

**Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, October 5, 2009
7:00 PM**

5. **PUBLIC PARTICIPATION** portion was called to order by Mayor Post at 7:02 pm on September 14th and let it go on record that the following members of the Town Council are present:
- C Martin-Brown
 - C Hudson
 - C Prettyman
 - C Abraham
 - C Betts
 - Mayor Post
 - C Duby is absent
- a. **Review and possible vote on the proposed changes to Article 2, 6 and 7 of the zoning ordinance as recommended by Process Review Committee**
Mayor Post: I'll open it to the floor for public comment. I guess since there is no public comment on Public Hearing a, we will move to b.
- b. **Review and possible vote on the proposed changes to Article 4, Section 4.9 of the zoning ordinances**
- Mayor Post: If you would state your name.
Joanne Mattioni, 309 Union Street: I'm just commenting because I have looked at these proposed changes and truthfully I'm lost. Especially when it comes to one of the pages, Page 6, there are so many notations I could not follow it. So for me to actually form an opinion as to whether or not this is something good or not good; I really couldn't do it. It's too hard to follow. I don't know if anyone else had the same problem; but it's just so convoluted that it's hard to figure out what's being changed; what's not being changed; what's been approved; what's not been approved. I think before you vote on this, it needs to be a little clearer, so that people can actually look at it and understand. I would ask that the Town Council put off voting on this until it can be put into a format where people can actually understand it. Thank you.
Mayor Post: Okay, thank you.
 - Denise Suthard, 309 Union Street: In looking at the changes, I have to say that they are worse than the original documents. So I would suggest that you table this tonight; let us look at them a little better and go from there.
Mayor Post: Thank you. Are there any other comments? I'll now close the Public Hearing at 7:04 p.m.

6. Mayor Post called the Public Participation to order at 7:04 p.m. for Monday, October 5, 2009.
- a. Marion Jones, 409 and 411 Behringer Avenue: The first thing I want to say is a follow up from last month; a thank you to the Mayor and Council for the consideration of the FOIA issue I brought up. I do appreciate the postings of the Policies and Objectives on the web-site. It made it much easier to stand here tonight to make an appropriate and intelligent presentation. Have you made an inquiry as to that question of the AG's Office; and if so, have you gotten an answer yet?
- Mary Schrider-Fox: I don't have an answer for you yet, but I will be contacting the Attorney General's Office and discussing this with, it's Judy Hodis I believe, is the person I need to contact. I will be doing that and reporting back to the Town Council.
- Marion Jones: Thank you.
- Mary Schrider-Fox: Which document were you requesting?
- Marion Jones: I was looking for the document having to do with the objectives and goals; however that is made out for the Town of Milton Police Department and Chief.
- C Hudson: Does this pertain to letting people see things before they are... Are you going to also notify her that if we have given people access to information in the past and that's been our precedent to do so?
- Mary Schrider-Fox: I certainly can do that.
- Marion Jones: Thank you. My other question was in reference to the web-site; it's a question and an observation. I find the web-site rather hard to navigate and not very user friendly. Does the Town have a written policy that governs the use of the web-site? Who decides what is posted? And, my observation is that without a policy, selective postings can be interpreted and seen as censorship. Does the Town have a policy?
- Mayor Post: I would have to defer to George. George do you know if there has ever been a policy on the web-site?
- George Dickerson: Never.
- Marion Jones: Okay, thank you. One other thing, before I get into the Policies and Objectives for the Police Chief or the Police Department; just one observation and that was at last month's meeting. You broke early and went into an Executive Session; and I have certainly been here, as many others have and sat through Executive Sessions. But last month we were thrown out into the street. Was there a rhyme or reason? Personally, I don't take it personally; it was getting rude. Your citizens are here to hear you; was there a reason; can anybody share that with me?
- Mayor Post: Because the building is not very private for an Executive Session.
- Marion Jones: But you have held an Executive Sessions before.
- Mayor Post: We used to hold them way in the back before they put all the bathrooms in. Now we have to hold them right behind that curtain.
- Marion Jones: So is this something we can expect to happen when...

Mayor Post: Executive Sessions happen, yes.

Marion Jones: Okay, then it supports when I stood here 6 or 7 weeks ago when I said you should move these meetings to Mariner Middle School. One it is very hard to read here; and two, and most of all now, under these circumstances, we're going to get into cold weather; you're going to throw us out into the streets; and at least at Mariner Middle; you would have a private room to go to. It's just.

C Hudson: I agree it would be a lot easier to have these meetings at Mariner Middle School; the lighting would be better; and there would be places where we could separate into Executive Session; and everyone else could still be inside if we did it early in the evening; because there are times even under previous Mayors where we've had Executive Sessions at the beginning or the middle or the end; sometimes you just don't know when it's going to happen. We've been trying to have them by request from the people at the end; but I think Mariner Middle School would be much more conducive to things like that.

C Prettyman: And also the Library has opened up its new section and it seats quite a few people; so that's another option that we could have it there.

Marion Jones: Well I really appreciate the information, because each time we see an Executive Session now we know that we're going to have to leave the building. As for the Policies and Objectives; some background; anybody who has heard me speak on certain subjects already know I have 16 years in a Police Department; I looked these over; I found them challenging to read; sometimes confusing and hard to understand why certain ones appear here. I made some notes, if you'll allow me. The Objectives included in this document are measurable. They are most often seen in yearly job evaluations. They are related to performance of the employee; not the actions or the policies of an entire department. I can not understand why the administration would attempt to set department policies for the police. Who is better qualified for that task, then the Chief? Does the author of this document understand how foolish the requirement of fair distribution of overtime really is? In public service, you can not predict nor distribute overtime fairly. Most overtime is created by being called in for Court cases; covering shifts; and special duty. You can not possibly ask the Chief to share the wealth. Frankly, as a taxpayer it makes me wonder just what we're using overtime for. At the very least, the document undermines the essence of a supervisor's role, no matter what department it applies to. The document is micro-management at its worst. It mirrors a number of the conditions that were attempted during the deliberation phase of the Chief's Hearing. What is the purpose in giving the Personnel Committee free reign to interview department personnel; do all departments have to submit to this scrutiny; do all departments have to record minutes of meetings and submit them to Town Hall? Your employees will not always share pertinent or confidential information, if they believe the information is shared with the people who hire and fire them. Do all departments have to prepare a complete inventory and update it twelve times a

year; such as, at the very least, the water department and Parks and Recreation use hazmat materials; are they required to submit inventories to Town Hall on a monthly basis? Why, under the Town's most recent organizational chart, clearly shows the Police Chief under the Town Manager? Why does this document have the Chief of Police answering to the Mayor? There are far too many points to comment on. The document is flawed and most of all subjective. It is time to understand that sworn personnel operate differently than civilians. You must allow a superior sworn officer to manage his underlings. You are attempting to dictate behavior; rather than policy. You are setting this man up to fail. The document is punitive and last, if all department heads within in the Town of Milton are not being required to perform these similar tasks; the document is discriminatory. Thank you.
Mayor Post: Thank you.

- b. Nancy Davis, 115 Mermaid Lane: I asked to speak about Codes tonight and I couldn't find the Code Report; they must have all been gone when I came in. I made three complaints the end of August, the first of September; and was surprised that they weren't included in the August Report. Not seeing a report tonight, I don't know if they are even included in that report. I have heard nothing about what has happened with these complaints. One of them was a building of a ramp in front of a house with no construction permit; also the ramp was within the 30' setback of the building; another one was for a possible business where they have three huge vans that they park on the street, in their yard; not in the driveway; and the third one was for another suspected business where I have seen as many as six vehicles with the business name on them, parked in front and across the street from that place. I don't know what the disposition is over those complaints; they weren't included in that report; I was hoping to see them on a report tonight.

