booros: So we did have six. If we lose two more, that's where we're at.

Mayor Jones: That poses a personnel issue actually. The Chief has made a comment about we could be losing more; people are in the pipeline; perhaps Mr. Thompson does not want to speak about personnel things outside the Executive Session, but the Chief has not really indicated to me, I don't know if he's indicated to anybody else; excuse me, what the status of some of those officers are who are looking to go someplace else. So really, the Council, is not sure how many officers down we're talking about and whether this rescue plan will keep them here, at all.

Vice Mayor Booros: Absolutely. There's no guarantee that offering this...

Mayor Jones: So we're going to have to have some exchange of information in order to do our jobs here, too.

Councilman Collier: Chief, can I ask you a question? Can you, as Chief of Police, provide the Town adequate public safety with an eight man force? It's a yes or no question.

Chief Phillips: We're doing it fairly right now the best we can, but it would be better with more boots on the ground.

Councilman Collier: Well, I was either looking for a yes or for a no. That's all.

Chief Phillips: I really can't give you a yes or no answer.

Councilman Collier: So then you've kind of left us in limbo. Eight's more boots on the ground. I did hear that.

Mayor Jones: Nine is more boots on the ground.

Councilman Collier: So is fifteen. He didn't quantify boots on the ground.

Mayor Jones: Right. I think we could still somehow look at scheduling; that might help.

Chief Phillips: I don't see how scheduling is going to make a difference, but with the administrative things that have to be done and the detective things that have to be done, it's going to be very hard to keep track of serious cases. Right now, we have coverage. It's not like it was a year ago, but we do have coverage right now and the State Police back us up on complaints. It's the same way they handle complaints, one officer goes and if it's serious, then they wait for another officer to get there, to respond to the complaint. When we had more manpower, we didn't have to worry about that, because

we had other officers that would respond to the complaints, but now we have one officer responding to the complaints and then Delaware State Police comes and backs us up.

Vice Mayor Booros: I haven't heard one complaint since we've lost the officers on speed traps, not being there; not one.

Mayor Jones: Councilman Coté, I'm sorry, the last thing I wrote down here too was that we were reducing the air cards from 10 to 9.

Councilman Coté: I think that one might be... Because the details of that page in the details add up to \$13,500 and he only had \$12,500 in the budget anyway; so I think we should go ahead and do that, but I don't know that it affects the budget number.

Mayor Jones: Okay.

Councilman Collier: It may not have the impact we were hoping for.

Councilman Coté: Yes, the activity should be done, but I don't think it affects the budget.

Councilman Collier: Madame Mayor, what do you need from the Council to make this decision, as far as eight or nine officers?

Mayor Jones: I need a recommendation, in earnest, from the Chief of Police, that is defensible and he feels comfortable with. If you feel it and own it, you can defend it; whether it be eight or nine and that's what I think needs to happen here, as well as an update on the status of the officers that are in the pipeline; may not have given notice, or maybe some have given notice. This Council needs to know how many people we're looking at in the Police Department that will be working as patrol officers, or administration, in the coming year and that information can only come from you.

Chief Phillips: Would that be considered a personnel issue?

Seth Thompson: Right. We're just noticed tonight for the budget issue, so I recognize that money is always going to be intertwined with personnel, but with regard to those people's privacy, we need to make them separate.

Chief Phillips: If we could go into Executive Session, I can explain that to them appropriately.

Seth Thompson: But it would need to be noticed for that and it wasn't on there for tonight.

Chief Phillips: I understand.

Mayor Jones: And actually in some discussions that I've had with you, not mentioning really names, and I wouldn't mention names here tonight; but you have said two other officers are looking or in some process, so even not naming names, have you been hiding the fact that you may have still a personnel shift? It was never my intention to name names, of who might be going, or if they're going at all. Just an updated status to the Council will help.

Chief Phillips: Madame Mayor, I would rather answer that question at another time, if I could?

Mayor Jones: Okay.

Chief Phillips: I'd be glad to answer it. I just don't feel comfortable answering it right this second, if I could please.

Mayor Jones: Alright. Are you making... It says adoption of the budget and Fee Schedule. You explained that before, that we don't need to separate the two, is that correct?

Seth Thompson: My explanation was that the Ordinance amendments were really removing fee amounts from the Code, so that's why the Town would still need to adopt a

Fee Schedule. It sounds like Mr. Abbott said that none of the fees are different at this point, so you can continue to operate under the current Fee Schedule. Was there one item that was going to be changing on the Fee Schedule today?

Win Abbott: Trash collection fees.

Seth Thompson: Ah, that's right.

Win Abbott: I'm just trying to make it a little bit easier for you all here. I think that you have a discussion and a possible vote on the budget. You have a meeting scheduled next Monday where you're going to vote on the budget. There's work to be done. I think you're in a position now to table this and move onto the next item on the agenda.

Mayor Jones: Thank you.

Councilman Collier: I move to table the budget discussion.

Councilman West: I'll second that.

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

- e. An Ordinance to Amend the Town Code regarding Attendance Policy and Hours of Work (second reading)

Seth Thompson: I think Mr. Abbott talked about it last time. I'm here to answer any questions you might have.

