

**Milton Town Council Meeting
Milton Library - 121 Union Street
Monday, October 4, 2010
6:30 p.m.**

[Minutes are NOT Verbatim]

Recording Secretary: Helene Rodgville

1. Public Participation
 - a. Kristin Patterson, 327 Carlton Drive: Hi good evening Council. I'm working tonight with the Milton Branding Committee. I'm part of the Milton Economic Development Committee with Bob Howard and what I've handed out to you is the itinerary for the Milton Branding Visit. It's very exciting that this is coming to Milton and I just wanted to just give you a little bit of information. They'll be coming October 19th, 20th and 21st and what they're looking for is some participation with the Town and the citizens of the Town and they're trying to gather as much input as possible from people who could add some good input about the Town, its assets, its history and really try to unite Milton together. We're starting to grow and people are starting to find us on the map and we really want to try to unify everybody in the Town of Milton; where we can come together as a unified front and really start to push our economic development in the town. So basically, there is a resource visit; there is a group named Arnett Muldrow; and at the bottom of the handout that I've given you there's a web address; it's worth checking out. They've done some amazing things, including Newark, DE and also Milford, DE; which I've had the pleasure to watch first hand. Dr. Patterson and I have lived in Milford for the past thirteen years, before we moved to Milton and they've done some really, really neat things in Milford that I never really thought that I would see and now that I'm in Milton I think it would be fantastic for Milton to jump on board; because I think this is just a wonderful town. So basically what we need from the town and different organizations is participation. We need people to give input and the more input the better. I believe in Newark, when they had the branding, they had about 60 town members come out; from all different organizations and from offices and business and the like; and I think when Milford did it there were about 30 or 40 participants; so with the Branding Committee and Bob Howard, we're going out and just trying to let everybody know that October 19th, 20th and 21st. The 19th is the most important day, because that's the day all the information is going to be gathered and input and anything that anybody wants to add to the Town of Milton, that's the day to do it. On the handout, and I will put some of these in the back, is my web address; email me if you're interested and I will get you on the schedule so you'll have a chance to participate in the event. The research visit is three days, so the first day is the input; the second day is when the team pulls aside and they start to gather all the information and put it together; and then on the third day they present all the information they have

put together and they come up with some ideas, logos, maybe sort of tweaking what we have or changing it or just ways to unify the Town of Milton to make us look unified together with all of our independent assets in mind. So, again, the most important days is the 19th, which is a Tuesday; and then coming together on that Thursday, the 21st so we can see what the Arnett Muldrow Group has done. I do recommend, if you get a chance, to check out their website because they really did some neat things. Milford actually has a nice ad that they've pulled together and they've run in Delaware Today Magazine for the month of October, so it's just something to check out.

Mayor Newlands: I have two questions.

Kristin Patterson: Yes, please.

Mayor Newlands: Milford is a Main Street Town, aren't they?

Kristin Patterson: Milford? They have become a Main Street Town. This is not a Main Street.

Mayor Newlands: I know that. This is a two-part question. The second part is did they do the branding first and Main Street second? How did they proceed?

Kristin Patterson: That I'm not sure.

Bob Howard: They were Main Street first.

Kristin Patterson: So Main Street first and then the branding.

Mayor Newlands: Okay, thank you. Does anybody else have any other questions?

C Duby: I was just going to say for anybody who would like to see the results in addition to what you see on the website, if you drive up to Milford, they have banners hanging on all of their light poles right now that show the ultimate result of the designing that they did and they're beautiful banners and it sort of pulls together kind of the brainstorming that people did in that first session; people bring in things and say well these are logos that are being used in town that we like; or here's something about the town that we like; and it's a wonderful result. The banners are colorful and so on and everybody in town; organizations and businesses and the town government and so on can then use the results of this design work and do things, like those banners are incorporated into their letterhead or whatever. So that's a good place to see it too.

Kristin Patterson: Yes please drive through Milford and see. You get to keep your own, like the Mispillion Art League is new in town and they have their own logo; but it ties into the banner and it is nice when you drive into town and it leads you through the town following the banners and it just makes it really look like a unified front and the shops down there are no longer shuttered; there are all these new stores that are going in. When I first moved to Milford 15 years ago, there was a lot more going on, then it died out, and now it is starting to come back again and Milton is just a wonderful town. I ran into two ladies the other day, who drove up from Ocean City, because they heard something about Milton and they just wanted to come up and have lunch and so they went into the Irish Eyes and had lunch and they thought it

was just charming. So thank you very much and if anybody has any questions; oh I'm sorry, yes.

C Lester: I just have one question. Time; you say the 19th; what time of day.

Kristin Patterson: What they like to do is to break down the groups into one hour increments; so they are not overwhelmed by everybody at once.

C Lester: Starting at what time?

Kristin Patterson: I actually don't know. I'm thinking probably right after lunch. As soon as the date gets closer, well know. And if you would like to participate and you had a specific time that you wanted to be there, if you would just email me and let me know, then we could get you in to that slot. So they just like to take groups at an hour increment and that way they're not just overwhelmed.

C Duby: Could we, once we know the time, could it be on the Town website, so that that's a place people could find it?

Kristin Patterson: That would be great.

Mayor Newlands: We would have enough time. Thank you very much.

- b. Virginia Weeks, 119 Clifton Street: Mr. Mayor, I notice that Ellen Passman is here and I know that she wanted to talk about the Milton Theater and she got here a little late. Will she be able to hand in her sheet or may I cede my time to her?

Mayor Newlands: No she can hand in her sheet in, that's fine.

Virginia Weeks: That you very much. I just wanted to talk about the website a little. I was on it today; we've been out of town and I came to look and I'm curious because things don't seem to be getting put on it, the way they used to. I know that you passed the budget last month. I couldn't find the budget on the website. Is it there and I couldn't see it?

Mayor Newlands: It will be there in a day or two.

Virginia Weeks: There are no minutes of Committee Meetings, at least not for the Finance Committee being put on; and the minutes had always been put on. Are they being put on?

Mayor Newlands: They will be when they're ready. I don't what's ready.

Virginia Weeks: We used to have a Revenue and Expenses Report every month that was on the website also, so we knew what was being spent and where it was being spent and how our money was being spent. Are you going to do that?

Mayor Newlands: When we are able to do that we will do that.

Virginia Weeks: That's a monthly thing; it's just what happened that month; not what happened two years ago.

Mayor Newlands: No, it's actually a year-to-date thing; it's not a monthly thing; it's a year-to-date report that comes out. And when we're ready, when we have the accounts straightened out, we will publicize it.

Virginia Weeks: So now for six months we don't know what's been spent.

Mayor Newlands: We will publish one when we can. We have a problem with some of the accounts that we're questioning.

Virginia Weeks: In six months you can't tell us where our money is going.

Mayor Newlands: I do know where your money is going and I can tell Council where the money is going.