Mayor Post: Thank you.

C Hudson: Mr. Dickerson, do you know anything about her complaints?

George Dickerson: I'll check them and I'll get back to her.

C Hudson: Okay, thank you.

- c. Lynn Eckland, 406 Union Street: I would like to agree with what Marion Jones said about having the meeting here in the Theater. It is going to get colder; there are a number of us that even if you have the Executive Sessions at the end of the meetings just to see what happened; so I think Mariner Middle School or as Mr. Prettyman said, if the Library is able to accommodate us; that would also be something that I would hope the Council would look into. What I actually have to say tonight, or actually I have some questions to ask of Ms. Schrider-Fox and they concern Mr. Dickerson's employment contract. Do you have a copy of that in front of you? If you don't, I can give you one.

Mary Schrider-Fox: I do not have a copy of his contract with me, no.

Lynn Eckland: What I'm looking at is Paragraph 2. This contract was dated February 5, 2007. I know you were not the Town Solicitor at the time, so you did not have anything to do with drafting it; but if you could possibly answer my questions, I would appreciate it. It states that he is to make \$60,000 a year. Paragraph 2 goes on: "Nothing contained within this contract shall prohibit the Mayor and Town Council from increasing the Town Manager's salary at any time." Now I know you haven't been the Town Solicitor since February 5, 2007; but I can represent to you that the Mayor and Town Council have never approved an increase to Mr. Dickerson's \$60,000 per year salary. Paragraph 2 goes on: "Further, the Town Manager shall be entitled to compensatory time for all hours worked above forty, within a one week period." Now I have, as a result of FOIA hell, a document from the Delaware Department of Labor Quarterly Payroll Report; it states that Dickerson received \$81,047.42 in gross wages from the Town in 2008; and \$43,998 (almost \$44,000) for the first two quarters of 2009; that puts him on track for making \$88,000 this year. My question is can you explain to me 1) without a raise approved by the Mayor and Town Council, as specified in the contract, and, 2) given the express language in the contract that any hours worked over forty hours a week are to be taken in compensatory time; how he made \$81,000 in 2008 and he is on track \$88,000 this year?

Mary Schrider-Fox: What I can do is, since you've expressed this concern in the public comment section tonight and the Town Council is here, to also hear your comments, your concern and take it under consideration and confer with my client, which is the Town Council, about that. I can't promise what kind of response you would receive directly, but that certainly the Town Council and the Mayor they are all here tonight and we can take this under consideration and talk about it if they would like to task me with that assignment.

Lynn Eckland: Okay, then one more thing. If you'll look at the last WHEREAS paragraph in the contract, it's on Page 1. It sort of states and I'm paraphrasing here, that if Dickerson is removed from his position, without just cause, he shall receive compensation at the rate of five times his annual salary, based upon his last reported yearly earnings. Now here's another question for you. Is that five times the salary as approved by the Mayor and Town Council or is it five times his gross wages, as reported to the Department of Labor? Same answer?

Mary Schrider-Fox: Same answer. Thank you for your questions.

C Hudson: When do we task you with answering the question?

Mary Schrider-Fox: I think these kinds of issues about document and legal interpretation of your documents would be something for us to discuss in Executive Session.

Mayor Post: And Personnel is in Executive Session.

- d. Katherine Grieg, 326 Union Street: I'm here representing the Milton Garden Club. I'm here really to talk about the dedication ceremony we're going to

have for the Memorial Gardens, but I have to put in a little plug first about how we're raising money to pay for all the mums and pansies and things that we just put out. Wednesday of this week Irish Eyes will be giving us 10% of all the monies taken in on food; remember you don't go there to drink; you go there and eat; so I would appreciate it if any of you could go that day; it's all day long from 11 in the morning until 10 at night; weather permitting we'll be sitting out in front selling raffle tickets and giving away a couple of little door prizes. As many of you know, the Memorial Park has had a huge renovation and a beautiful gazebo and, of course, if you're going to have a gazebo, you have to have pretty flowers around it. Well, we have set up six Memorial Gardens around the gazebo that the people sponsoring the gardens have paid for them; they are permanently planted with things like knock-out roses; carpet roses; black eyed Susan, dwarf crepe myrtle, and numerous other things that in a few years will be all that is needed there; but in the meantime the Garden Club is planting mums and pansies right now and in the late spring we'll be planting a couple of summer flowers to fill in the bare spots. On Sunday, October 25th at 3:00 we are having a dedication ceremony for these six Memorial Gardens and one Memorial Tree. We have a small choir from Wesleyan Church who is going to sing a couple of numbers; we have a guest singer who is going to sing; it is going to be rain or shine; the public is invited. You need to bring a chair, like you are going to a Wednesday night concert and probably an umbrella and a coat, because we are having it now. If we have a hurricane, we're looking right now to have a back up plan; but if it's just a little drizzle or chilly, we're going to have it outside so that people can see the gardens and after the ceremony the Milton Garden Club will be providing refreshments for everyone; so if you can attend, please do so and that's Sunday, October 25th at 3:00. Thank you.

- e. Virginia Weeks, 119 Clifton Street: I'm here to talk about the Comp Plan that you passed last month. First of all, I would like something clarified. Did you indeed pass the scope of work and schedule?

Mayor Post: No.

Virginia Weeks: No, that's good. We, today, missed the first deadline so I was wondering if you had passed it.

Mayor Post: We just sent the whole document, my understanding from the previous meeting, sent the document to Planning & Zoning for review and completion; but we did not approve the schedule; nor did we approve and that is my understand. Does anybody else have that recollection?

Virginia Weeks: Okay, thank you. I'm here as a private person here.

Mayor Post: A great discussion took place.

Virginia Weeks: There are a couple of things about the schedule and the scope of work that I was concerned about and I've shared those with Mr. Dickerson; but there are a couple of things that I wanted to say. Today, we were supposed to receive for Planning & Zoning the draft document and then we were supposed to at our next meeting discuss it and come up with

recommendations and those recommendations were to be considered, I believe, by the staff and the consultant. There was no word that those recommendations would go to the Town Council and I would like to make sure that whatever recommendations we come up with; do get as far as the Town Council. Second of all, if we do get this draft document tomorrow, our meeting is two weeks from tomorrow. I am hoping that Planning & Zoning could have a work session on either the 14th or the 15th; but if we don't get the draft document tomorrow, that won't happen due to the time needed for agendas. If it does happen, I would certainly like to see if we could do a joint work session with the Council on the draft document; but there is very little space in the schedule as set for public input or input from the Council and I would like to see that amplified. I know that we were told that this has to be done by the 4th of January, but the schedule says that the only public hearing is on the day of the final vote. I have here a document that's done by the State. It's called the Comprehensive Plan Checklist and the first part of it is Public Participation and it says all plans should have some provision for input by the public. Public input is most helpful early in the planning process and should help from the Plans goals and recommendations. The development of the community vision for the future is a useful exercise. Then it says that the Public Participation summary and results; the plan should include a section which describes the Public Participation Process and summarizes the results. If developed the vision statement could be contained in this section. I would like to give this to you and maybe copies could be made for the Council. Those are just some of my thoughts. I can't stay; I picked my grandkids up in Baltimore this afternoon, so I have to get home. If you could consider if that draft document comes tomorrow I will be asking for a workshop on the 14th or 15th. If not, we will have to move back our schedule of the 20th, because I think we will need at least two days to discuss this and I don't know what else is on our agenda meeting.

Mayor Post: Just to clarify we did approve the scope of work according to the minutes C Doby made that motion; it was seconded by C Hudson.