Councilman West: Madame Mayor, do you need a motion?

Mayor Jones: On this, I haven't quite gone through this. The person I'm missing and maybe Mr. Abbott can point that out to me... The woman that works in the Police Department in an administrative capacity... Under Police Department it's a 24/7, Administration is Monday through Friday, 8:30 to 5. That does not capture the administrative worker in the Police Department, unless you tell me it is listed someplace else.

Win Abbott: No, Ma'am. The amendment says the Police Department shall cover a 24 hour schedule; the particular shifts on which a Police Department employee, does not say officer, employee shall work, shall be determined by the Chief of Police or designee of the Chief of Police, with the approval of the Mayor. So, no. It's up to the Chief when our administrative assistant in the Police Department works, or does not work.

Mayor Jones: This may be a time for me to ask you a benefit question, as it pertains to the hours of work. Is it a benefit for our employees... I take it from these work schedules they do not get paid lunch; that is correct? So each employee has a 30 minute lunch?

Win Abbott: That is correct that they do not get paid for lunch and it is common for them to have a 30 minute lunch. However, what this policy establishes is the core hours for a department to be opened for public service. If, for example, the Public Works Department should have a schedule that accommodates an event in the Park and it is conducive to the management of the event for Mr. Russum to schedule them to have a one hour unpaid lunch; that could work too, as long as the core hours of the department are the same, so that the public can reach the department with a level of expectation in order to get answers during these core hours. That's all. They don't get paid for lunch.

Mayor Jones: I was actually asking just to make sure that everyone was receiving the same.

Councilman Collier: Motion to amend Chapter 26 of the Town Code regarding an attendance policy and hours of work.

Councilwoman Parker-Selby: Second.

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

f. Water Meter Upgrades ó status and next steps

Dustan Russum: Where we're at with meters, we got the last commercial one going in tomorrow night at the car wash; we've got to do that when the restaurant closes down, so it will probably be around 10:00. We have I believe it's nine more residential's to get in; six of them Win has made some contact with the homeowner's, plus Councilman Collier has made contact; reached out to a couple of them and Councilman West. That's where we're at with them right now.

Mayor Jones: I'm referring to actually correspondence as far back as June, where it looks like it could be a simple... I'm not going to say simple, it's never simple; to turn the homeowner's water off, or the service off if one of our folks can't get in the house. Is that correct under Section 215 10(b), Consent for Entry Onto Your Property or into your home for the purpose of replacing inadequate equipment, as requested? This service will be scheduled at a time and on a date to be determined by the Water Department? A refusal or the lack of a timely response to this request will result in termination of your service. Have we had to turn anybody's water off?

Win Abbott: That letter was from June, 2012? The purpose of this agenda item, was in response to the Council's request that we revisit the issue and that we make more efforts to communicate personally; so door hangers were put out; phone calls were made and no additional letters have been sent. The letter is valid. It's there, as a tool, if we should need to do so. As Mr. Russum had indicated, various methods of effort are nailing down the last few people of the over 200 meters that we've changed, or something like that. Nonetheless, I just wanted to give you a report that we're really down to the last handful of people and our efforts at communication have been effective.

Mayor Jones: Good. Thank you. Any other questions on that?

15. New Business ó Discussion and possible vote on the following items:

a. Sunset/Appointments of Land Acquisition Committee

Mayor Jones: Did you leave me a document and I did not see it? Okay. Thank you. So we're saying that the Land Acquisition Committee may still exist. A safer avenue would be to have Council reconstitute a committee.

Seth Thompson: And just for the Council's benefit, the way your Town is typically organized, you have your commission's, your standing bodies and then you can appoint any number of committee's and assign them tasks. Some Towns specifically have a task and then a sunset provision; so in other words a committee, if the Town had chosen to, could have appointed the Police Ad Hoc Committee for a period of a year and the report due prior to their sunset, basically. So the question of the whether the Land Acquisition Committee still exists, I just pointed out that if there wasn't a sunset, technically, they continue to serve. This isn't like your Commission where it's automatically a three-year term, based on your Charter. The question is, okay who is on that Committee and if the Committee does still exist, then seemingly they're able to notice their own meeting and deal with whatever task Council assigns to them.

Councilman West: Well to answer part of that question, this committee that you're talking about, this Land Acquisition Committee, is under the Water Committee deal; under the Water Referendum and technically we have never got it established about

whether we're going to purchase this land and they're still in negotiation talking to different people; and the original committee, with Jack Bushey and Dennis Hughes, correct me if I'm wrong, Win; Allen Atkins, that used to be a town man, was involved into it and I suggested that Marion keep these three together, which they have no interest in the land...

Seth Thompson: A Conflict of Interest?

Councilman West: A Conflict of Interest for the land, yes and until we get this water referendum resolved, I suggest that they stay on this committee until we get a water referendum passed.

Seth Thompson: I know this might be splitting hairs a little bit, but if the Council appointed them as a committee, in and of themselves, then they're not a sub-committee of the Water Committee.

Councilman West: No.

Seth Thompson: They were assigned the task of dealing with the water tower, right.

Councilman West: Right.

