

**Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, October 6, 2014, 6:30pm**

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

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

Councilwoman Patterson	Present
Councilman Coté	Present
Councilwoman Parker-Selby	Present
Mayor Jones	Present

5. **Public Hearing** – An Ordinance to Amend Chapter 220 of the Town Code, Entitled “Zoning”, relating to amendments to the zoning code

Mayor Jones: I need a motion to go into the public hearing.

Councilwoman Parker-Selby: I move that we move into the public hearing.

Councilwoman Patterson: I'll second.

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

Seth Thompson: If I could have a show of hands in terms of how many people plan on speaking at the public hearing? I think we could probably go with an unlimited amount of time, because it looks like about six. Just so everybody has an equal opportunity to provide their input, there's going to be a three-minute time limit on speakers. You're certainly free to adopt something that somebody has said previously. You don't need to repeat it, but please give your name and address at the beginning and please address the comments towards Council, as opposed to questions. It's not really a back and forth session, but Council is here to receive your input. Thank you.

Mayor Jones: You may just step to the microphone when you're ready to speak.

Jim Welu, 30263 East Mill Run: Planning and Zoning Commission is not appointed by the Governor, the State Legislature, the Democratic or Republican Party, the Sussex County Council, they are appointed by the Mayor and Council. It seems to me that you ought to put a lot more trust in the people that you select for the Planning and Zoning Commission and to have a simple majority to overrule their decisions, if you so feel. They've put a lot of time and effort into every zoning application, I'm sure, listening to citizen's comments, reviewing the plans, looking at the value or disvalue that a zoning would have for the Town of Milton. I don't know if the citizen's of Milton realize that with a quorum of this Council, which could be a quorum of three currently, it would only take two votes to overturn Planning and Zoning. That's pretty crazy with your 50% vote, but it's also crazy with 80%, it would take three. That's not very many either to overturn your Planning and Zoning Commission. As more people are on the Council, as more people show up for Council Meetings, the number becomes higher, but technically with the minimum quorum, it would only take two or three Council Members, under either proposal, under the existing law in your proposal to overturn Planning and Zoning. I

think that's crazy. I would like to offer a different solution. We have a seven member Council, including the Mayor. I think that the law ought to state that it would take at least five members, that's 60% of the whole Council and I don't think you should be able to overturn Planning and Zoning, if only three members show up and it's a quorum. I don't think that's right. I don't think that's fair. I don't think it's fair to the citizens. I don't think it's fair to the Planning and Zoning Commission. Now I may be on the other side. I may be with you in wanting to overturn something Planning and Zoning does, but I don't think it's fair to let two or three members of this Council overturn Planning and Zoning. So I think that might be a radical proposal, but I think that you really ought to consider having a certain number and I think five is the right number. It's not just a majority of the Council, but it's 60% of the Council.

Mayor Jones: Thank you Mr. Welu.

Jim Welu: My three minutes are up?

Mayor Jones: Yes, Sir.

Jim Welu: Do we get to come back if there's time?

Mayor Jones: I don't think this time.

Jeff Dailey, 211 Grist Mill Drive: I agree with my neighbor, Mr. Welu. I think that this is an example of an ordinance rewrite that is ill-conceived. This has been brought to the public, to the Council, back to Planning and Zoning a number of times and here's the rub. Nobody on Council has stood up and looked the people squarely in the eye and given convincing reasons as to why this needs to be changed and essentially at another meeting, a neighbor threw down the gauntlet and said, tell us why it has to be changed and finally, one amongst you stood up and gave two instances, two instances, where it might have been better, if it hadn't gone back to Planning and Zoning. That is a lame reason to change this ordinance. It is fine, the way it is. This is where outrage from the citizens could step in; hopefully, those days are behind us. I'm cool, calm and collected this evening and it's nice to see such a great turnout, but in fact, when this was argued before, or put before the public, there were even more people here to address it and the line was very long; one after the other and I didn't say a word, so maybe I'm representing all of those folks who were here at another meeting and spoke out. This needs to be dropped. It is there to protect the citizenry and Planning and Zoning holds the Golden Key, thematically, to how this town is zoned, rezoned. That is not your job. That is not your job. You take their recommendation, you stamp it with your vote, but they're the ones who thematically are looking at Planning and Zoning for this town. Okay? That's their job as Mr. Welu pointed out. Please, let them do their job. It looks like, on the surface, Council is trying to wrest power from Planning and Zoning and that, to me, does not look good. Thank you.

Mayor Jones: Thank you.