Virginia Weeks: It would be nice if we knew. Thank you.

Mayor Newlands: Thank you.

- c. John Schwanky, 207 Sundance Lane: I serve as the Treasurer of the Board of Directors for the Milton Theater. As many of you know, the Theater has launched a major fundraising campaign so that we can repurchase the theater building. To date we have raised over \$135,000 towards that goal. I'm here this evening, because Mayor Newlands has advised the Board of Directors that we cannot distribute, display or ask others to display yellow yard signs that say "Save the Milton Theater". These signs are to publicize our campaign. We were also advised that this issue can not be placed on the agenda, at this time, on your agenda; however, time is of the essence to us if we are to save the Milton Theater. We have carefully studied the sign ordinances and the issue of our type of sign doesn't appear anywhere. We rightfully compare ourselves to the Milton Historical Society, which was allowed to put out yard signs to publicize their recent auction, with no challenges made by the Town. As our cultural partners in many events, we support the Milton Historical Society in using signage to promote its events. Likewise the Theater supports the Garden Club's use of signage to publicize the annual Garden Tour. Both groups add to the life our town and bring visitors here to patronize our businesses. Their signs were seen in many places in Milton and contribute to the success of their events. The Milton Theater brings visitors into Milton; it adds to the quality of life and economic development. We offer a wide variety of cultural and educational programs for our clients and citizens. We create business for our restaurants, printing and other service sectors in town. We attract new citizens to Milton by providing vitality and life to downtown Milton. We believe that our effort to publicize the "Save the Milton Theater" campaign by posting signs deserves your support. We're only asking that we be allowed to distribute the signs to those who ask for them and are willing to display them on their property and that they be allowed to display them. As the selected representative of the Theater, I'm here to ask that the Town Solicitor give us a ruling on whether the current sign ordinance does, in fact, prohibit our signs and, would unfairly prohibit the Historic Society and Garden Club to put out similar signs in the future; and if the ordinance is interpreted to prohibit our signs, I would like to ask for an immediate vote on a waiver of that prohibition be added to tonight's agenda on an emergency basis; as our campaign as a late October initial deadline we need to move on this now. If we have to wait until the next Council Meeting, it would be too late for the signs to be helpful to the campaign. Our cause would be severely damaged and the Town of Milton would also be a loser. By the success of our current pledge drive, we believe that many town residents support the Milton Theater. The Theater is a key element in our downtown business and economic vitality. I ran across an article recently about an event at the time of the Theater's grand opening; the theater's then Executive Director said at the event "Fundamental in our

mission is to assist the town plan for downtown revitalization.” That remains as true today as it did ten years ago. The community has shown, from their generous pledges, that the Theater has value. For many, it is why they chose to live and stay in Milton. Our summer camp helped children stay creatively engaged; our community theater fosters creativity and talent in many of our citizens and our events help bring our community together. We can only believe that the right choice would be for the Town Council to show their support of the theater, and if needed, grant a waiver that will allow us to publicize our fundraising campaign. Thank you.

Mayor Newlands: First of all our Town Solicitor is not here tonight. I will talk to him first thing in the morning. We cannot add anything to our agenda that is not an emergency of health that will affect the public; so we can't add anything to our agenda tonight; that's just something we're not allowed to do. It would have to be if we're going to have a problem. It has to be an emergency to the health and well being of people.

[Unidentified Speaker]: It is.

Mayor Newlands: Physical health and well being of people.

Virginia Weeks: Why did you refuse them?

Mayor Newlands: Because it was after the seven days. They asked me on Friday. Because of FOIA Rules we have to have it in over a week ago.

Virginia Weeks: Did you do the same for Garden Club and the Historic Society?

Mayor Newlands: First of all, the Garden Club and the Historic Society are not coming to us asking for a waiver; and they are not coming to ask to be put on the agenda.

Virginia Weeks: They don't need to; their signs aren't being told to be taken down.

Mayor Newlands: Well are you going to blanket the town with 200 signs from what I understand, right? And it's not an event. The other organizations are putting up event signs, so I will get a ruling tomorrow from the Town Solicitor.

Virginia Weeks: What are you going to do if we put them up?

[Unidentified Speaker]: Yeah, they're on our property.

Mayor Newlands: I will find out and I'll let you know. I'll talk to you tomorrow.

John Schwanky: There were 300 signs ordered, to my knowledge; and I understand they are on display from Rehoboth, Lewes and in the Milton area, as well as in the Town.

Mayor Newlands: We don't even allow builders to put signs up anymore and that's something that we went through with Ocean Atlantic Builders about a month ago; they asked us if they could come in and put directional signs in to their property at Chestnut Crossing and we told them no. It's a signage issue and that's what I'm trying to tell you. This is what our ordinances say. I'll talk to Seth tomorrow and I'll give you a call. I wrote you a separate note for that so I'll give you a call. Thank you. Is Ellen not speaking, or are you speaking? Is John speaking on your behalf?

Ellen Passman: No John is speaking as our representative.

Mayor Newlands: All right, thank you.

- d. Lynn Ekelund, 406 Union Street: Am I correct that number e, discussion and possible vote on changes to the town fee schedule, is that annexation fees?

Mayor Newlands: It may or may not be; we haven't gotten to it yet. But that is a fee on the fee schedule. That is a separate discussion on annexation fees.

Lynn Ekelund: There is a separate discussion that I just didn't see?

Mayor Newlands: It's 14b

Lynn Ekelund: Okay, well, what I was wondering, for the annexation fees, it is my understanding that the Police Department is one of the services that we are going to attach some amount of money to, in justifying any annexation fee; am I correct there; water, police, sidewalks infrastructure?

Mayor Newlands: Yes.

Lynn Ekelund: And I think it should be, because I think that we have a good Police Department and it's a Police Department that works very well. What I'm concerned about is we want people to annex into the town, because we want them to use our town services. I've talked about this before and I know I've gotten some answers from Chief Phillips and the Lieutenant. I'm concerned still about the number of calls that our Police Department is making outside of the actual Milton jurisdiction; I mean the municipal town limits. I was wondering, if perhaps, we could add a graph to the Milton Police Department report that we're getting, and perhaps you can help me here; that would let us know on a month-to-month basis, how many times our police cars go outside of the town limits. That's it.

Mayor Newlands: I don't know if we have that breakdown in statistics, but we'll take a look at it.

Lynn Ekelund: Take a look at it.

Mayor Newlands: If we have the breakdown; I'm not sure we have the breakdown. I remember the Lieutenant had some sort of figure in his head, percentage-wise; I don't know if that's from just experience or actual hard numbers; but we'll take a look at it. But we did get a letter from a lady in Ellendale; we went outside and people were shooting at her house and we went out and I don't know if they caught the guys; but we had to go outside of town for that. So we are going outside of town and responding to shots fired and things like that. So that is happening.