Seth Thompson: So but it sounds like they're their own committee, at this point. They're not a sub-committee of the Water Committee. They were just assigned...

Councilman West: They will stand with the Water Committee, because they were part of the Water Committee; because their vested interest is seeing that this referendum passes and that we have the land to be able to do what we want to do.

Mayor Jones: But Councilman West, as far back as when Mr. Fry was on the Land Acquisition Committee, it had nothing to do with water. It had to with out there at Key Ventures, the deals that were being done; so I believe that supports Mr. Thompson's comment that they are a committee of themselves. The task was just given to the Land Acquisition Committee to look for something that the Water Department needed at this time.

Councilman West: Yes.

Mayor Jones: Okay. Well, so the nominee's do not all need to come out of the Water Committee, as a Land Acquisition Committee, I would say that at this particular moment, except wanting and seeking some information from Council; not necessarily at this table this evening, for some recommendations on who might make that committee up and it may not be everybody out of the Water Committee.

Councilman West: Well those three, what we're looking at Land Acquisition for the Water Committee and they were appointed by the Mayor before with our recommendation.

Mayor Jones: I understand what you're saying.

Councilman West: And my thing is, Madame Mayor, with due respect, is they are well versed in what they have already done and they know the people to talk to.

Mayor Jones: Well, this evening, I'm not prepared to offer just these three names up as a Land Acquisition Committee, with a broader view than just water; because that's what Land Acquisition can be. It's a broader scope than right now, the Water Department needs them to look at something, but I am not convinced that all of them need to come from that one committee; so I am sorry for the confusion this evening, but unless Mr. Thompson tells me that we're going to continue with the present Land Acquisition Committee and it hasn't sunsetted; I'm not prepared to give you names this evening for Council's approval.

Councilman West: Then I make a motion we table this.

Vice Mayor Booros: Second.

Seth Thompson: I think it would be good to clear this up. The way the process should work is that once a committee is done, if there is a sunset, then the people are sent a thank you note for their service and that sort of thing; so they also know that their duties have concluded and then seemingly, if they don't receive that, then they understand that they're still serving on that committee and they might be assigned a task at some point by the Council. I think it makes sense to reach out to the three people, based on what Councilman West was saying, in terms of them having some personal knowledge. Hopefully they would be willing to do something beyond just dealing with the water tower, if a land acquisition came up.

Councilman West: I'm sure they would.

Vice Mayor Booros: They're also acting now on behalf of the Water Committee, they're not acting on behalf of this Council. This Council has not asked them to look for land for anything.

Mayor Jones: And they have and I'm waiting for the letter. They're looking to make a recommendation and I couldn't say whether it was a legitimate group that went forward, but it definitely went straight out of the Water Department.

Councilman West: Yes and with the assumption that they were going to come back to make a recommendation that we bring it before Council.

Mayor Jones: I understand that. I do understand that part.

Vice Mayor Booros: I keep hearing the word "negotiation"; they're negotiating with who, for what?

Councilman West: They are not negotiating with anybody. They are looking into talking to these people; they're not negotiating nothing.

Seth Thompson: Well it sounds like it would be good to get the authority issue straightened out.

Mayor Jones: Councilman West has made a recommendation to table this issue.

Vice Mayor Booros: I seconded it.

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

- b. An Ordinance to amend Chapter 220 of the Municipal Code to re-classify certain conditional uses in the Town Center District (first reading)

Vice Mayor Booros: I requested this, Madame Mayor, be looked at. We have several restaurants and places that serve food in the Town Center District and apparently it was on the...

Seth Thompson: It's a special use.

Vice Mayor Booros: Special use.

Seth Thompson: Right, for the Council's benefit, it's not an automatically permitted use. Somebody that would want to open a restaurant would need to apply to Planning and Zoning to get a special permitted use.

Vice Mayor Booros: There were some other things on that list, that particular list, that bothered me and I looked at them and it was explained that they weren't as clear cut as they looked; certain things... why not, well then you find out why not. A restaurant wasn't one of those and we have 4 or 5 in the Town Center that are serving food and

stuff, and I requested that this be brought forward and it be made an approved use. Right now when we have empty buildings, we have buildings up for sale, we have people interested in coming to this town to make it an easier road for these people to deal with the Town of Milton and not have to go before Planning and Zoning then and all of this. They still have to go before the Liquor Board, if they want liquor; or before the Fire Marshall for the fire things; and DelDOT for getting in and out, but not to have to deal with the Town of Milton.

Mayor Jones: I have only one issue and that is the word "fast food". Does fast food indicate to anyone else that a Wendy's could open downtown and would that be okay? Perhaps your definition is better explained.

Seth Thompson: Well I don't know if it's better, but it's always helpful, especially in zoning, very often special uses are going to have a definition within your zoning ordinance; and I did look earlier and restaurants, both kinds of restaurants are referenced here, defined...

Vice Mayor Booros: Quite honestly, I don't have a problem asking that this be amended to keep restaurants, fast food, on the special permitted use and just move restaurants, standard, up to the approved use.