Virginia Weeks: I have no problem with the scope of work.

Mayor Post: But that doesn't mean that you can't add comments on other issues that our contractor is involved with.

Virginia Weeks: My real problem is actually with the schedule.

Mayor Post: And with the public hearing, that's right.

Virginia Weeks: And there's no public hearing available where people are going to be commenting on the zoning map and the growth area map and those have the force of law and I think it's important that somewhere there's a discussion about those things; so if you guys would reconsider the schedule, I think it could go past January 4th; you'll find that you've got a couple of months after that. The problem is watching how the limited funds are spent. I would hate to see this go the way it's organized and then January 4th, you have a public hearing two days after New Year's Eve; or a few days after New Year's Eve; and then you have no more money; so I would ask that you do

that and I'm sorry I can't stay if you're going to discuss this later. I can't stay to hear it. Thank you.

Mayor Post: It's not on our agenda. We can't discuss this.

- f. Joanne Mattioni, 309 Union Street: First I would like to address the fact that historically, the Mayor and the Town Council have always graciously acknowledged the right of every citizen to stand up here and voice their concerns and ask their questions; and I don't think anyone should consider any comment or question from a citizen of Milton to be a waste of time; especially not someone who was charged with the economic welfare of the Town. That was from someone in the audience, Mayor, it was not from the Council and I thought that it was way out of line. My purpose up here is to ask whether or not the Town is keeping an itemized account of all expenses that have incurred with regard to the suspension and hearing of Chief Phillips; now that would be the pay that was paid to him and the Lieutenant during their suspension; the overtime; the cost of the investigator; attorney's fees; any other expenses, as far as food; paying for personnel to testify; I believe that the Town should be keeping an itemized list of these expenses, to date. Is that being done?

Mayor Post: I'm not sure, because there have been many legal expenses. Not just regarding this; any issues.

Joanne Mattioni: I know that; but I believe that there should be a separate accounting for expenses incurred with this matter.

Mayor Post: I'm sure it could be pulled together, but it will take time.

Joanne Mattioni: Okay and that's another thing; when it is done; when will it be made available to the public; because I believe, under FOIA and as a citizen, that we are entitled to know the amount of money that has been spent on this.

Mayor Post: I can't give you an answer on that; that will have to go to our attorney.

Joanne Mattioni: But is this something that will be done?

Mayor Post: I can not tell you that either at this time; with the year end report the figures will be available.

Joanne Mattioni: With the year end report. Will it be separated so that we know with regard to this individual matter?

Jennifer Cornell: All of the costs related to the hearing, whether they're legal fees, the court reporter, items such as that are being split into their own line item; that will be in the year end report.

Joanne Mattioni: So we will be able to look and see just how much was spent with regard to this matter.

Jennifer Cornell: Correct.

Joanne Mattioni: All right, thank you.

- g. Paul Yannuchi, 322 Behringer Avenue: In regards to this matter, I thought that all this had been settled once the Council had agreed to bring the Chief back

and Lt. Cromwell back. Why are we still beating this up is what I would like to know? This issue should be done and buried and let's move on. We are just wasting too much time, money and this is taxpayer's dollars that we can't afford. You look at the newspaper and Milton is in the paper last week because of the problems with the water over in Shipbuilder's and I realize the Mayor and the Council have been fighting that issue and have been trying to get that mess cleaned up, but everything that we read about the Town of Milton is pointing to negativity to this town. We don't need any more of it and we need to press on with the business at hand and get this Town moving forward again. Let the Chief and these guys do their job the way they are getting paid to do it, instead of giving them money to sit at home.

C Hudson: In response, I'm not entirely sure what some people are thinking when they ask about the cost; perhaps it's because we're all paying taxes and they want to make sure that this doesn't ever happen again; so it's not something you can say let's just forget it; let's ignore it; let's take it out of reserves or whatever; sweep it under the carpet. We want to make sure this doesn't happen again. If we can in any possible way prevent it and everyone has a right to talk about it and it's not something that is easily going to go away. I think we should definitely look at this as a learning experience and make as much as we can out of it in a positive way to correct future clerk problems we have had in the past; and make sure it doesn't ever happen again.

Mayor Post: Paul, I agree with you too, as well. Sometimes, things are unforeseen, that's all part of government. Not to make an excuse, for example, what we're dealing with right now in the State of Delaware and if anybody's read with the sports betting lawsuit it will hit \$1,000,000, and it was an unforeseen issue. Things happen that when you have to follow a certain process, whether you like it or not, but to follow the law, it can be challenging. I agree with you, I think we need to move on and move forward with this issue.

Paul Yannuchi: When the Council voted the last time to bring the Chief back and Lt. Cromwell was brought back by the Council, this issue should have been dead and buried. You guys, when the attorneys were up there, they spoke their piece and brought their issues forward; the Council agreed to bring these guys back; and yet we continue to fight this battle. There's no reason to continue this on. We need to move on and move forward and I'm going to tell you something; as far as I'm concerned, there's not a single one on that Council that has enough experience to be a Police Commissioner. You need to have somebody that knows the law and relates to what these guys are doing; because other than that, then it becomes a personal issue, in my opinion and this is not the first Town that this has happened at. I've seen it happen, I'm a former Police Officer and it's happened to me. That's why I'm taking a strong stance on this, because this is really gotten out of hand; because my understanding is this thing has gone into over \$100,000 and that's just plain ridiculous, in my opinion.

C Martin-Brown: Mr. Mayor, may I make a comment? I don't speak as a former police officer and I didn't work for the Police Department for 16 years, but at the end of the day it is the obligation of publicly elected officials who are civilians to make sure that the systems under their jurisdiction are functioning in a viable way. This Council did not bring the allegations against the Chief; they came from his own department. If I had a car and it was appearing that the tires were flat and the oil needed changing and the carburetor was shot; no, I don't vote to necessarily take the car to the junkyard. But I certainly, before I put that car back on the road; would expect a tune-up. I would expect to have it pass inspection and I would expect the Department of Motor Vehicles to check on what I had had fixed before it was turned loose without question. I abstained in that hearing; I don't know whether you attended it; I hope you did. But there was considerable evidence that the car needed a tuning up and that, in fact, the Mayor was condemned for being a lackadaisical manager, as Police Commissioner, of the Police Department. I have no dog in this fight, none, not an ounce of acrimony against anyone of these gentlemen. But I am a hell of a manager and I would never put that car with the problems we saw back on Route 1 and I'm sorry to be so aggressive; but if we took some money to clean up a problem or to help a perfectly fine man, the Chief, to fix what's broken, that's the job, as far as I'm concerned of a Councilmember.

C Prettyman: Mr. Mayor, I have a comment. As a former police officer myself, I understand a lot of what has gone here in our community and the things that the Chief has tried to do; his officers have tried to do, there's problems and you're going to have problems; but I think that we now need to let things rest and let the Chief get back to his duty and get his men in place to cover what needs to be done; because right now he's short two officers that are serving our country and he may be losing one; from what I'm hearing. There's a lot of work that has to be done and to sit here and have these on-going conversations over the same things and taking him away from doing what he has to do, I think is just so wrong to do and I think we, as Council, need to open our eyes and realize what the Chief is going through; what his Lieutenant is going through. They've done a lot of work already in the Police Department getting it up to date and they're working. He's been out for six months; we need to give it a rest and let him do his job.

Mayor Post: We're closing the public participation of this meeting at 7:39 p.m.

3. We will now move to Call to Order at 7:39 p.m. the Milton Town Council Meeting for Monday, October 5, 2009.
4. A Moment of Silence was led by Vice Mayor Betts.
5. The Pledge of Allegiance to the Flag was said by all in attendance.