Lynn Ekelund: I understand it is happening; what I would like to know is how often it is happening. I've seen police cars go by my house responding to fire calls and they've gone outside the jurisdiction and there are Fire Marshalls, Fire Police and he's in charge of directing traffic. We're not really needed to do that.

Chief Phillips: The only time you'll see that is if they go to the intersection to stop traffic from _____. That's usually where we stop it; unless they ask for our assistance; and every ambulance call we've got to assist them if they need help getting people in the ambulance.

Lynn Ekelund: I've just seen them go past the intersection, because I've been keeping an eye on it ever since this has just been in my mind and on

ambulance calls; are you asked to assist the ambulance or does the officer just if he hears the one (siren sound), does he automatically chase the ambulance?

Chief Phillips: I don't think he goes from town to chase the ambulance.

Lynn Ekelund: Well, no I meant outside of the jurisdiction.

Chief Phillips: Very seldom; I can't think of a time we followed an ambulance out of town.

Lynn Ekelund: That's why when you said that I was thinking, I didn't know about that.

Mayor Newlands: We'll try and get you some stats. We'll see if we can break it down.

Lynn Ekelund: One more thing. As long as you're doing that, in the monthly Police Department, I was wondering if we could also have something that would give us an idea of monthly overtime. Thank you.

Mayor Newlands: Okay, now we're going to close the public participation at 6:51 p.m. and open the Town Council Meeting.

2. Call to Order: Mayor Newlands called the Town Council Meeting to order at 6:51 p.m.
3. Moment of Silence
4. Pledge of Allegiance
5. Roll Call:

Vice Mayor Betts	Present
C Duby	Present
C Martin-Brown	Present
C Lester	Present
Mayor Newlands	Present
C Abraham	Present (arrived late at 7:14 p.m.)
C Prettyman	Absent
Seth Thompson	Absent

6. Agenda – Additions or Corrections

Mayor Newlands: Are there any additions or corrections to the Agenda?

C Martin-Brown: In light of the comments from the public participation period regarding signage, and the fact that one could characterize the signage regarding the Theater on whose Board I am not, as campaign signage, I propose that we put the item about all signage on the next agenda, when we meet; because this is an area of great discomfort for me. Ethically, I am deeply disturbed by the whole issue of First Amendment rights and I want this looked it. I want to make a motion that if it cannot be on this agenda; it is on the next agenda for the next Town Council Agenda, because this has come up time and again. It is an area of great contention and there seems to be at work some very serious double

standards and we have to, as a Council, provide the kind of predictable leadership, that is expected when we are elected to this office. Thank you Mr. Mayor.

Mayor Newlands: Thank you.

Mayor Newlands: Are there any additions or corrections to the agenda?

7. Approval of the Agenda

Mayor Newlands: Can we get an approval on the agenda?

Vice Mayor Betts: I make a motion to approve the agenda.

C Duby: Second.

Mayor Newlands: We have a motion and a second. All in favor. Aye. Opposed.
Motion is carried.

8. Presentation and Approval of Minutes: July 27, 2010 and August 2, 2010

Mayor Newlands: We've all got the minutes from the July 27, 2010 and August 2, 2010 meetings. Are there any issues with the minutes? I had a few misspellings of CABE in a couple of places. There are a couple of blanks that have to get filled in; I'm going to have to listen to the audio to figure out what words are missing. Does anybody have any changes to the minutes? Can we get an approval on the minutes please?

C Duby: I make a motion to approve the minutes of July 27, 2010 and August 2, 2010.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second. All in favor. Aye. Opposed.
Motion is carried.

9. Discussion on Written Committee Reports

a. Historic Preservation Commission

C Duby: It would be helpful to me; I don't know how everybody else feels about it, but if we get reports from the committees and commissions, if we have something of a little more substance than what we have here. They approved the application of Don Voth. I would like to know what the application was for. This is not very helpful. So, in a nice way, ask them if we could have a little more detail.

Vice Mayor Betts: I agree with C Duby.

10. Town Manager's Report

Mayor Newlands: We are going to skip the Town Manager's Report. We don't have a Town Manager's Report tonight.

11. Department Reports: Public Works, Project Coordinator, Code and Police

Mayor Newlands: If you look at the first report, which is the Code Department Report, that should say September, not August. It's for the month of September. I know we still have some issues in Shipbuilder's where some areas are not paved yet. We're still trying to get to the contractor to get that pinned down to a specific date; just when those areas are going to be paved.

C DUBY: Do we have any report on how Shipbuilder's has fared with all this heavy rain; has the new system worked?

MAYOR NEWLANDS: Actually, the week after it was completed, it rained very hard and Robin and/or Allen ran out there to try and see out it was and there was no water to be found in the area.

C DUBY: Good.

MAYOR NEWLANDS: And I haven't heard any complaints from anybody out there. Does anybody have any issues with the reports? I have one question on the police reports. Chief, on page 4, the juvenile detention arrests, they went up from a handful to 339?

CHIEF PHILLIPS: What happened was we had numerous car break-ins the month before that; they broke into probably about 50 or 60 cars; they were charged with burglary and they were all arrested. About two weeks after that, we got hit again and they were all the same subjects that did the robberies on the Boardwalk and the majority of them were all from Milton.

MAYOR NEWLANDS: These are the different counts of one guy who was charged with five counts; so that's five arrests? Is that how this works?

CHIEF PHILLIPS: It counts each charge, yes.

MAYOR NEWLANDS: So it's skewed only because it was twenty counts per individual; because of the twenty cars.

CHIEF PHILLIPS: Give or take, yes.

MAYOR NEWLANDS: And if they had two charges against them, each, that would be forty counts, something like that?

CHIEF PHILLIPS: Yes. And it's also tied into the Rehoboth robberies where they beat up the people on the Boardwalk and most of the subjects lived right in Milton; the same ones that did this crime here.

MAYOR NEWLANDS: Okay. Thank you. One of the reports we have is the Municipal Street Aid Report that shows that we are spending around \$47,700 for light bills within town for street lights. That was in our packet.

VICE MAYOR BETTS: I don't have a copy.

MAYOR NEWLANDS: I picked a packet at random. I may have just mixed this in with my reports. Sorry. One thing you do have in your package, we were awarded the COPS Grant; I handed that out. It's \$170,000 over a three year period of time; there were six towns that were awarded the grant; five out of six received one police officer and Newark received three police officers. I just wanted to give that out for information. A new police officer and it is paid for by the Federal Government for three years.