Seth Thompson: So that we can see the difference, a fast food restaurant as it is defined, is an establishment whose principal trade is in the sale of food and/or beverages in a form for consumption either on or off premises vs. a standard restaurant which is any establishment however designated, whose primary use is preparation and sale of food for consumption to patrons seated within an enclosed building or on the premises.

Vice Mayor Booros: So the Vintage Cafe is a fast food, they're all fast foods.

Mayor Jones: Yeah, any of them that have take out.

Vice Mayor Booros: They're all fast foods.

Councilwoman Parker-Selby: According to that, yes.

Councilman Coté: Principal use.

Vice Mayor Booros: Carry out pizza.

Councilman Coté: Vintage might be in principal a fast food, but the others are for the most part, people sit.

Seth Thompson: Yes, the only exceptions under standard restaurant are a snack bar, a restaurant stand at a public or quasi-public community swimming pool, playground, play field or park.

Councilman Collier: Sounds to me like maybe we have to work on our definitions.

Vice Mayor Booros: And that's exactly why we were trying to change this, so that we wouldn't have to spend the next six months working on a definition while a business was waiting to open in this Town. That's been our problem for many, many years. I want it to end now.

Councilman Collier: Well.

Vice Mayor Booros: Like I said, I don't have a problem exactly the way it is and if Wendy's wants to open in the Historic District, as long as they don't bother the front of the building before they go before Historic Preservation, let them open a Wendy's. I could care less. As long as they've gone before Historic Preservation in the downtown Historic District and can get the approval. I don't have a problem with a Wendy's, a McDonald's or anything else and I don't think that's our worry right at the moment.

Councilwoman Patterson: No, I don't have a problem with it either.

Mayor Jones: It does sound as if the restaurants in the District are already performing in some limited effect of what we define as fast food; just by the mere being able to take it out.

Seth Thompson: Right. Your definition of fast food is very broad. Now it could be that they were either pre-existing or they went through the special use.

Vice Mayor Booros: They went through the special use.

Councilwoman Patterson: And that's one of the things we need to take a look at, special use is just one more impediment into not opening a business in this town.

Mayor Jones: You have to be careful. Some of those special uses need review.

Vice Mayor Booros: Yes, some of them I looked at.

Councilman Collier: Are you ready for a tattoo parlor now.

Vice Mayor Booros: No. Let me tell you something, some of them I looked at and I thought why would you do that and then somebody said because of this and it's like, oh. I never thought about it that way. I'll explain some of them to you, councilwoman.

Seth Thompson: It typically is something that's a little more unique, that might have some sort of potentially offensive element; whether it's noise, or odor; that's typically what ends up in a town's special use category.

Vice Mayor Booros: Doctor's office is one that hit me as a little odd, but then somebody explained it to me and it's not odd at all. I would want that to be a special use.

Mayor Jones: That may be an ordinance as you and I have talked, that we could come back and look at some of the other special uses on it, but for now as the Economic Development has been working with Mr. Abbott on what is stalling and slowing down our process, this as a restaurant, where we have established ones already in our midst, looks to pretty much be a norm downtown right now; so I think it will help with the process.

Vice Mayor Booros: I was disappointed to hear you say, Seth, that we now have to have a Public Hearing to move this from one category to the other.

Seth Thompson: I misspoke earlier, it's a 15-day newspaper notice; but unfortunately, that's required under Title XXII of the Delaware Code.

Councilman Collier: Well, if the concern downtown is over a Wendy's, why don't we put non-franchised fast food; because that would eliminate McDonald's, Wendy's, Burger King, Taco Bell...

Vice Mayor Booros: I don't necessarily want to eliminate a McDonald's, Wendy's, Burger King or anything else; I think that's our biggest problem in this Town.

Councilman Collier: I wouldn't mind seeing one out on the corner of 16 and 5; but I don't know that I want to see one that's there in Charles Jones' place on the corner across from the bank, either.

Vice Mayor Booros: Well, hopefully, if the Historic Preservation Committee is doing their job, you won't see it, because you won't notice it, because it will be in a historic structure with some tiny little sign.

Councilman Collier: That would be great.

Vice Mayor Booros: Kind of like M&T Bank is on the corner with their tiny little sign.

Councilman Collier: That would be grand. Alright, so what do you need a motion to move forward?

Vice Mayor Booros: And also to schedule a Public Hearing as quickly as possible.

Seth Thompson: Right. Typically the newspaper needs it the week before, or something.

Councilman Collier: Alright, then I move that we move forward with this and schedule a Public Hearing at the earliest possible convenience.

Councilwoman Patterson: Second.

Mayor Jones: Any discussion? Do we need to set this date before we pass this?

Seth Thompson: I have a feeling that given the timing, because we're a week later due to Labor Day, it will end up being next month's regular meeting; is probably going to be the earliest it will happen.

Councilman Collier: Do we need any advertising things for that?

Councilman West: Madame Mayor, can we...

Seth Thompson: It has to be in the paper 15 days in advance; so you normally need to get it to the paper about five days before that.

Vice Mayor Booros: Can we have the Public Hearing at the October meeting?

Councilman Collier: That's really cutting it close.

Councilman West: Or could you do 15 b, d and e, all in one night?