6. Roll Call was called by Mayor Post

C Martin-Brown	Present
C Hudson	Present
C Prettyman	Present
C Abraham	Present
C Betts	Present
Mayor Post	Present

7. Additions or Corrections to the Agenda

Mayor Post: Any additions or corrections to the agenda?

C Hudson: We had some people in the audience that asked that Old Business b) be tabled until there are some changes, so I would like to make a motion that we table b).

C Prettyman: I second that motion.

Mayor Post: We have a motion and a second. All in favor say "aye"; opposed. Were there any other changes? That was it. Motion carried.

8. Presentation of Minutes for September 14, 2009.

C Prettyman: I make a motion that we accept the Minutes for September 14, 2009, as written.

C Martin-Brown: Second.

Mayor Post: I have a motion and a second. All in favor say "aye"; opposed. Motion carried.

9. Approval of Written Committee Reports

C Prettyman: I make a motion to accept the written reports as have been presented.

C Martin-Brown: Second

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

10. Town Manager's Report

George Dickerson: Good evening Mayor and Council. I would like to report to you that what we are planning to do for next month, the 2008-2009 budget that just closed, we are in the process of closing that out. Obviously there are invoices that are still coming in; they usually come in for a thirty day period even after that; when they come in and they have been paid; what we plan to do at the November meeting, we plan to give a preliminary report as to just what that budget looks like. It will not be concluded or actually totally concluded, until after the audit; but Jenn will start pulling together at the end of October and the first of November with Tom Sombar's office to complete that. The next item I have is Milton's Rails-to-Trails update. It's been determined that Phases II and III of that, the question was who owned it. Was it still owned by the railroad company and actually it was determined that it was owned by the State of

Delaware and that's good news for us. That means that we don't have to go through the abandonment process which is a very labor intensive process to complete that. Ten Bears will be able to conduct some of the work on-site and some of the borings that need to be done immediately. All funding for the clean-up also, will be covered under the Brownfield grant that we obtained. Also for Phase I, at the direction of the Mayor, we're planning in November to send out invitations for an official ribbon cutting ceremony to open Phase I. The next item is for a grant for Memorial Park. The Town received the final reimbursement check. As you recall, that grant was for \$150,000 and most recently we just received the final payment of that which will be attached to next year's budget of about \$17,000. The State, we learned through some boring samples that they did near Memorial Park on the boat ramp itself they did some sample testing and they're also going to do some paving; the State actually is paving that area where the ramp is; they're going to do some paving there. It's probably since last year when Municipal Clerk Training Classes that Julie Powers had attended and spoke with Matt Carter. He works with the University of Delaware T2 Engineering Center. I met with Mr. Carter and he is the circuit rider/writer for this area, to see what they could do for municipalities. I met with Mr. Carter in the spring of this year and discussed some things at that initial meeting; we didn't even know what they could do for us; or what our requests would be. It was determined that Mr. Carter would complete a Milton Street Survey Study, where he along with Engineering Interns would collect information on motorists, pedestrian safety, pavement conditions, management, sidewalk, ADA consistency, street signage and storm drainage. The two interns, Kate and Bob, met with Allen Atkins and learned a lot that Allen was able to provide for them. They walked every street throughout the Town of Milton to collect their data. Most recently we had a meeting with them and the Town was provided copies and he also provided copies to DelDOT of atlas streets for the Milton area, along with a pavement management guide for elected officials. Currently they are working on a complete report of what their study that was done to submit to the town and I have invited them to our next meeting in November so that they could present this. It's a brief presentation, but I think you'll find it interesting. Mr. Carter also provided information regarding free training to local governments that I have forwarded via email to each of you. That's what I have to report.

C Hudson: Mr. Dickerson, about Shipbuilder's. Is there any progress on getting the easement?

Mayor Post: We're talking in Executive Session regarding that.

11. Written Reports

a. Maintenance

C Prettyman: I make a motion we accept the monthly maintenance report for September, 2009.

C Hudson: Second

Mayor Post: We have a motion and second. Any questions to the report? All in favor say "aye"; opposed. Motion carried.

b. Project Coordinator/Code Enforcer

C Prettyman: I make a motion to accept the Project Coordinator/Code Enforcer report for September, 2009.

C Abraham: Second

Mayor Post: We have a motion and second; any discussion to the report?

Nancy Davis: May I see a copy of that report?

Mayor Post: Sure. All in favor say "aye"; opposed. Motion carried.

c. Police

C Prettyman: I make a motion to accept the Police Report dated August 21 through September 20, 2009, as submitted.

C Betts: Second.

Mayor Post: We have a motion and second.

Chief Phillips: I would like to say something. I would just like to bring you up to date. The new evidence room that we were working on before I was suspended is finished at this time and is being used. Also, the computer system that we had is also up; all we have to do is finishing training the officers to the computer. The leak in the basement that we thought we had; we believe we found it; I talked to an engineer and a couple of contractors and we believe the downspouts from the back were the cause; there was a lot of grass and a lot of weeds around here. We cleaned it up; got rid of the drainage and put it out on the blacktop instead of into the ground and we believe that will take care of the flooding inside; which should save us \$4,000 from Dry Zone and not have to do that. All they're going to do is put a molding on the wall; catch the water into a bucket and kick it back out; which is kind of a waste of time; when we need to fix the leak outside to start with. Other than that, we're up and running and moving right along.

Mayor Post: We have a motion and a second. All in favor say "aye"; opposed. Motion carried.

d. Finance Expenditure/Revenue Report

C Prettyman: I make a motion that we accept the Finance Expenditure/Revenue Report dated September 20, 2009, as written.

C Abraham: Second

Mayor Post: We have a motion and a second. Any discussion on this motion? All in favor say "aye"; opposed. Motion carried.

12. Old Business

a. Review and possible vote on the proposed changes to Article 2, 6 and 7 of the zoning ordinance as recommended by the Process Review Committee.

C Martin-Brown: I make a motion that we pass that, as written. The Economic Development Committee is very grateful to for the changes made to make this town more business friendly.

C Hudson: I second it.

Mayor Post: We have a motion and a second. Any discussion? All in favor say “aye”; opposed. Motion carried

- c. Consideration and possible vote to extend the annexation agreement for Key Ventures

Mayor Post: Anybody here in the room from Key Ventures?

Doug Marshall, Hudson, Jones, Jaywork and Fisher: I am here on behalf of the Applicant, Key Ventures, LLC. To bring you up-to-date, the Final Master Plan was approved by the Planning Commission a couple of hearings ago and we’re in the process now of the next step; as explained at that meeting; which was to prepare a sub-division plan for Preliminary Approval, which also will go back before the Planning Commission. My clients are in the process of having that done and their engineering firm said that that would take between 60 and 90 days, at which point it will be submitted to the Planning Commission for their recommendations to the Mayor and Council. I had spoken with the Town Solicitor about some housecleaning that needed to be done. Our expectations at the beginning, were that this would be a process that would move much faster; and we had an annexation agreement in May or June and anticipated being able to finish everything and settle by December of 2007. So we’re interested in extending that to whatever the pleasure of the Mayor and Council is and to probably amend this to allow passing of the 20 acres to occur before final approval, because in the process of getting the sub-division plan done within 60 to 90 days is one thing; but, to do all the engineering which would be required before final approval; is not realistic. So, I’ve talked to my clients and we’re discussing and I’m going to recommend that they do the turnover after preliminary approval on the sub-division and at that point I think we’ll have everything worked out that’s required under the ordinance. I’ll discuss with your counsel, if it’s your pleasure, about where the sewer plant design stands, because there are some requirements that we agree on the location of that and buffering and things like that. They all seem to be housekeeping matters that should not prevent the turnover from happening, once we get preliminary sub-division approval.