12. Finance Report and Expenditures/Revenue Report

C LESTER: I'm just going to review where we stand on the status of the accounting system. The service representative from Edmunds Software has been working with the Town and with the Mayor and the Town Clerk and he has gone through the books through January and they have corrected whatever problems they could find through that point. He has closed out the year as of September 30 and we should be able to go forward from that point. It gets a little more complicated then just closing out the year. I'm going to go back and I know Ms. O'Donnell

talked about this last month and I've talked about it before, but we have at the end of September 30; we had a set of records that were incompleated; receivables were payables and payables were receivables. So that as we went through the budget year last year, when payments were made they were inappropriately posted; because some things were posted as an expenses when they were really an account payable for the prior year; were not a current expense. This goes to the statement I've been making for several years that the statements were inaccurate. It simply didn't matter that we produced a monthly statement, they were not worth the paper they were written on and they didn't even cover a monthly period; some months were twenty days; some were more; some were less. Our goal is to correct all of this and Edmunds Software people are working with us very closely and we will work on that.

Mayor Newlands: May I interrupt one second? The procedure that Edmunds' performed on the books is they just rolled the year; they're not closing anything yet. They rolled the year to get us so we can start cutting checks for the new year. The only account that they reconciled was the general account up to January 10th, so we still have quite a number of accounts to go through all the way back through last October.

C Lester: There's a really in depth review because there were items recorded as general fund income and expense; when they belonged to the Water Department; so every account needs to be truly reviewed for the year. This is part of the proposal for the firm that the State Auditors Office is working with. I just want to address the receipt of statements. The Town never received a September 30 year-to-date income and expenditure budget from the prior administration; it was never presented to Council; it was never presented to the public. We were also supposed to receive, and this was promised to us, that we would get a line by line income and expense, the cost of the police chief's hearing. That has never happened. So I do a little annoyed when they say when we're working with a set of books that is in disarray; that we're not producing records. I think that's an inappropriate and demeaning comment to make; because we're working hard to straighten out a set of books that if you had listened closely to what Mrs. O'Donnell said last week, there are a lot of problems. So we won't have a statement today because I wouldn't sign a statement that is produced from this software; but we will get it corrected and we're working and we're working very hard on it. The Mayor has been working very hard, Stephanie has been working very hard to get caught up and you have to understand one other important factor here; nobody was cross-trained. The Finance Director and the Town Manager, nobody made sure there was somebody fully trained, in this accounting system, to take over, should anybody be sick or should any other event happen.

Mayor Newlands: Norman. I want to address Kathleen's email from this morning.

C Lester: We've received an email from Kathleen O'Donnell, she's working with us from the State Auditors Office and there were a couple of problems. They did put out a Proposal for Request for some accounting firms not only to review the accounting system, but also write a systems and procedures manual, an internal control manual, a systems and procedures manual, go through the chart of

accounts, make sure that the accounts that we're using are proper to reflect the income and expenses of the town, and that we get a proper budget report. Unfortunately, I think, for two purposes: one, the time limit was a problem for some firms, but they have received a proposal from a firm and I hope I'm pronouncing this correctly Zelenkofske Axelrod, LLC and they are in Harrisburg, PA and they've had extensive experience both in government audit. It says here that they audit 33 local entities and they have experience with very similar systems to Edmunds. I don't think they have Edmunds Systems background, but if you understand government accounting, you understand government accounting. Their initial proposal for this work is \$44,390; and they will only bill for the time actually worked and I spoke to Kathleen today and she said they will work with us in any way they can to mitigate the costs. Once this proposal is approved, I'm going to have a discussion with the lead audit staff person to see just exactly what it is that I can do or anybody from my firm would be allowed to work on the books; but anything I can personally do, plus we will see what Edmunds can do to help us get through this procedure. And Edmunds is not cheap either. They cost about \$1,000 a day; plus travel.

Mayor Newlands: \$1,200.

C Lester: So I think we have to do this and it is not just for now, it's for the future. It is just sets the systems in place for future governments and for this town to have a working system.

Mayor Newlands: The financial system right now is an emergency and we can't even add that to our agenda tonight because we just got this today. We're going to try and get this dollar amount lowered by going to other towns and seeing what kind of procedures they have and Kathleen O'Donnell has okayed that, that we go out and get other towns procedures and pass it through the State Auditors Office to be able to cut this bill down somewhat. Part of the reason that these people are from PA and not from the local area here, what happens is once you start bidding on this type of job, you cannot come in and do an audit. So they have to kind of separate the type of work that they do. So this kind of firm can come in and do the procedures for us, but since they're doing the procedures, they can't do the audit as well afterwards. So that's why you're not going to get a local firm bidding on this job.

C Duby: And I assume that whatever we get this figure to, possibly get it even lower, but whatever it is; it is going to have to come out of reserves?

Mayor Newlands: We've already budgeted \$25,000 for an audit this year and Kathleen O'Donnell told us today, we're not auditable this year. For 2010 we are not auditable, so she said she probably will not even get an audit done this year; or the state would do something for us. So we have budgeted money to do these other procedures.

C Duby: But this is still over \$25,000, unless we can get it down to that.

Mayor Newlands: I know and we'll try as hard as possible to get it down to that number.

C Martin-Brown: Mr. Mayor, are there any pro bono possibilities?

Mayor Newlands: From this firm or other firms?

C Martin-Brown: From any firm.

Mayor Newlands: Well they said that they will limit the number of hours from the scope of work that was presented to them and they said any other work after that, or phone calls after that, or questions, they will do for free.

C Martin-Brown: They'll do pro bono. Thank you.

C Lester: When I assumed the fees, I was thinking of Southern Delaware firms and their prices. I should have been thinking about my own background, which comes from a Metropolitan area and how accounting firms charge. I think, given the scope, this is probably a very reasonable fee; I think we can probably reduce it, we could get if we can borrow say from other towns; if we can find other towns that have these procedures in place. I'm not sure south of the canal we'll find that. We may have to go to Wilmington or...

Mayor Newlands: Stephanie has a network of people through the Delaware Municipal Clerks Association to go out and poll them and find out what kind of procedures are out there so we can get best agreed.

C Lester: Okay.

C Martin-Brown: Mr. Mayor, one other point, if the Harrisburg firm is in competition, I would like the State Auditor of Pennsylvania to give you a grade on the performance of that firm.

Mayor Newlands: Okay we'll talk to them.

C Martin-Brown: Thank you.

C Lester: Isn't the public session over?

Mayor Newlands: It's not a public session anymore.

C Lester: I think, as far as I know, in response to that question that at least Kathleen O'Donnell is quite familiar with this particular accounting firm and I think other people in the State Auditors Office are familiar with them, but we can go further to satisfy your question.

C Martin-Brown: I feel strongly about that, because I know a little bit about Harrisburg's state, shall we say, financial management; and I would want the State Auditor of Pennsylvania to write a recommendation for the company.

C Lester: I don't even know if they have a State Auditor in Pennsylvania, but fortunately we do and they are offering us a great deal of help and they will help us with the audit portion of this once we have an auditable set of books. As I think I have mentioned before, there are several things that can happen in an audit. One you get what is called a clean audit; where they say everything is fine and the statement is fairly presented; the financial status of the entity being audited. The other one is where they will not give you an opinion, they give you an adverse opinion; and say we can not audit this and we're not going to give you an opinion on it. I think that's probably where we stand right now and that's where the State Auditors Office feels that we stand and I've been in this field for a long time and collectively the State Auditors Office has a lot of years of experience behind their opinion and I'm at an end.