Seth Thompson: Yes, we could do any number of... You can always have any number of Resolutions or Ordinances on a given night; some of them don't require the Public Hearing; it's only zoning that you have to have this.

Vice Mayor Booros: This is the only one requiring the Public Hearing. So can we do that Public Hearing for five minutes at the normal Council Meeting in October?

Seth Thompson: As long as there aren't 10 people who want to speak and you limit them to 30 seconds.

Vice Mayor Booros: Let them speak.

Seth Thompson: Okay.

Vice Mayor Booros: We've had Public Hearings and Council Meetings at the same time.

Seth Thompson: Right, there's nothing to prevent that.

Councilman Collier: So you're looking at Monday, October 7<sup>th</sup>?

Councilwoman Patterson: That works.

Councilman Collier: So that's four weeks from today. Mr. Abbott is that enough time?

Mayor Jones: I think that's a good opportunity right there.

Councilman Collier: Alright, thank you.

Mayor Jones: Alright, we have a motion on the table. All those in favor say aye. Opposed. Motion carried, we will have the Public Hearing at the October meeting.

- c. An Ordinance to amend the Employee Handbook in several sections (first reading)

Mayor Jones: We passed on Item c.

- d. Set Council meeting date re: Review of Engineering Proposal  
**and**

- e. Set Council meeting date re: Security Fence Installation

Mayor Jones: I'd also ask you to flip your page over and look at the set Council meeting for the Security Fence Installation. The information is at Town Hall for you to review the engineering proposals. It is a lot of information, but we should set a meeting date to review both of those.

Councilman Collier: Can we do that on the 7<sup>th</sup>, as well?

Mayor Jones: As long as the 7<sup>th</sup> doesn't turn into something like this, yes. I would see that we could review the Security Fence Installation. Do you want to make that in the

form of a motion?

Councilman Collier: I'm talking about the Engineering Proposals, as well.

Mayor Jones: That's what I mean, both of them. Can we combine d and e to make this...

Vice Mayor Booros: Would we be reviewing them in Executive Session? The Engineering Proposals, I assume they're proprietary data that you wouldn't be reviewing in public.

Seth Thompson: Right, any sort of proprietary information can't be provided, but in terms of... it's different from personnel, because they're not an employee of the town, but that's just a different basis for the Executive Session. So, it's probably not going to be as broad as if you were discussing an applicant for a town employee vs. a contract position. FOIA, for some reason, makes that distinction, but if they're providing proprietary information that wouldn't be discussed in an opened meeting.

Councilman Collier: Alright, then I make a motion that we review the Engineering Proposals and the Security Fence Installation in the proper order of Business on October 7<sup>th</sup>, that's our next regularly scheduled Council Meeting.

Councilman West: Second.

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

f. Installation of Streetlights in Preserve on the Broadkill, Phase II

Seth Thompson: I drafted a letter; this was based on an issue that was expressed... I think the Town received one or two emails about it; but basically you have a street where the developer hasn't yet put up the streetlights. It looks like there are eight that are on the approved plan. Now under your sub-division ordinance, the Town wouldn't accept those streets, until those lights were put up. The issue here is whether the Town wants to go ahead and put those up now for the purposes of public safety and if that's the case, then Mr. Abbott received some cost estimates that Delmarva Power would charge about \$100 per light and then you have to pay a \$20 monthly rental fee for each light.

Councilman Collier: Does that cover the cost of the power, or is that just a rental fee, plus the cost of the power?

Seth Thompson: I'll look to Mr. Abbott for that one, but I think it's going to be separate.

Win Abbott: Yes, I think that the actual electric costs are separate.

Councilman Collier: Okay, that was my question. Thank you.

Mayor Jones: You said you drafted a letter to the developer.

Seth Thompson: I did. It's pretty short. I can read it to you now. In response to a public safety concern raised by a resident, the Town of Milton has explored the cost of installing eight streetlights required on the approved plan for the above sub-division, as show on the attached. According to Delmarva Power the installation costs will be \$100 per light, plus a monthly rental charge of approximately \$20. The sub-division ordinance makes clear that the cost of the installation of the streetlights shall be borne by the developer and that the developer shall pay the cost of the electricity for the streetlights until final construction of streets is completed and the street is accepted by the Town of Milton. Nevertheless, the Town is willing to pay these costs, in order to address the raised concern. Thus, please alert me as to whether you will grant the Town an easement for installation maintenance. We're not following what was supposed to be the intended pattern. I think that's why Mr. Abbott and I wanted to get the Council's and it could be that you don't approve the letter; that this isn't something that the Council sees as truly a

public safety concern and that the person is going to have to wait until the developer is seeking to turn over the roads.

Mayor Jones: That has been identified as a very black hole back there. There are eight street lights associated with that final plan. Tell me, or if you will repeat again to Council, that maybe you or Mr. Abbott, that the Certificates of Occupancy on the homes that are there, were somehow contingent upon the lighting being provided for those locations, or not? Because those lights are dotted all over the place.