Ginny Weeks, 119 Clifton Street: Mr. Goodinson couldn't be here tonight, but he did ask me to ask the attorney, at some point, to please explain exactly what this would affect. It would affect, for example, one of the things that Councilman Coté brought up, which was the moving of the petroleum tanks, the public tanks; you wouldn't have been able to overturn that. This is simply on ordinances, this will simply give you the power to change, to override Planning and Zoning, with a simple majority. I think that what's there now, the four-fifths may be a bit tough, but I think that a compromise of two-thirds would be very good. For example, I also point out to you that you have never gone back and fixed what you did wrong, which was when you took restaurants out of special exception and put them into a Permitted Use and you never sent it to Planning and Zoning for a recommendation. You just decided willy nilly you didn't have to do

that. I think that the citizens need more protection than that. Thank you.

Mayor Jones: Thank you.

Seth Thompson: Just for the benefit of the public, the ordinance that we're dealing with indeed involves process, so this would come into play whenever there was a potential rezoning of a property or whenever one of the regulations of a particular district or the entire town, with regard to zoning, is proposed for a change by ordinance. So Ms. Weeks is absolutely right that it doesn't affect site plan approval, because that's a function that doesn't go from Planning and Zoning to Council. That's supposed to be more of an administrative role and Planning and Zoning reviews site plans; they don't then get forwarded to Council. So this only involves drawing the lines in terms of the districts and it involves what regulations affect one or all of the districts. This would be the process by which any proposed amendment would go through. There was previous discussion in terms of whether or not any proposed ordinance had to go to Planning and Zoning. The ordinance that's proposed in front of us now, doesn't make any changes to the current Code language, with regard to that. All it does is... It's proposed that it removes a four-fifths super majority and replaces that with a simple majority, in the event that Council seeks to act contrary to Planning and Zoning's recommendation. Hopefully, that clarifies things.

Councilman Coté: Mr. Thompson, I have a quick question. It was on Mr. Welu's comments. He indicated that a quorum could be three. Is that, in fact, so?

Seth Thompson: It is based on a five member Council.

Councilman Coté: So we don't do that off of the established number of seven?

Seth Thompson: Correct and I would equate it to voting, for instance, so if you have a quorum at a particular meeting, it's a majority of that quorum that votes; it's somewhat akin to that, so Mr. Welu's math is correct; that potentially if you're down to five Council Members, including the Mayor, three is a quorum and then a passing vote at that point, ignoring any super majority language, would be two to one.

Councilman Coté: I would have thought it would be off of seven, with currently two absences, but still you work off seven.

Seth Thompson: There are some municipalities – our State legislature works in that regard, where an absentee, is essentially the same as a no vote. That's not how your Charter is written though.

Councilman Coté: Sounds like another fix we need to make.

Leah Betts, 113 Magnolia Street: Can you answer Mr. Welu's reasoning for changing the zoning?

Seth Thompson: Are you asking me, Ms. Betts?

Leah Betts: No, the Council. I'm looking at the Mayor.

Mayor Jones: Well, I can't speak for all of Council, Mrs. Betts. My yardstick tends to be that this is the only occasion I can find that requires a super majority of Council's vote to overturn anything; in which case, also, it is actually the Mayor and Council that answers to the public. As elected officials, if you want to get rid of a member of Council, you can vote them out. If you want to get rid of a member of Planning and Zoning, you have no leverage, so that is part of my reasoning. Yes, Ma'am. And if somebody else wants to address it, they certainly are welcome.

Leah Betts: And that's your only reasoning that you saw to change it. Is that correct?

Mayor Jones: Yes, in the vote and the “shall” and “may” of course, is standing as it always has.

Leah Betts: Well, I have to agree with Mr. Welu and Mr. Dailey. I just think there could be more

chances to... reasoning to change something. I think it's kind of scary. Thank you.

Barbara Wagner, 409 Federal Street: I think that it may be coming at a very opportune time that we have this vote, because it would be rather ludicrous to have two people be able to overturn Planning and Zoning. I don't think that that's very appropriate and I think that we couldn't have imagined that we would be down to a five member council with one person absent. I think you should think long and hard. I wouldn't want to act on the basis of two people.

Jim Parker, Finish Line Car Wash at 204: Good evening. Is the appropriate time for me to talk...

Mayor Jones: Not unless you're talking about a change in a Planning and Zoning Ordinance.

Jim Parker: In reference to my well? Is there an opportunity in here for me to talk?

Mayor Jones: We'll discuss that when we get to your line item, Mr. Parker. Thank you. Is there anybody else that wants to speak on this topic this evening?

Seth Thompson: Kristy, were there any written correspondence received. No? And it was noticed in the newspaper 15 days in advance. Thanks.