C Hudson: Just for clarification, that’s the 20 acres we need for the sewer plant and the ownership of that has not been turned over to the Town as of yet?

Doug Marshall: No, there was paragraph b 6 of the Annexation Agreement had a number of contingencies that had to be completed and they have not been completed. The timing on this, well obviously, was bad for the developer because of the conditions of the market and also the forward movement on the sewer plant just did not take place, as rapidly.

Mayor Post: Let’s be factual, it was in litigation for a year and a half. Let’s put it into perspective. That was the real issue, is that it was held up for a year and a half before we could even move forward.

Doug Marshall: We’re not complaining, because we were in the same position.

C Hudson: Well, that was settled when the letter of apology went out concerning the procedure and also the number of housing units was limited to 355, I believe, so we would like this to move forward.

Doug Marshall: I won't ask tonight, but, it would be helpful to us, if we have any preliminary plant designs so we could move forward and get that out of the way; we will be ready to submit...

Mayor Post: I don't know if you will have the preliminary plant designs, because first of all, I don't know where they are at that level. I think the issue at hand is just the buffering issue.

Doug Marshall: I think the plant location and buffering; not anything other than very general; and if that doesn't take place; it's my recommendation to my clients that we can handle that by turning over with restrictive covenants would be in there to say that the input from the developer and the town will go forward. The main thing is the sub-division.

C Hudson: You're talking about buffering. Wasn't two acres going to be retained by the Town and part of that used as a stormwater pond by the Key Ventures Development. That was in the contract.

Doug Marshall: That was in the agreement, that if we need it; but the engineers tell us that we shouldn't need that. But the buffering really was more where the plant would be located; on which side; and then the trees or shrubs or some.

Mayor Post: And then there are two acres for the Town for the relocation of the maintenance yard.

Mary Schrider-Fox: I'll just add in Paragraph b 6 of the Annexation Agreement, for anyone who wants to look at it later, the sub-paragraph c is the paragraph that Mr. Marshall is referring to where one of the contingencies is that Key Ventures and the Town will agree upon the location and the method of buffering. So, as long as a conversation about those two things occurs...

Doug Marshall: It can be very general.

Mary Schrider-Fox: Correct.

Doug Marshall: I see no reason why we can't move forward with this and we're certainly determined to do that and the timing was out of everyone's control.

Mary Schrider-Fox: Well, Mr. Marshall, I just want to clarify, the 60 to 90 day time period is how long before the sub-division plan will be submitted to Planning and Zoning for preliminary.

Doug Marshall: The engineer said that they could have it finalized between 60 and 90 days, so I hope it's 60 and then we can start scheduling other hearings, because it will take at least one Planning Commission Hearing and then come back to the Council.

C Prettyman: So you're talking about the first of the year.

Doug Marshall: Yes. My suggestion would be that we again, if we're going to use the July 1, 2010 or December; I don't see any reason why we shouldn't be able to get the Preliminary Sub-Division done before hearings agreed upon, approved, and the other items to be able to do it within six months. There are

a couple of thirty-day appeal times in there; if we schedule the meetings usually there is a period after that in which someone can file an objection and we'd want that to run.

C Prettyman: Are we talking about Parcel A or Parcel A and B?

Mayor Post: I would assume both, because the one is ours; would be ours.

Doug Marshall: Both, yes. And those we discussed at our last meeting with your staff; if there is any urgent reasons where title needs to be done sooner than that for grants or contract consideration or whatever; we are willing to proceed and discuss doing it sooner than that.

C Prettyman: Why was Parcel A reduced to 1.5666 acres and Parcel B will increase .97? I'm sorry, never mind, I was on the wrong page.

C Martin-Brown: Mr. Mayor, are you prepared to entertain a motion.

Mayor Post: Yes.

C Martin-Brown: I would like to make a motion that we vote to extend the annexation agreement for Key Ventures for 180 days.

C Prettyman: I second the motion

Doug Marshall: That will be pretty tight with appeal times in there.

Mayor Post: Well, work a little harder.

C Martin-Brown: Wait a minute. I withdraw the motion, because there seems to be a gray area in terms of length of time and we need to be very explicit about this.

Doug Marshall: I would say December 31, 2010 or July 1st.

Mayor Post: That's a year. I think we need to set for the six months; that's what you originally just said and I think we should stay with the six months.

Doug Marshall: If the hearings can be scheduled.

Mayor Post: If everything works right. We'll make sure at our end that they'll get scheduled.

C Martin-Brown: All right, Mr. Mayor, then I'm willing to reintroduce a motion to extend the Annexation Agreement for Key Ventures to six months, beginning tonight.

C Hudson: I second the motion.

Mayor Post: We have a motion and a second. Any discussion? All in favor say "aye"; opposed. Motion carried.

13. New Business

- a. Request from James Parker for consolidation of three parcels of land into one parcel of land and a minor lot line adjustment. The parcels of land are identified by Sussex County Tax Map and Parcel #2-35-14.11-57.00, 2-35-14.11-58.00, 2-35-14.11-60.00 & 2-35-14.15-70.00 and are located at the corner of Broadkill Road and Morris Street Extended.

Mayor Post: Is anybody here on behalf of the Applicant?

Jim Parker: I'm the owner of the Finish Line Car Wash and Mini Storage. I'm here tonight; I really didn't know why I'm here, because about two years ago, when I had come to the Council to build the Mini Storage, I was under the assumption when you take three lots and turn it into one, that it becomes one

lot. I guess about two months ago, I went to the County complaining, because I was getting so many tax bills on one property; and they said you have to go to the Town; they have to stamp the survey; bring it back and then we'll know its one parcel, then you'll get one tax bill. Well, in the process of doing this, even with the Town of Milton, I'm getting six tax bills on two parcels of property and so I went ahead and got the survey done; which I needed to show the Town and typically, I think the Town would normally stamp that and then you take it to the County and you record it and then it becomes documented as one parcel or Parcel A/Parcel B, in this case. So I'm here tonight to ask the Town to make it two parcels, which was what my intentions were and then that way I can I can get two tax bills instead of six.

C Abraham: I would like to make a motion that we consolidate the three parcels of land into one parcel and allow the minor lot line adjustment. The parcels of land are Sussex County Tax Map and Parcel #2-35-14.11-57.00, 2-35-14.11-58.00, 2-35-14.11-60.00 & 2-35-14.15-70.00 and are located at the corner of Broadkill Road and Morris Street Extended.

C Martin-Brown: I second that.

Mayor Post: We have a motion and a second. All in favor say "aye"; opposed. Motion carried.

b. Discussion of streets, sidewalks and alleyways within the town limits.