Seth Thompson: The way your ordinance reads, typically a Certificates of Occupancy shouldn't be issued for a property that doesn't have it's utilities put in; so it sounds to me like the Town has not, in the past, interpreted that to mean the lights need to be up on a lot before we issue a Certificates of Occupancy for somebody. I think on it's face it probably means that, but again it sounds like the practice has not been to do that. So a lot won't have it's streetlight up, but if a builder puts a house up, somebody can buy the house and then the person has to just wait until the streets are being dedicated, for all the streetlights to go up.

Mayor Jones: There are two houses on that street right now. I'd ask, first, if Council finds that public safety and that responsibility, taking into consideration who this developer is that we're visiting again and have visited tonight and whether or not all eight streetlights, as Mr. Davis says, need to be put in now in a community that has two homes on it. If you put them in, you are now responsible for that electric bill, as well and unless we get something really positive back... How long did you give them to respond to you? Did you?

Seth Thompson: I didn't give... Frankly, I expect them to respond very quickly, if this is the Town's approach; just give us an easement and we'll put in these lights that you would otherwise be responsible for.

Vice Mayor Booros: Madame Mayor, the minute you put in a streetlight on that street, you're going to have two Homeowner's Association that are paying for their own streetlights, that we haven't accepted their streets yet, standing at that microphone for three minutes at the beginning of every meeting, asking for us to pay for their streetlights. Not that I don't think that this is a public safety issue. I do, but for us to come right out of the gate saying we're willing to pay for it, is a mistake.

Mayor Jones: It actually has already been five months since you mentioned it, Vice Mayor Booros, to one of those developer's and I've seen nothing since and there's been another house occupied.

Vice Mayor Booros: Yes it has been. But does he know that there's been an incident there?

Mayor Jones: I have no idea.

Vice Mayor Booros: Not that I think he's going to... But I mean before we jump out of the box and offer to do it and then take the wrath of every other community in Town, that we're not doing it for...

Councilman Collier: Well there you are, you've done it once in one community; but that's community streets that have since been accepted.

Vice Mayor Booros: All I can say is before I say we do it, I would just ask and if he doesn't give it to us, then I would just do it, but I wouldn't put up all eight.

Mayor Jones: Well, the way the letter is crafted is actually only asking for easements, not for them to do it. Correct?

Councilman Collier: The letter, to me, indicates that we're asking for the easement so we can absorb the cost and the responsibility.

Vice Mayor Booros: The answer is going to be yes.

Seth Thompson: Because the Town would need an easement to go onto their private road, until they're ready to turn over the road.

Mayor Jones: So we haven't actually asked the developer to pony up and put up some lights and pay for them?

Vice Mayor Booros: Nope.

Seth Thompson: No and we can certainly take that approach.

Vice Mayor Booros: You can say we don't need all eight, but just enough to cover some lighting there, because of the public safety issue.

Seth Thompson: This one's really up to Council, again, because of the safety concern and we're not following the normal procedure, but if that's the direction Council wants to go, I'm fine with that this way.

Vice Mayor Booros: I'm just saying we're opening a can of worms if we start paying for those streetlights tomorrow.

Seth Thompson: I think that's a legitimate concern.

Mayor Jones: Installation and monthly.

Vice Mayor Booros: I understand. I heard him.

Mayor Jones: I think for as much time as we took on the public safety issue in Cannery Village just about their signs, it would warrant... Is there any action that we can take, as a Town, that the Certificates of Occupancy's were given and that was not in force? Can we go back and enforce that?

Seth Thompson: Once those Certificates are then relied upon, then at that point they have an equitable estoppel argument that...

Councilman Collier: The only leverage that you possibly have is if they had two or three houses under construction out there, which they don't.

Mayor Jones: They don't.

Councilman Collier: And it doesn't look like their actively looking to build any out there, either, to be honest with you. What did the Town do for temporary lighting? Didn't we do something for temporary lighting at one time over in Shipbuilder's Village? What was it they did? Did the Town purchase a generator or did we do something like that? I can't remember.

Dustan Russum: We just had a pump.

Councilman Collier: I know you had a pump over there, but I thought they did something for temporary lighting over there at one point in time.

Win Abbott: The Town put in permanent lighting at the end of Shipbuilder's Boulevard and the Town took over the lighting for existing streetlights that were in the developer's name and the developer wasn't paying the bill for. We took over that, but no temporary lighting.

Councilman Collier: Alright. I'd sooner provide a light pole for the homeowner to put in their front yard and light up, then I would to take on streetlights.

Mayor Jones: The interesting thing about the public safety issue is that it deals with the traffic circle and not specifically the resident's homes and this is from someone in a neighboring community; so you're looking at the throat of Chandler and Valley, which is dark, as it leads those several yards to the traffic circle. You have a home right on the

edge of that traffic circle and one several lots further up.

Councilman Collier: I'd like to see the Lighting Plan, because there may be an alternative to installing all eight of them. I know that they're going to want to put it out there as one circuit; that doesn't mean you have to fire all of them.

Mayor Jones: You don't have to install all eight of them. Mr. Davis recommended that if you're going to install any of them, to install all eight. I can't say that I agree with that, if it's going to come directly out of our pockets and I doubt if you ask the developer, he might not want to install all eight yet either. But we are talking about public safety at the heart of the matter.