Mayor Jones: Then I need a motion to close the public hearing portion of the agenda.

Councilwoman Parker-Selby: I move we close the public hearing portion of the agenda.

Councilman Coté: Second.

Mayor Jones: All in favor say aye. Opposed. Motion carried. It is 6:50 p.m.

6. Public Participation

Mayor Jones: We'll open it up now to the public participation portion of the agenda. Mrs. Rogers?

- Bill Dougherty, 103 Milton-Ellendale Highway: I'm concerned about the building beside the shop by Walstead's. Could you tell me a little bit of the update. I contacted the Code Enforcer and I did not get nothing as a follow-up.

Mayor Jones: When did you contact him?

Bill Dougherty: Whenever I heard that it was condemned.

Mayor Jones: I'm afraid I'm going to have to rely on Mrs. Rogers as the Council has no data in front of them about this house.

Kristy Rogers: Mr. Trotta sent a formal Notice condemning the property and also intent to move forward with demolition. We had to give a 30-day notice. I'm sorry I don't have a date to report back when that 30-days does expire, but on that day we will move forward with what needs to be done.

Bill Dougherty: One other question. When I was here before, you all passed an ordinance on the sidewalks on penalties. Is there any penalty that she's enforcing? It's been like this for 15+ years, making our community a disgrace? Is that something that you need to look into and put in the ordinances on derelict, condemned property; even before it's condemned? It's been like that for years. It's a public health issue over there. It's everything, plus whenever I contacted the police, they said they were going to put signs, but the Code Enforcer was supposed to do it; there's no signs posted. Two Sunday's ago we had seven State Police Officers surrounding my parking lot, plus the building, because there were kids in there... I guess drugs. I know you're condemning it, but is she being penalized, is my question?

Mayor Jones: Not to my knowledge and I know of nothing on the books that allows for it, but I certainly don't disagree with your...

Bill Dougherty: So a resident could actually...

Mayor Jones: With a recommendation to take a look at those and why Milton doesn't

take action faster and doesn't have something on the books that allows them to do that.

Bill Dougherty: Is there any way of that going to a Sheriff's Sale, if the property owner does not have the money to take care of her properties?

Seth Thompson: The legal process for that, the town would receive a lien for any expenses that it incurs and I believe I've already run a lien search. There isn't anything ahead of the town, so at that point it probably makes sense for the town to go ahead and force the sale of the property through the lien process, through the Sheriff's Sale process.

Bill Dougherty: So that's being discussed, as well, as far as the Sheriff's Sale?

Seth Thompson: Correct. Unfortunately like most things with government it doesn't move very quickly because it's going to also fall under competitive bidding; seemingly this is going to be more than \$10,000, so the town's going to have to solicit bids for the demolition work; but then once the town incurs those costs, the State Code allows the town a lien; we will record that lien and then go through the execution process...

Bill Dougherty: Of collecting the money?

Seth Thompson: Exactly.

Bill Dougherty: Okay. So if there was an ordinance in the books on these derelict properties, the town could be cleaned up a lot nicer?

Mayor Jones: In the one on Nuisances, I think Mr. Thompson can speak of, we're looking at again this evening.

Seth Thompson: We are and that's certainly on the agenda. Now the way your Nuisance Ordinance is written and admittedly I wasn't the one that initially drafted it, but that doesn't seem to cover this particular issue. That looks more to piles of garbage and that sort of thing; that's what the Nuisance Ordinance is supposed to handle. There is a building construction ordinance and that's what they're going through and building maintenance ordinance and that's the process that the Code Enforcement Officer is using to condemn the property.

Bill Dougherty: Thank you very much for your time and information.

Mayor Jones: Thank you for your suggestions.

- Ed Harris, 305 Behringer Avenue: I want to address with you Preserve on the Broadkill, Phase 2, what's been taking place up there. There's a Town Code, Code 220-54. Now I want to let everybody know who's in this room, if you currently reside in an area, where behind you is a piece of property that's not within your development, that's the other Preserve on the Broadkill people; that's Wagamon's West Shores; that's Mrs. Weeks' property; there was a Code on the books that's put in the books, regarding landscape buffers. Nine years ago, when Preserve on the Broadkill, Phase 2 was first developed, I was involved with the town, actively. I was involved with the plans and I have, as a matter of fact, the Master Plan; there was a 10' landscape buffer required around the community, considering they were bordering R-1 and this is an R-2 community. It was to protect the existing resident's from the development. So if a house is being built, you put in trees and shrubs. Now I was fine with it and I'll be honest, it's the old Not In My Backyard, a couple of things took place at the Preserve on the Broadkill Phase 2, that I'm going to bring your attention before it happened to me; one of which, a garage has been built in the easement. Number two a fence has been put in an easement. According to our legal advice, both of those were done illegally; the town allowed them to be done; both of these projects in Phase 2. Now we have a new house behind me and I really