Mayor Newlands: Thank you. Let's let the record show that C Abraham joined us this evening (7:14 p.m.).

13. Old Business

a. Discussion on next step in the full Comprehensive Plan process

C Duby: I put this on the agenda because I'm concerned. We've had a lot of discussion about the Comprehensive Plan around the last submission that we made, that was done very much at the last minute; I also remember that there was a committee formed several years ago; before I was on Council, to work on our next Comprehensive Plan and there didn't seem to be anything come out of that process. I know that we have hired, in the past, a consultant, URS, I think, is that Debbie's company; to assist us with this and we're due to have a full review of the Plan. I'm just concerned that we're going to go down the path and suddenly it's going to be a few months away and we're going to have to submit a full Comprehensive Plan and we aren't going to have pulled together what we need to pull together; we're not going to have planned financially, to pay for it and so on. I would just like to hear from, I don't know if it's Robin or someone else on the staff or from you, Mr. Mayor, about where we are; when we're going to make decisions; about what if any consultant we're going to hire; what the plan is for the five year process; to start this process in plenty of time to be able to afford it; to be able to do it right; and most importantly, I think, to hear from residents of Milton, about their feeling about that plan, what's in the plan now, what we want to change. It's an important thing. There are far too many decisions that are made, not only in Milton, but at the County level, and other places based on what an entity has in it's Comprehensive Plan and it's not something I want done in a half-ass way. So I would like to see us start the process and I would like to know where we are and what the plan is.

Mayor Newlands: Well right now we haven't started anything; we're waiting for budget money, which we don't have any budget money right now; so I would just probably ask Robin tomorrow or in the next couple of days to see if we can get an outline as to what all the steps are. Is that written someplace that we've done in the past?

Robin Davis: There is something in the files from back in 2003. I can check all the books. I can even talk to Brian Hall or Kathy Holland from the State and find out what's our best step forward now. I know talking to a few people they talked about a full blown redo they talked in the \$80,000 range; but there might be other ways that might not be as big as that.

C Duby: I assume that the main cost for that is consulting and then also the fact that maps have to be redone and that's expensive, right?

Robin Davis: Correct. But I will check with the State to see.

C Duby: I think if we can have a timeline, possibly; I assume that the State is aware of who all the consultants are who work on this, I know at one time in those workshops that you and Mrs. Weeks and I attended, at that time, there were some IPA folks; I've heard since that maybe IPA doesn't do that anymore; but I would like to know who the potential consultants are and possibly start thinking about that and then have a timeline and a possible budget for it so that we can just start looking at it and saying okay we need to do this by this time. Thank you.

C Martin-Brown: Are you proposing that presentation be made at the next Council Meeting or the documentation?

C Duby: I would say the next one or the one after that. I would say if we have a heavy agenda next month on things that are more urgent than that, but sometime before the end of the year if we can have that.

Mayor Newlands: Thank you. There was one thing I forget to tell you. I handed out another budget. It's the same as before. It had a couple of changes to it. Just to go over it briefly, the employee insurance actually went down, we wound up going into a younger pool; our group is in a pool of groups and the age of the pool actually went down, so they gave us a lower rate. I also fixed the street lights. At one point, we had it at \$42,000 for the Municipal Street Aid; it really should be at \$47,000. Then I adjusted, on the last page, the deficit for the last two years; so that's more correct now.

C Martin-Brown: Mr. Mayor could you provide some information on Administrative line item 5320? It is regarding the holiday lights; I think you have an announcement.

Mayor Newlands: I'm sorry, yes. The Milton Community Foundation has graciously pledged \$1,000 for the street lights for the Christmas lights and they are asking for matching donations, so there will be a pot in the back. I'm only kidding.

C Martin-Brown: I'm not on the Board and we're looking for \$700.

b. Discussion on Annexation fees and payment plans

Mayor Newlands: We did discuss this back in August, but I'm bringing it up again, because I'm being approached by a number of builders and developers about our annexation fees. I'm trying to look around on the web at different towns to find their fee schedules. They bury them quite deeply in their websites, so you can't find them. The one I did find the other day was Millville and it had an annexation fee; they just increased theirs to \$7,500; but it does include a sewerage treatment plan or a wastewater treatment plant as part of the annexation fee. These developers that are approaching us are saying that they want to build in town; they want to be in town, even though they don't have to be town for wastewater treatment. There was a law passed, I forget the Senate Bill number, but it was passed that any area outside of town does not have to annex into town for wastewater treatment; they can stay out of town. But these developers want to come in town. But they do not want to pay an exorbitant amount of money up front; they would like to have the annexation fee reduced in half because 65% of that annexation fee was for a wastewater treatment plant. That's how it was planned out. They also want to do payment plans; they don't want to get charged the entire annexation fee at one time. Like Cannery Village is now in Phase 2B; 3A was just approved by Planning and Zoning, so they want to pay as they go along. So the burden isn't too great for them in the beginning.

Vice Mayor Betts: Are they willing to pay per year and not per house?

Mayor Newlands: Right now this is on a...

Vice Mayor Betts: But are they willing to pay like per Phase and not wait until it's sold?

Mayor Newlands: They want to pay as they get approval for each Phase.

Vice Mayor Betts: I thought that at one time they were willing to pay yearly; take the \$8,000 and spread it over so many years; otherwise if they pay as they sold the property, then that way we would not get our money maybe for two to three years.

Mayor Newlands: Correct.

Vice Mayor Betts: So if they divided the \$8,000 per acre over a number of years.

Mayor Newlands: That was one proposal.

Vice Mayor Betts: That was the proposal and I think that's much better then we don't have to wait, maybe if they decided not to build anything for the next ten years.

Mayor Newlands: Right.

C Doby: But the annexation fee isn't paid when property is sold; it's paid when it is annexed in that plan.

Vice Mayor Betts: That's right, they pay it when they annex in; they're asking to pay it as they sell the property; but there was talk that they would pay yearly. Is that right?

Mayor Newlands: Yes, that's correct? What they're looking to do is to just give them some relief in paying all at once; when they've gone through a large expense in doing their infrastructure and a lot of other things, so they want to...

C Doby: I understand that, the only thing that was confusing me was referencing something about selling the property; and I wasn't aware of that.

Vice Mayor Betts: That was as they sell their property, as they build it, they were talking about paying it per household.

C Doby: What are they required to do now?

Mayor Newlands: Now it's up front; everything is up front when the subdivision is approved, everything is up front.

C Doby: That's what I thought.

Mayor Newlands: So they want relief from that if they can get it; and some times are doing it, like Ms. Betts said, some towns are doing it by household; but the annexation fee is part of the building costs, so it's paid that way.