Vice Mayor Betts: All of you have the minutes from the last Streets & Sidewalks Committee Meeting, but I would just like to let the public know some of the things that are going on. Discussion was held in regards to the Milton Elementary School would possibly be getting a grant from Safe Routes to School Program. C Prettyman and I met with a Committee, since our meeting on September 10th; it was a very positive meeting and we'll be meeting again soon with regard to what help they will be giving us for the sidewalks. So we will be back in touch with the Community then. The Streets & Sidewalks Committee recommended that the Town send a follow up letter to the non-responders in order to get more to sign up for the sidewalks. The engineering costs of the new sidewalks was also discussed as to who would be liable. Mayor Post stated that he would check to see if the cost would be passed on. Hopefully, the Code Enforcer could do most of the in house engineering costs. I talked with Mayor Post this evening and he said that he was going to do that soon. The developers of Heritage Creek requested to have the Letter of Request reduced; this was discussed and the Committee requested that the Town ask Cabe Associates to appear before the Council and report on the status of the work that had been completed. Then we had a Federal Street Gallery and Espresso Bar sent a letter and if you would like for me to read that letter, I'll be happy to: "Dear Madame Chairman, The purpose of this letter is to determine and establish ownership of the twelve foot alley between Federal Street Gallery, Parcel 69 and the Mendoza, Parcel 71 and to determine who is responsible for maintenance of this alley. As per the meeting at Milton Town Hall on August 21st with

George Dickerson, Stephanie Coulbourne, Leah Betts, Gary Mertz and D. J. Hughes, this letter is directed to the Streets & Sidewalks Committee. Mr. Dickerson stated that the Town does not own the twelve foot alley and even though he acknowledged it is not owned by any private party, the Town of Milton is not responsible for maintenance of the alley. Our position is that it is called an alley on County Deed maps and the Deeds of the property owners do not establish any private responsibility for maintenance of the alley; therefore, the alley and maintenance of it are the responsibility of the Town of Milton. If it is determined that the Town of Milton does not own this alley, then how does the Town treat other similar alleys or travel ways that are unnamed or determined not to be owned by any particular private property owner? We believe that a precedent has been established in this area and the Town of Milton does maintain similar alleys or travel ways. Plum Alley was discussed in the meeting, as an example. In that regard, we only ask that this alley be treated consistently with the manor in which the Town of Milton treats similar alleys or travel ways.” So we discussed it and we had Mr. D. J. Hughes explain that he did the research in the records in Georgetown and found that it is a twelve foot alley, between the properties; but did not reveal any tax parcel number or any ownership. It was decided unanimously to ask the Town’s Attorney if there is no record showing ownership, who is responsible? Can you tell us that?

Mayor Post: She’s been designated with that task; and if there is no ownership then can it be sold, as well; if it is determined that the Town owns it. It is going to be determined when a parcel doesn’t show any ownership, such as this alley, then does it become Town property; if so, then what type of action does the Town have with this? For example, with this parcel that goes to just private property for private use and a couple of other alleys; this similar issue. Can they be sold by the Town? So it’s two different things here. First of all we’ve got to determine who owns the parcel and what can be done with that parcel; what rights do we have with that parcel.

Vice Mayor Betts: Can I go ahead and finish please? I would like, in the meantime, to make a motion that our Town maintain this alley for the betterment of the relationship with our businesses. We need all the business that we can. We have maintained it in the past; dumping stone and whatever in it and I think a lot of the people in the Town of Milton use it and I just feel that we should maintain it, now, until we find out who does and I believe that you have to have the alley opened to get back to the property at the end of the alley.

Mayor Post: Private property.

Vice Mayor Betts: The private property.

Mayor Post: There’s an easement, yeah.

Vice Mayor Betts: I just feel it’s unfair that we have cleaned other alleys out and I’m very much in favor of the Town maintaining that.

C Martin-Brown: Is the Vice Mayor... Wait, wait, wait, there’s a motion.

C Prettyman: Then I second the motion.

Mayor Post: Then I think we need to put it on the agenda.

C Martin-Brown: It's on the agenda.

Vice Mayor Betts: It's on the agenda.

Mayor Post: No.

Vice Mayor Betts: It is. It's alleyways within town limits. Talk about a FOIA issue. I would question that. That's a very fuzzy FOIA issue for me, because all it says is discussion of streets, sidewalks and alleyways within the town limits, to me then that would mean that opens the door to anything that we can, you know... You had a comment and one of the members, of your members, that was highly upset in regards to alleys owned out at Cannery Village that is going to be the responsibility of the Homeowner's and felt that your setting up precedent here by taking the action that you're doing. I think, at the same time, we have a right for FOIA issues to put it in case anybody in the Town of Milton would like to comment, in public, in regards to this issue. Again, it just gives them a right to comment. Then we can vote next Council meeting.

C Prettyman: Okay, Mr. Mayor, on that issue, 2 years ago we did clean up various alleys in the community that...

Mayor Post: Show on the deed that we own them.

C Prettyman: That we owned or didn't own it and some of them I questioned if we did own them; but we went in and we cleaned those alleys up.

Vice Mayor Betts: Then why did we clean them up?

Mayor Post: That showed on the deed that we owned them.

C Martin-Brown: Mr. Mayor, if I might, since we're not going to be able to act on a motion tonight, Mr. Mertz and some other people are working very, very hard on this Main Street Program; and I think if citizens are going to commit their time and energy to try to help Milton have viable economic development and you have an alley that is very short and is between two commercial establishments that a little asphalt to fill up those potholes would hardly bankrupt the town and I think many would appreciate being able to leave the Federal Street Café and go down that alley for access back to Federal Street. Now since this matter was brought before the Economic Development Committee, they very, very strongly endorsed the idea that in the spirit of contributing towards the betterment of the community and since no one owned it; that the Town could certainly make a good will gesture by filling up the pot holes and making it able to be transacted until we have more clarity on ownership; and even then Vice Mayor Betts, I would be interested in whether or not some of the community would challenge the sale of that egress.

Mayor Post: It goes to three private properties.

C Martin-Brown: It is one of those abandoned areas.

Mayor Post: We would have to look into that; that's what I'm saying. We've got another issue of another person that has requested hers to even possibly be blacktopped; that just goes to her garage. So if we're going to start this type of precedent... And that's fine, you're right. It's just gravel this time. Now,

if we can reach an agreement with him, that all we have to do is put some gravel in there; I have no problem. But then what is it going to be when he wants it blacktopped?

C Martin-Brown: I think rather than going...

C Hudson: How can you reach an agreement with him, if he doesn't own it? Really, think about it.

Mayor Post: Well to have an understanding that we might... It would be a private/public agreement like you do all the time; government and public and private does it all the time.

C Hudson: If he doesn't own it we can't reach an agreement.

Vice Mayor Betts: No.

Mayor Post: I think you can get a clear understanding that; no, just wait, I'm speaking right now C Hudson, I agree with you and I also want the public to understand that there was another Committee member that said his is the same way and he would expect the Town to maintain his alley, the same.

C Martin-Brown: Is it to a commercial establishment?

Mayor Post: That's irrelevant! The law is residential or commercial.

C Martin-Brown: No it's not.

C Prettyman: Mr. Mayor, may I say something?

Mayor Post: Go ahead.

C Prettyman: Thank you. Has anyone looked into the County or whatever of who owns that or what that alley is all about?

C Hudson: Yes.

Vice Mayor Betts: And we have already filled holes there; so why couldn't we do that until it is found out what is going to happen to it? I just think out of good faith to our businesses, we need to be more business oriented and business friendly. I'm sorry, I think that would take very little and that's my motion to fill it until we find out.

C Hudson: I think we should maintain the alley and then next month we have a discussion and vote on maintenance of alleys by the town.

Vice Mayor Betts: I make that motion to maintain it until...

C Prettyman: Then I will go ahead and second it again that we should go ahead and maintain that alley until we find more.

C Hudson: Well we can't vote on it tonight. There's nothing to vote on; I'm just requesting that the Town Manager have somebody from Maintenance go out there and fill the potholes. That's not a vote; it's just a request to maintain.

Vice Mayor Betts: In order to maintain good relationships with the businesses.

Mayor Post: Then it doesn't even need to be voted on.

Vice Mayor Betts: That's okay.

C Prettyman: Right.

C Hudson: Then next month have the discussion.

Mayor Post: Yes, absolutely.

C Martin-Brown: I think also, Mr. Mayor, we can delineate whether the alley is in the Town Center or whether it is in a residential area.