Councilman Collier: It appears to me looking at this Lighting Plan that what you're describing you could probably do wonders with the placement of one.

Vice Mayor Booros: One would help.

Councilman Collier: You're talking about this as the area that's dark as all get out, so there's a light called for right there. The problem that you're going to run into is what is the power company willing to do, because they're going to put that out as a circuit, so to speak. Are they going to be willing to put in a place to tap into them at a later date, for the other seven or not? That's the problem. So maybe the thing to do is to ask for a meeting with the power company representative to see what they can do for us as far as facilitating lighting at that one spot, but not putting all eight of them in.

Mayor Jones: Mr. Abbott has gotten pricing from them for installation at \$100 a light.

Councilman Collier: But that's based on them installing all of them. There are other things to consider. When you plow that cable in there, you plow it in to place eight lights.

Win Abbott: The infrastructure is already there. It's not going to cost any more or less.

Councilman Collier: Okay, so the infrastructure is in place.

Win Abbott: Yes. So you can treat it a la carte...

Councilman Collier: We can pick and choose.

Win Abbott: Whatever you want.

Councilman Collier: Okay, that makes a little bit more sense. I would rather see, rather than absorb the whole thing, to put one up in the interest of public safety; I don't think you're going to get an argument out of these other neighborhoods who are paying for their own; but if you light the whole thing, you're opening up...

Mayor Jones: I think you can hardly do any of it, until you ask the developer to do it first.

Councilman Collier: Well I mean you have to ask the developer, but I'm talking about it...

Councilwoman Patterson: I think we should ask the developer first.

Councilman Coté: I think if there's been a public safety incident, or issue, up there, then that developer should be notified and requested to remedy it. If they don't...

Councilman Collier: If they don't, then we will approach the other options.

Vice Mayor Booros: They probably should have been notified long before now.

Councilman Coté: Well and make sure it get's billed to the correct developer's account.

Seth Thompson: I don't control that.

Councilman Coté: I'll look.

Councilman Collier: That makes very good sense Councilman Coté.

Seth Thompson: Okay. Is the Council flexible in terms of if the developer is willing to

install one light, that potentially corrects the public safety issue?

Councilman Collier: Give him the opportunity to correct it and see where he comes from from there and they we'll go back to it.

Vice Mayor Booros: Mr. Thompson, I would think that maybe the Town, at this point, if somebody decides to build there, we won't issue a Certificates of Occupancy until the lights are up. If he wants to put up one light to remedy the current situation, that would be wonderful.

Seth Thompson: Okay.

Councilman Collier: But he'll not get another home built out there, another Certificates of Occupancy until he puts them all up.

Councilman Coté: Until the others are done, yes.

Councilman Collier: That's probably the way to look at it.

Seth Thompson: Okay.

Mayor Jones: Do you need this in the form of a motion?

Seth Thompson: No. I think I have my direction.

g. Washing of sidewalks in the Downtown Business District

Mayor Jones: Mr. Abbott provided you with two pieces of paper, one was a map, the second was washing of sidewalks in the downtown business district. Now Mr. Abbott indicated to me that I'm the one who had requested that the Public Works do this in the district and I have some of my own put in here for what I would like to see done. However, under bullet no. 2, please be aware of the need for additional time and materials, purchase and placement of stone dust between bricks on all sidewalks that are paved with bricks. I'm only going to assume that the sidewalks in town being brick, were done so at the request of the Town and that doesn't negate the particular property owner's need to take care of that, does it Mr. Abbott? I haven't identified it as part of Governor's Walk or anything like that.

Win Abbott: The last bullet is the one that identifies the particular requirements of care.

Mayor Jones: Right.

Win Abbott: So.

Mayor Jones: Okay, so I agree with that, but I'm asking it in reference to placing this stone dust between the bricks; if there's not any kind of sealant in between there now, obviously, whatever dirt and crap has gone in there over the years and been stuck in between the bricks, is going to come out with a good power washing, but I don't know how responsible that makes the Town to replace it with a stone dust, or is it polymeric sand, the sealant sand in order to make them set in there right, or well? That's a fairly expensive undertaking for the amount of brick sidewalks that are in our Town Center.

Councilman Collier: Well power wash is going to remove some of that stuff no matter what you do, because as soon as you put pressure on it, it's loosened.

Mayor Jones: I understand that, but I'm not guessing it is the original stone dust that was laid in there year's ago.

Councilman Collier: That it might not be.

Mayor Jones: So the question is, if we are washing the sidewalks and not enforcing that they take responsibility for... it says "sweeping weekly"; some of those sidewalks, sweeping isn't going to help. You might want to abandon this altogether; maybe you don't think that it is a good idea. I don't know how many times you look down at the

sidewalk when you walk around downtown.

Councilman Collier: I'm just wondering what a little bit of Clorox bleach and a street broom would do to it. Elbow grease.

Seth Thompson: From a legal perspective, the way your Code discusses the duty of the property owner, is to repair a sidewalk that's been damaged or broken. I think it would be hard to read into that, somehow if the Town were to clean the sidewalk and then the filling were to come out, the property owner would have to pay for that, I think.

Vice Mayor Booros: That stuff has come out a long time ago.