Vice Mayor Betts: That's right.

Mayor Newlands: That may or may not be the way of doing it, I don't know.

C Martin-Brown: This documentation that shows the motion was made in February, 2006; Mr. Bushey was Mayor and if I remember it has come up repeatedly since then, asking for relief. And the question is, do you respond by changing the price or do we respond by changing the payment plan? I'm not clear what you are proposing.

Mayor Newlands: Both.

C Doby: It sounds like the developers are asking for both.

Mayor Newlands: They're asking for both because they feel that it is \$8,000 because half of it is for the sewerage treatment plant that we're not responsible for.

Vice Mayor Betts: That was when we were looking to build a sewer plant and Mr. Willard suggested that 65% of it was to go for the sewer plant. Now they're saying that being as we don't have to build the sewer plant, the 65% should be reduced.

C DUBY: That's true, but my suspicion is that probably if you look at all those other costs, that our costs have gone up for those and so I certainly would not be willing to look at taking 65% of it out.

Vice Mayor Betts: That was just a suggestion I think. I don't think they meant it. They said 65%, we're just referring to it.

Mayor Newlands: I think we need to do somewhat of a study throughout some of the towns; see what some of the towns are doing. I just want this brought up again because I want you to keep this in the back of your heads; because they are asking to do this quite soon; so I'll get together with Robin and we'll start doing some sort of studies on this.

C Martin-Brown: Yes and we need to look at the developers vision for what they're asking in terms of acreage for annexation; because we don't have the sewerage fee; but we're already looking at stress on the Town Hall staff, etc., in terms of workloads and this issue of the police going beyond jurisdictions to respond to that. The sewer story may have changed, but a lot of the other things have changed too.

Vice Mayor Betts: They have gone up also.

C DUBY: That's what I'm saying; I think all those other costs have gone up. I think given the financial situation that the town is in and how much it is costing us to provide services, I'm not sure that this is a time when we want to say well let's bend over backwards to accommodate developers.

C Martin-Brown: Mr. Mayor when you look at those figures, would you look at the reoccurring cost of the Comprehensive Development Planning and integrate that also as a consideration, because that's a big ticket item if it is really done well?

Mayor Newlands: Okay. That was just for discussion, no votes needed to be taken on that.

14. New Business

- a. Appointment of Committee members to Historic Preservation commission
Economic Development Committee

Mayor Newlands: We have Sally Harkins who is looking to extend her time on the Historic Preservation Commission and I guess we'll do these individually with quick votes.

C Martin-Brown: I move that she be added Mr. Mayor.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to add Sally Harkins to Historic Preservation Commission. All in favor. Aye. Opposed. Motion is

carried. The next one is Don Chandler to go to the Economic Development Committee.

Vice Mayor Betts: I make a motion to approve Donald Chandler to the Economic Development Committee.

C DUBY: Second.

Mayor Newlands: We have a motion and a second to approve Donald Chandler to the Economic Development Committee. All in favor. Aye. Opposed. Motion is carried. Just to let you know Margo Goodman resigned from the Board of Adjustment; that was at the end of August. Also Al Perkins is resigning from the Planning and Zoning Commission; he has moved out of town. So we have an opening in Planning and Zoning. And Robin the Board of Adjustment has an opening with Margo's departure? Okay. So we have two openings. One on the Board of Adjustment and Planning and Zoning.

- b. Discussion and possible vote changing term of the Historic Preservation Commission members to expire in the month of April, same as all other town committees

Mayor Newlands: Right now the Historic Preservation was spun off from the Board of Adjustments in October, a couple of years ago, so the terms are ending at an odd time, so we would like to just adjust those, either forward or backward; six months to April.

C DUBY: So moved.

Mayor Newlands: Forward or backward?

C Martin-Brown: It's the prerogative of the Mayor to decide. Second.

Mayor Newlands: We'll add six months to it. So we have a motion and a second. All in favor. Aye. Opposed. Motion is carried.

- c. Discussion and possible vote to increase trash collection fees to cover increase in contract price

C DUBY: Didn't we do this once, or not?

Mayor Newlands: We approved the contract, but now we have to approve the charge to the actual residents.

Stephanie Coulbourne: Do all the Council Members have their figures here? Does anybody have any questions on the calculations I made?

C DUBY: No it is pretty straightforward.

Stephanie Coulbourne: Just so the public is aware. The contract that was approved for M-T Trash was at a rate of \$14.89 per user. There are approximately 1,150 users. What I did was times that by 12 months; there are the built in costs to cover the administrative fees and then I divided that number out by the four billing quarters, which gave me a grand total per quarter; divided that again by the 1,150 users to come up with a total cost per user per quarter. So the recommendation is for Council to raise the fee, which is currently \$44 per quarter to \$47 per quarter, which is an annual increase of \$12 per household.

Vice Mayor Betts: When was our contract up with them? Do we have a certain number of years?

Mayor Newlands: September 30th. It's a one year contract right now.

Vice Mayor Betts: It's just a one year contract right now.

Mayor Newlands: It runs through September 11th of next year.

Vice Mayor Betts: So this is just a \$12 a year increase for this coming year.

Mayor Newlands: Correct. So I need a motion to approve this increase.

C Lester: I make a motion to approve the increase from \$44 a quarter, to \$47 a quarter.

C Duby: Second.

Mayor Newlands: We have a motion and a second to increase the trash fees from \$44 to \$47 per quarter. All in favor. Aye. Opposed. Motion is carried.

- d. Discussion on Senate Bill 234 – Mandatory Recycling, implementation of comprehensive residential and commercial recycling programs by municipalities

Mayor Newlands: This next item is just informational on mandatory recycling. I gave out a two-page information sheet we received at the Delaware League of Local Governments last month and the 12-page Senate Bill 234 just for your information, just so you have all the background. Recycling is still optional to the customers; but it is mandatory that the Towns/Municipalities provide a service to the residents. Now I know that Rehoboth and Lewes they both do recycling right now; that's part of their standard trash pick-up. I think Georgetown is looking to charge everyone for recycling and still make it optional. I don't want to do that. I prefer to let this be up to the haulers to let them include the town residents in with their single-stream customers. So it is still providing a service; but it is not forcing all the residents to do recycling; and not forcing the residents to be charged for recycling. So there is more information to come on this. This is a year out. I did pass out something from DNREC about yard waste; that was supposed to be a year out, but it is starting in January, so yard waste is another issue that we're going to have to tackle real soon; but it is nothing that the municipalities have to do; it's just something that we have to inform the residents about. So I think that probably in our January utility mailing, we'll put out some information about yard waste.

C Duby: In terms of the recycling, I know we purposely let only a one year contract to our empty trash so that we can have the option of reworking the contract with them if we decide that's how we want to do it with them.

Mayor Newlands: No I did it for one year because we had no idea what the State was going to force down our throats.