Mayor Post: I don't think by law you could, but that's all right.

C Martin-Brown: Well, that's another discussion when we table it tonight and it's on the agenda for next month and the members of the Council can vote on this specific alley in Town Center; whether or not they are going to claim it by eminent domain and thus maintain it.

Vice Mayor Betts: And then we had also another motion was made by Paul Yannuchi; and seconded by Anthony Mastromero to ask the Town to consider a no parking on the north side of Chandler Street that runs westbound from the town water well into Union Street.

Mayor Post: It's in front of C Abraham's property, because it is a dangerous curve.

Vice Mayor Betts: It was asked if the Town would approve that. So that should be an agenda item next month. Please put both of them on next month's agenda. That's my conclusion.

c. Discussion and possible vote to change the Employee Handbook Policy I-2 Health Insurance

Mayor Post: That's with the change in the employee share of insurance. It has to be changed in the policy book.

C Prettyman: I still have problems with it, I'm sorry to say. I'm looking at what we have written here, but I'm not familiar with what the employees are paid and I think certain ones are paid at a certain level, then it should govern it in the insurance where they don't pay as much as the others do; because you have some employees that are paid \$60,000/\$80,000; then you have some that are getting \$12,000/\$14,000. If you look at that way, they can just up and leave and probably get unemployment and do better; so I would like to see it done in a different manner and as to more in a way that would justify all and make all the employees a part.

Mayor Post: That would be something that would require its own agenda item, as well, C Prettyman. What we're on the agenda for tonight is just in regards to change the policy so that we're in compliance with the change that we made with the insurance. If you choose to bring that back, if you want to go on with that at the next meeting, we can place the insurance issue for town employees on the next agenda and discuss it.

C Prettyman: That is what I would like to do and to have information on salaries of employees and the percentage, so that we have some way of adjusting it and making it equal for all to make it work for everyone; because our employees do work very hard and I think it's something that we should really, really look at.

C Hudson: The biggest think would be to delete the sentence that says "all costs for the employee's participation in the plan would be paid by the Town". That needs to be deleted. Because we started having the employees pay on their benefits at the last budget and we didn't change the policy; so we're a year late, but we need to do it.

Mary Schrider-Fox: If I might add the Amendment to the Employee Handbook that is in your packet and before you, does delete that sentence and rewrites it just to say that it is a shared cost between the employee and the town; and payment of the premium for health insurance will be determined by Town Council each fiscal year during the budgetary process based on funds available. So, it does delete that one sentence that says the costs will be paid by Town; instead it allows for a sharing, to be determined each year; as opposed to locking into a certain percentage right now; but, of course, the reason why this needs to be done is to match up with what was done when you approved the budget and authorized the Town to pay 70% and employees to pay 30% of their health insurance this year.

C Abraham: That's what I was going to ask, by approving this does this lock us in to not being able to bring up any insurance issues. Unless only at a budget area?

Mary Schrider-Fox: I think, in theory, you could change this paragraph, off and on.

C Abraham: No, what I meant was, if we approve this tonight, and it's saying that it would be determined by the Town Council each fiscal year, if we approve this tonight, can we not review the insurance issues of the employees next month, or the next month after? Do you understand what I'm saying?

Mary Schrider-Fox: Right, I know what you're saying. This does say that you're going to make your decision at budget time, but that doesn't mean that you can't be talking about other ideas and considering other things throughout the year. It sounds like next time is going to be a review of all available information to see how the numbers come out and what you think, based on those numbers. I don't know if you'll be in a position to make a decision on something, or not. This proposed amendment does say at budget time, based on the funds available, you guys will make a decision on how to share the costs.

C Prettyman: I'm still confused now. If this is approved then that means the 70%/30% will come out now.

C Abraham: We already approved that.

Vice Mayor Betts: But the next time they have the process, you can change it. Is that right?

Mary Schrider-Fox: If you change your mind on how you want to treat health insurance benefits for the employees, you could certainly do that at any point in the future. It may require an additional amendment; it may not. Because I can't predict what the Town Council may or may not do; I just know that our goal after the last meeting when the budget was passed, was to make the Employee Handbook match up with the action that was taken at the last meeting in passing the budget.

Mayor Post: I'm wondering if what I understand what C Abraham and C Prettyman is saying; but the cost of health insurance is a shared cost between the employee and the Town. Payment of the premium for health insurance will be determined by Town Council. Can't we just drop it there, instead of

each fiscal year during the budgetary process based on funds available? I think they're saying that say if, four months from now for some reason, they wanted to change the insurance policy payment structure, then you're not locked into having to change the policy every time. This way it leaves it to the Council who does approve it and it doesn't have to be during the budgetary time. It doesn't lock it into; it's a little more flexibility if that's the case. You just hope they consider the budget, as we go forward.

Mary Schrider-Fox: Sure.

C Prettyman: Thank you Mr. Mayor.

Mayor Post: You're saying that if it came back next month; it was changed for some reason; would it mean that either we have to wait because the policy now says that you do it during the budget time; or either way you would have to wait to do another amendment and remove that and change it again. This way, if we just leave that out, it gives the flexibility of any time that it can be changed; if that's what you're looking for; and not just during the budget process.

Mary Schrider-Fox: Right, you're proposed revision to the proposal it sounds like that may address what C Prettyman is concerned about.

Mayor Post: Correct?

C Hudson: I make a motion that the following changes be made to our Health Insurance as it is in the Employee Handbook and to read as follows: "The Town of Milton participates in a health insurance plan. New employees may join the group at the time of initial employment. The cost of health insurance is a shared cost between the employee and the Town. Payment of the premium for health insurance will be determined by the Town Council. For further information regarding the Plan offered, please see the Human Resources Representative."

C Martin-Brown: Second.

Mayor Post: We have a motion and a second. Is there any discussion? All those in favor say "aye"; opposed. Motion carried.

- d. Review and possible approval of Policies and Objectives for Chief of Police

C Prettyman: I would like to make a statement on this. I would like to just table this for now and let the Chief get back in and get his staff working and we, as Council, Mayor and all assist him in making sure he is getting what he needs to bring him up to Code. I would just like to table this until five or six months down the road.

C Hudson: Which, six months?

C Prettyman: Yes.

C Hudson: Well you said five or six. Six months? I was trying to just get a definite number.

C Prettyman: Okay, six.

C Hudson: I second it.

Mayor Post: We have a motion and a second. Is there any discussion?

C Martin-Brown: I have sympathy for C Prettyman's motion. What I was going to do was to make a motion that we table this and that the document be referred to the Personnel Committee and be revisited at a later date as full Council. I don't know whether C Prettyman would agree to an amendment to his motion that we refer this document to the Personnel Committee and then, at a much later date, the Council reconsider the matter.

C Hudson: I have a suggestion, if you're going to talk about Committees, because again I agree with this gentleman that we need some police experience. It's not just the Personnel Committee, but the Chief of Police should be involved; and I think many times I've heard you say that there should be public participation and perhaps we could have a police oversight committee; just ad hoc to work on this and come up with... and that way we would not only have people from the Council, but we would have police representation from our Town staff and then we would have people from the public to participate in this; because this affects all of us. This is not just something that one or two people sitting up here put together and then I get a knock on the door and it's handed to me; then revised and revised and then we're supposed to sit here and discuss it and vote on it. I think the public needs to have some participation in this, as well. I agree that it should go to a Committee, but I think it should be broader than just three people that are on the Personnel Committee.