Councilman Collier: Yes.

Mayor Jones: Rehoboth has an ordinance where they have to actually scrub their sidewalks with a hose, but this is simply sweeping and/or responsible for repairs.

Vice Mayor Booros: Madame Mayor, maybe if they did a test spot in front of Town Hall to see how the bricks reacted, or how much stuff came out, what it cost to actually put the sand in there, the polymer in there; in one spot in something that we're responsible for right off and see what the deal is. See what happens. What it costs and then come back with a better take. I don't think you're going to get some of those people down to clean their sidewalks in five years, they're sure as heck not going to run out to Lowe's; get the stuff to put in the cracks.

Mayor Jones: I agree. Then again, maybe you don't want to take this on until spring, but I would definitely say that our streets or our sidewalks in the Town Center could use a little sprucing up.

Vice Mayor Booros: Quite honestly, with the leaves falling and that kind of thing happening, you may be right. We may want to wait until spring and maybe by then we will have seen a windfall.

Councilman Collier: Let's look at other options, besides pressure washing; because I think pressure washing is going to create as many problems as it's going to solve.

Mayor Jones: Dustan, you clean Governor's Walk between Irish Eyes and the Antique Shop and it looks amazing, the difference. What did you find as far as what happened to anything that may still have been sitting in those joints of those bricks?

Dustan Russum: Some of the stuff in the joints washed out; we've got to replace it. We were just looking at... Win and I when we discussed this, that was one of my concerns, we're going to take on the responsibility of everything in front of these stores. If we wash it out, we damaged it, we fix it. Same way with using chemicals around there. If we stain some of that wood, we damage it, we fix it. I don't want to be stuck out there with you damaged my property, now you fix it.

Councilman Collier: Good point.

Dustan Russum: Then, plus all the catch basins that are in front of there, all of them have a little sticker that says I only drain rain; so we can't use chemicals.

Councilman Collier: Good rainy day research project, see what's out there that's environmentally friendly, that you can clean them with.

Councilman West: Madame Mayor, I say that we table this until we do more research into it.

Mayor Jones: What kind of research Councilman West?

Councilman West: Like what Dustan was talking about; how much damage we might do to the businesses downtown; how much it would cost us to have to replace all that polymer sand?

Vice Mayor Booros: Maybe do it in front of Town Hall, see how much the polymer sand costs us to fix that, or see if...

Mayor Jones: Replace. Fix indicates we've broken something. I think that most likely the debris that's sitting inside of those pavers, is not the original stone dust to start with, but I agree with your point. If we make an effort to clean it, then we would need to restore it; not because it's broken, but in order to put it in it's right place we would need to put that in there.

Councilman West: Right.

Mayor Jones: I like the idea of trying the piece in front of Town Hall to see where that takes us. Does anybody have any idea on starting that, as well as tabling it with the effect to see what those results are?

Councilman Collier: I'm thinking about what I see in front of Town Hall and I don't think it's one of the really dirty spots, by comparison if you go down the hill...

Dustan Russum: We've actually power washed that up there in front of Town Hall.

Councilman Collier: I guess it doesn't give you great advantage as far as really seeing what you've got to do to clean it up, because it's not the dirtiest spot down there. I think a test area would be better served in one of the worst spots; but I don't know what to call that to be, other than probably in front of those two empty storefronts down the hill from there. It's just about as nasty as anything.

Mayor Jones: That's the one that's covered with mold, or excuse me, mossy type stuff.

Councilman West: Madame Mayor, I amend my motion that we table this until spring and do our diligent homework.

Vice Mayor Booros: I think the leaves falling off those trees in front of the stores, if we power wash it now, it's going to be a mess by spring anyway.

Mayor Jones: Well it says that the store owner's sweep their sidewalks once a week. The ordinance says the store owner's sweep their sidewalks once a week.

Councilman West: Have you seen them out there with their brooms and shovels?

Mayor Jones: Just saying, we have an ordinance to take care of your concerns.

Councilman Collier: What else is on the agenda.

Mayor Jones: We have a recommendation to table this until spring.

Vice Mayor Booros: Second.

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

## 16. Executive Session

- a. Discussion/strategy session involving legal advice or opinion from an attorney-at-law, with respect to contract negotiation, when an open meeting would have an adverse effect on the contract position

Councilman Collier: Motion to go into Executive Session.

Councilman West: Second.

Mayor Jones: We have a motion and a second, all those in favor of going into the Executive Session say aye. Opposed. Motion carried. Executive Session began at 11:10 p.m.

Councilman West: Madame Mayor, I make a motion we come out of Executive Session.

Councilman Collier: Second.

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

17. Discussion and possible vote on Executive Session items  
Seth Thompson: We need a motion to approve the offer as discussed in Executive Session.  
Councilman Collier: Motion to approve the offer as discussed in Executive Session.  
Councilman West: Second.  
Mayor Jones: Any discussion? All those in favor say aye. Opposed. Motion is carried.
18. Adjournment  
Vice Mayor Booros: I make a motion to adjourn at 11:40 p.m.  
Councilman West: Second.  
Mayor Jones: All those in favor say aye. Opposed. Motion carried. Thank you.