C Duby: No I know, but I mean we were waiting to get the information and so at the end of this year's contract with M-T; number one we have to put out another RFP, so it may be M-T, it may be somebody else; but we have the option of including in that the recycling and finding out what we get in the costs for that. Is it possible that what we could do is enter into a contract; this seems to be the logical thing to me; to enter into a contract with a trash company, and if you, as a resident, chose because we are not making recycling mandatory; if you as a resident, chose to participate in recycling, you would

pay a little more per pickup than the people who chose not to. Is that a possibility?

Mayor Newlands: That's what I would like to do. Allow the trash haulers to include our residents with what they call single-stream customers.

C Duby: And what is a single-stream customer?

Mayor Newlands: Just an individual household. You may have M-T Trash, IDS and they are picking up every other house. So they call them single-stream; as opposed to us as a contracted. So I would like to let the trash companies include our residents in town with their other recycle residents, so that we're not involved in it at all. So they're given the franchise basically, to say, you can go out and solicit and invite people to recycle and join your program. So that's one way we can provide it at no...

C Duby: But aren't we required to make it available to them?

Mayor Newlands: That's how you can make it available to them. We have to provide a service; providing a service can simply be...

C Duby: But if we're not involved in it.

Mayor Newlands: It can simply be giving the franchise to the trash company that has the contract.

C Duby: Okay.

Mayor Newlands: And there is still a lot more education to come on this. There are still the lawsuits that haven't happened with this yet; because they are changing the bottle deposit now into a fee, which is a tax, and it hasn't gotten passed by the State Legislature yet. This will probably still go through, but you never know and there are more education workshops on this coming up in the next couple of months. I think there is one with S.C.A.T. sometime this month for this. I still would like to keep the bins behind Ace. A lot of people like to recycle but they don't want to have pick up. I just want to get that out there.

e. Discussion and possible vote on changes to the town fee schedule

Mayor Newlands: We haven't done any formal presentation on the fees at all. I did have one individual ask me to have the boat dock fee reduced and dropped down from \$200 a month, in season, to \$100 a month. That's the only request I've had from anybody to change any fees. Right now the builders are kind of quiet with the 2% that we charge them on the building permits, so we're not getting any flack from any of the builders. Just the \$8,000 per acre; that's all we're getting flack on. So I'm just leaving this open for discussion if there is anything that anybody sees that needs to change; or would like to change. As I said, we haven't done any studies on anything, because we haven't planned on changing anything.

C Martin-Brown: I would like to have people look at an increase in demolition fees.

Mayor Newlands: Increase in demolition fees?

C Duby: The demolition permit.

Mayor Newlands: Why would you want to increase that? What kind of a fee would you propose?

C Martin-Brown: Well if you are going to knock down a house, you ought to pay more than \$50.

Vice Mayor Betts: I disagree, because I think if someone wants to knock down a house, it must not be suitable for the town and I think it would be a benefit to the town if it was an old house.

Mayor Newlands: I think there are two homes that Robin and I would like to pay them \$50 to take down.

Vice Mayor Betts: That's how I feel.

C Martin-Brown: I'm concerned about historic structures, historic properties; that if people have to think twice before they knock them down, they might find that the demolition fee would be better spent fixing them up if it was higher.

Mayor Newlands: How high would you propose?

Vice Mayor Betts: You're not helping the person that does not have a historic home. They're paying for the historic home to be fixed up by razing it. I disagree with that.

C Martin-Brown: Well, I think there's a legitimate philosophical disagreement. I would charge \$100, \$150 to knock down a house and I've also become recently aware, not that it necessarily shouldn't have been knocked down, but when the TV place was, on the corner of Federal; I don't know how much manpower was used by the Town, if any; in terms of the traffic and the trucks and the redirecting of traffic and all of that stuff; I don't know whether there was any involvement by the Town.

Mayor Newlands: We didn't do anything. I think Robin went out once or twice for inspection.

C Martin-Brown: You didn't have any requirements. Because sometimes, like when we had the buildings knocked down by the Theater, the Police Department and others had to do a lot of work.

C DUBY: \$11,000

C Martin-Brown: \$11,000 worth of work to demolish those buildings and we never made a penny.

Mayor Newlands: That's correct and we never got paid back \$11,000.

C Martin-Brown: \$50 and we paid for all sorts of ancillary fees, I mean staff time can cost and the town...

Vice Mayor Betts: Certainly, if you raised it to \$125, that certainly wouldn't have paid the \$11,000.

C Martin-Brown: Well you're right Leah. I would probably now think about proposing \$1,000.

Vice Mayor Betts: I think it is very wrong. If it is a historic home, they should go before Historic Preservation Commission and if it is not feasible to tear it down, then they refuse it.

C DUBY: It does seem to me; I certainly would be open to the possibility of discussing a hike in that fee or any other, just because of our budget situation; but it does seem to me if the goal is to preserve historic homes; that there are other more direct ways to do that, then trying to deter them through a high demolition permit fee.

Vice Mayor Betts: Well \$150 difference, or \$100 difference, I don't think it's going to save our budget.

C Martin-Brown: I agree with you, that's why going in the opposite direction, I think it should be higher. That's my personal perspective and others here may have others and I'm only one vote; but I was here when there had to be a moratorium, because it was only \$50 and a lot of houses in town were slated to be knocked down and were not. The demolition didn't help it, but the moratorium saved them. I don't think we need a moratorium now, but we might want to discourage just knocking down things because it doesn't cost any money.

C Duby: Isn't there still an approval process that they need to go through in terms of historic homes?

Mayor Newlands: Yes there is.

Vice Mayor Betts: That's right.

C Duby: So I think it's not like somebody is going to come in and pay \$50 and tear it down; they've got to go through some kind of process.

C Martin-Brown: That's fair.

Mayor Newlands: Did you want to make a motion, anybody?

C Martin-Brown: I think it would be DOA Mr. Mayor.

Mayor Newlands: Any other discussions on fees or changes?

- f. Discussion and possible vote on an ordinance to restrict traffic over 3 axles on Union Street and Federal Street (Route 5)

Mayor Newlands: The next item is a discussion and possible vote on an ordinance which we don't have, so we're just going to present the item. To restrict traffic over 3 axles on Union Street and Federal Street, which is known as Route 5. The email you all have happens to be from Allen Atkins, but it was a copy that was sent to C Martin-Brown. She actually contacted DelDOT and was successful in getting DelDOT to assist us in getting truck traffic off of Route 5. Allen's tried a few times and they told him it was impossible and C Martin-Brown tried and all of a sudden, they found an ordinance that was written back in 2005 by Jack Bushey. Alternate truck is really a suggested route; it is not a required route and that's throughout the country.

C Abraham: I didn't know that; but I thought that they could not come down Federal Street and Union Street.

Vice Mayor Betts: Only for delivery.