C Martin-Brown: I concur with that. I was hoping that if it was referred to the Personnel Committee, C Hudson, that perhaps we could suggest that they include a dynamic where a police chief from another jurisdiction and a meeting between the Police Chief and the Personnel Committee that there might be a person that is invited to be an observer in the process; there are ways to elaborate. What I'm concerned about is that if we just table it for six months and it doesn't go through some other mechanism to more fully explore it, before it comes to our Committee to be voted up or down, that's my concern; so I'm not comfortable with Mr. Prettyman's proposal that it just go away for six months and come back. But that it go to some other dynamic that proves to be illuminating and when we get it back, we have some competence that it's been well considered. I don't know how you get all that in a motion.

Vice Mayor Betts: Mr. Post, can I say something? I don't know that it's being fair to our Chief. We've hired him back; I think we should give him six months to show us; he's already shown us tonight several things that have been fixed; I think we should give him the opportunity to show us in six months what has been done and give him a chance. I don't think we're giving him a chance when we're telling him this, this and this has to be done immediately and he tried to run the police station. I just think we should give him the opportunity to show us what he can do; that he knows that there are some things that are not being done. He can do it himself. He knows and I think we should give him the opportunity to do that.

Mayor Post: C Betts, I also want to say that I think it's an opportunity and its right, also, to be fair to the public. Although there might be 30 people out there clapping, I've probably had at least 75 people, at least, come to me about the issue and feel it has not been resolved.

Vice Mayor Betts: I do think we should give him a chance.

Mayor Post: C Betts, didn't we have ten years? This is an objective of coming back; we saw some issues that we feel that there needs to be some... What's happening up here is they just want to walk away from it and wash their hands and sobeit. And I think it's a very, very sad situation for the public. It's nothing against the Chief and you can sit there and make it political, which is what has been done, but the issue here is that there are things that need to be addressed; and by being an ostrich and putting your head in the sand, is not the answer.

C Abraham: Mayor Post, if you need to address things, you would do it an evaluation.

Mayor Post: This is not to do with the Chief and I don't think you get that.

C Abraham: I get it, because they have SOP's that they follow. I get it.

Mayor Post: C Abraham you don't get it, because first of all, this document is a generalized document; it is not the Chief's... Well, you can say whatever you want about it. But the bottom line is, is that I think it's fair. But I very much agree with Joanie Martin-Brown and I think C Hudson was in agreement with it as well, so form a Committee. I think let's make a Committee up of the public, as well as a Police Commissioner or two and some other people. Let's develop a Committee.

C Hudson: She's trying to.

Mary Schrider-Fox: Folks, folks.

C Martin-Brown: I don't agree with a Committee.

Vice Mayor Betts: I do not agree.

C Martin-Brown: Before we move in sort of...

Lynn Eckland, 406 Union Street: I am tired of all of your committees.

Mayor Post: Sit down, sit down.

Lynn Eckland: No, I'm not going to sit down. I am tired of all of your committees.

Mayor Post: Would you like to escort her out?

C Abraham: What you're missing is all the SOP's that we have approved for the Police Department to follow. If you do not like the SOP's, then you need to address the SOP's.

Mayor Post: They don't seem to cover all the SOP's. No she doesn't, because quite frankly the public comment is over, so she doesn't, so you're wrong on that.

C Martin-Brown: Can I point out some of the things in this document.

Mayor Post: No, you know what, I think that

C Martin-Brown: When we're talking about the Police Chief, I understand there's mixed sentiments, but it shouldn't be about that. One of the things that it calls for in this document is that all grants need to be approved before they

are submitted on behalf of the Town for money to come to the Police Department. That isn't addressed in an SOP. What is a good process that we can make sure that a grant going officially from the Town to a donor agency or foundation or whatever; how do we have the structure in place, where we know who approves the grant and if the grant is amended; what is that process? There is nothing that I am aware of, and I may be wrong, that specifies some of these procedural solutions and my concern is, if we keep focusing the title of the Chief and what are the management tools that we can invent for the Police Department and the Town and the Council that move beyond; it doesn't matter who the Chief is in the future; that we do it right and that we have a process to make sure that we don't run into problems because we didn't have the right procedures in place. It shouldn't be focused on a person.

Dwayne Hughes: Does that procedure go for Town Hall too, where they micromanage?

C Martin-Brown: Do you consider the official Town of Milton applying for a State or Federal grant a matter of...

Dwayne Hughes: I consider from what I hear is that you are trying to micro manage the Police Department and you really have no clue how a Police Department works.

C Martin-Brown: But this... Well when we had the Hearing, Sir, we were hearing that we were completely oblivious, uninformed and abrogating our duties in terms of decent management.

Dwayne Hughes: I hear you sitting up there saying you're not sure what you're supposed to do, so how can you comment.

C Martin-Brown: I'm saying, that these kinds of provisions say how do we perform...

Mayor Post: C Martin-Brown, you've got a motion, you've got a second.

C Hudson: Can I just say something? I think we should be allowed to speak and not be shut down.

Mayor Post: Okay.

C Hudson: I just would like to say, we've got a motion on the floor to table this for six months; that if nothing else, in the next six months as Police Commissioner, could you sit down with the Chief and do a Preliminary Evaluation; in other words, this is what I would like to see in the next six months; and then come back at the end of six months and see what's done and not done and that's what evaluations are for.

Mayor Post: So, in other words, a work plan.

C Hudson: Because one of the things that was brought up in the Hearing is that evaluations had not been done and we have a good set of Policies and Procedures already in place and I would like to see us follow them and not radicalize them, because certain people, I'm not saying who; when you have Policies and Procedures, use what you have and then we'll see what needs to be corrected from there. Try to use what we already have for six months, because we haven't done it, especially I'm specifically talking about

evaluations; that's one of the things we need to look into and I think this would be a cooling off period and a time for the Mayor and the Chief to get together and see what they can do to work on and then we'll come back to this.

Vice Mayor Betts: I just have one thing. I do not think that it should be down to making documentation of everything that has been shredded; because if I had documented everything that I shredded this past week; I wouldn't have gotten any shredding done; so I do not think that anybody... He will never be able to run his office if he does everything immediately that was on those 30 some objectives and I think we've got to give him a chance.

Mayor Post: He'll never get a State job then.

Vice Mayor Betts: I think he has to be able to get a chance.

C Prettyman: I really and truly feel that the six months... We've lost the Chief for six months; I really feel that we should have him back and get him back to work and then after the six months and even, maybe if you want to look at it, go in and look at it in 4-1/2 months and see where he's moved; but already he has moved and he has already spoken this evening and I think if we as Town Council would try to quit managing him and let him do his job, because he's already short of staff; he's trying to maintain; he's got to cover for vacations and things; there's a lot of things that he has to do and I have all the highest respect in the Chief that he is going to be able to come up and handle these things; but he can not handle these things if we just keep handling him with this and that and that and this. He will never be able to cross his T's and dot his I's. I just think that we should let him go ahead and proceed for these next few months and see where we're going from there.

Mayor Post: We have a motion and a second. All in favor say "aye"; opposed "aye". Motion carried.

14. Executive Session: Discuss Litigation, Personnel and Land/Easement Acquisition

C Prettyman: I make a motion that we go into Executive Session for Litigation, Personnel and Land/Easement Acquisition at 8:46 p.m.

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

C Hudson: I second it.

Mayor Post: All in favor say "aye". Motion carried.

C Hudson: I make a motion that we accept the decisions as discussed in Executive Session.

C Martin-Brown: Second.

Mayor Post: Any discussion? All in favor say "aye"; opposed. Motion carried.

15. Adjournment

C Martin-Brown: So made.

C Prettyman: Second.

Mayor Post: All in favor say "aye". Opposed. Motion carried. Meeting adjourned at 10:06 pm.