Mayor Newlands: We don't have signs for that. Now we can get signs put up for that.

Stephanie Coulbourne: What we were told in the past from representatives is the State maintained roads so we could not limit their access, but only encourage them to use the alternate route off of 5.

Mayor Newlands: Right now Route 5, if you're coming in from Federal Street, it will say, to avoid delays take the Alternate Route 5. They are going to change those signs so they are much stricter. Then we will be able to at some point soon get signs that say No Trucks over 3 Axles. So we need an

Ordinance from Seth which we will get for next month; so we will put this back on the agenda for next month and we'll get the Ordinance from him.

C Abraham: Can I also mention something that's in the middle of the night, in the early morning hours, that maybe we need to check into; because I hear it. Is it a garbage truck with a back up sound beep, beep, beep? It's 3 or 4 o'clock in the morning, Sunday morning; every Sunday morning. So I don't know if anybody's aware of what that is.

Mayor Newlands: Is it a particular time?

C Abraham: I'll sit up Sunday morning. Because it wakes me. It wakes me. What is going on at that hour? Every Sunday.

C Duby: Given where you live, maybe somebody is doing something in the Park, they're not supposed to be doing.

C Abraham: To me it's like a trash truck; do we have a private citizen who is getting trash pick up from someone other than ours at that hour?

Mayor Newlands: Is it milk delivery? So they're going to help us with signs around Route 5; they will fix some of the signs that say to avoid delays; they will shorten those, so it is no longer a suggestion; but a little more firm.

C Duby: And how soon; do we know?

Mayor Newlands: No, I think once we put the Ordinance in, they'll give us a timeframe.

C Lester: Mr. Mayor I had asked about that 2-3 years ago and I was told it was just a suggestion; if you want to use Route 5.

Mayor Newlands: It still is, they're just going to make it a little more forceful sounding. It's still a suggestion unfortunately.

C Lester: Because that's one of the reasons we moved to Wagamon's. I just got tired of the holiday traffic and the trucks.

Mayor Newlands: I don't know about the 3 axles, Chief, are you familiar with the Ordinance?

Lt. Cornwell: What it was, they're going to put signs up, that anything over 3 axles are not allowed in town.

Mayor Newlands: So they can get a ticket for that?

Lt. Cornwell: Yes.

Mayor Newlands: And we're still working on directional signs to get people that come out of Dogfish Head and get downtown and signs to get people to Dogfish Head; so we're still working on those projects as well. So we don't have an Ordinance here, so we don't need any votes at this particular time.

- g. Discussion and possible vote to expend funds from accounts to cover town expenses through December 2010

Mayor Newlands: We did this a few months ago and we're going to need to do this again. What we handed out to everybody on Council. This is a list of our bank balances and there are a few accounts within this whole sheet that we're free to use for general purposes. The first one, the \$31,907, that's our general account. That's where we pay most of our bills from. The money market fund, we can use that for certain bills, as well. We move money in and out of that to the general fund. Then down somewhere just below the middle,

as you see transfer tax; we're allowed to use that for other funds. The rest of those accounts in there as used for specific things, like SWAT, police grants, water impact fees, we're now going to have \$10,000 in there for training; so there are a lot of these accounts that you see on here, we cannot freely use. The water account or utility account, we are allowed to use that for the Water Department; so we have \$294,000 in there that we can use for the Water Department; but their expenses are not that great. And down below you'll find those two CD's and they may be due in November 2010. We're trying very hard not to break those CD's; so we're going to try and borrow the money from the Water Department and we're probably going to have to break one of those CD's come December, when they have matured, to put the money back in the Water Department, because we do have a serious float problem right now. We're spending about \$35,000 twice a month on salaries. We're spending probably \$120,000 on regular bills.

C Abraham: This is for beginning November; October, November, December?

Mayor Newlands: October, November, December.

C Duby: What exactly is it that you need a vote on to take money out of the general account?

Mayor Newlands: No I need a vote to be able to take money out of the utility account, to borrow it from the utility account; until such time as we can pay it back.

Vice Mayor Betts: How much do you really need?

Mayor Newlands: We had said in one of the previous meetings about \$520,000.

C Abraham: I just totaled really quick \$570,000.

Mayor Newlands: \$570,000, that sounds about right. That's our operating cost until we start getting money in from taxes; which is not until the earliest mid-January.

C Duby: If it's \$570,000, you don't have enough in the utility account.

Mayor Newlands: No, but we're hoping that when the CD's matures; we also have the other Water Impact Fee down at the bottom; we'll be borrowing from that. I'm trying not to break the CD's to not lose the interest; half a million dollar CD is quite high, especially with 4% interest. So I'm just trying to get enough time so we can get that CD to mature.

Vice Mayor Betts: Do you have two money markets, is that right?

Mayor Newlands: We have two money markets, but the Prestige money market has a lot of money earmarked in it. That's the fifth account down. That has a lot of money that is earmarked in it that we can't touch.

Vice Mayor Betts: Okay, how about the next one?

Mayor Newlands: The next one, the \$86,373, that's free to use. Yes.

Vice Mayor Betts: That's okay and the \$229,000.

Mayor Newlands: No the \$229,000 is the Water Impact Fees; we can borrow from that, yes. So we just need a motion to be able to borrow the money from the utilities and the water accounts.

C Lester: I'll make a motion that the Mayor be given the authority to borrow money as required from the water utility and the Water Impact Fee account.

C Abraham: Second.

Mayor Newlands: We have a motion and a second. Let's do a roll call on this one.

C Lester	Yes
C Martin-Brown	Painfully, Yes
C Duby	Painfully, Yes
C Abraham	Yes
Vice Mayor Betts	Yes
Mayor Newlands	Yes

C Lester: If I might just add one thing. When we say we're borrowing from utilities and the water fund; the utilities actually after we clean up the books, owe the general fund some money.

Mayor Newlands: That's correct.

C Lester: They were never properly allocated, so there is insurance and other bills, etc.

Mayor Newlands: And we've been paying the pension out of the utility account and we need to reconcile between the pension and the salaries; we need to reconcile all of that and we need to go back to 2010 fiscal year and reconcile it there, as well. Motion carried.

15. Executive Session – Discussion on Personnel Issues and Litigation/Potential Litigation

Mayor Newlands: We need a motion to go into Executive Session.

Vice Mayor Betts: I make a motion that we go into Executive Session to discuss personnel issues.

C Duby: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 7:53 p.m. All in favor. Aye. Opposed. Motion is carried.

Vice Mayor Betts: I make a motion that we come out of Executive Session.

C Duby: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session at 8:23 p.m. All in favor. Aye. Opposed. Motion is carried.

16. Adjournment

Mayor Newlands: Need a motion for adjournment.

C Duby: I make a motion to adjourn.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to adjourn; all in favor; aye; opposed; motion is carried. Meeting adjourned at 8:24 p.m.