don't like having to stand here and look like a villain to these new folks, because this is on the books, folks. This was a simple matter of a Project Manager, monitoring the situation and doing his job. Okay? What I did was, when they first broke ground and I talked to the current resident, I took him down to the town office. I spoke to Kristy. We went upstairs and talked to Robin. Robin admitted, yes there was a landscape buffer. At that point, Robin proceeded to tell me and the property owner, a landscape buffer was lawn. Well, I'm sorry, a landscape buffer is not lawn. Okay? Now, we have a new resident up behind us. I have my R-1 development against R-2 development. There has been nothing put between those two properties. Okay? Further up, we have a fence in the landscape easement, the 10' easement. If we're setting a precedent for this development to allow this to take place, what's going to happen if behind Mrs. Weeks' property they put a townhouse development or houses? Are they going to get by with it? Or are 10 other developments going to get by with it? You might want to say Not In My Backyard, but all of the resident's who have potential growth behind us, and now the growth is done behind me, because basically I'm boxed in, okay, but you all have to deal with the fact that what is coming in the future and Preserve on the Broadkill, the old phase, if anybody lives there, if Dr. White sells his property, you're going to have development behind you. Now, you're going to have an open field, or you're going to have houses and potentially they can build like they built on top of my property, ten feet. I also want to address and this is a problem, you're getting ready to hire a new Project Manager and I'm going to stress to you how important it is to get somebody who knows what they're doing. I also mentioned to Robin, because the house was being built on a State easement, which was a water coming through, the town allowed them to build 9-1/2' and the requirement is 10'. If that house... and I wasn't going to say anything. I wasn't going to bring it up to the town, but I am now; if that house does flood out, technically you would have a potential legal suit against you, because their foundation washed out from stormwater. This is the classic example of having somebody in a position that should not be doing that job, or who's not doing their job, but I really want to stress to you again, at this point we have no Project Manager and I'm going to give you an example. Technically, I'm R-1 and Pret Dyer and Joe Reed are on that property behind me. I know they're having problems over in Cannery Village. Technically I can take a hot pink shed and plop it on cinder blocks right on my property at the top of that hill. Or I could take my fence back there and paint it rainbow colors, because I'm R-1. Now I don't think they're going to like that very much, to try and sell property back there. They're R-2. I am not obligated to live by their covenants or their agreements. I'm R-1. Okay? So I think somebody needs to contact that developer and say look, we have an ordinance, we have a Town Code. It's right in the books, 220-54, Buffer and Landscape Requirements. Nobody's taking care of these town codes and it's not just in my backyard, it's all through the town and it really is going to eventually cause problems. As I said, you already have a major problem, because down the road, what's going to happen is, you have a garage on an easement; you have a fence on an easement. When somebody else comes in there, if somebody buys one of the houses on Behringer Avenue and they have a problem with it, they're going to say move the garage and they're going to sue the Town because they allowed a garage to be built in an easement. Okay? So you need to address that now, before it gets any worse. It's actually caused

animosity between some people that I don't even really know; here I come to you and I shouldn't even have to be here. I should not have to be here, because someone didn't do their job, who is being paid over \$50,000 a year. So if you hire somebody for \$50,000 a year, make sure they know what they're doing.

Mayor Jones: Thank you Mr. Harris and thank you for bringing that to our attention.

Ed Harris: You're welcome.

- Cliff Newlands, 110 Oysterman Drive: On June 16th I submitted a FOIA Request for Executive Session minutes for the 112 Federal Street. I've received minutes of one meeting; you're now 100 days into this. You're probably 70 days overdue, which I think is breaking Delaware law and Federal law, so I'd like to know when I'm going to get the minutes for those two meetings.

Kristy Rogers: I don't have possession of the minutes to turn over.

Cliff Newlands: They should be in Town Hall. All minutes should be in Town Hall.

Mayor Jones: Just so we can track this, you submitted your request in July?

Cliff Newlands: I submitted the request June 16th. I received a letter back from Kristy, saying that Mr. Thompson had some issues with it initially; a few weeks later they gave me the minutes of one meeting. Then I know Helene was out for a little while and they couldn't translate things. I subsequently found out that the meeting is in long hand. I'll take long hand, that's fine. All I need is a copy. I don't need it translated. I don't need it typed. Long hand is fine with me.

Seth Thompson: Just from my perspective, the initial reason I had to look into it, obviously, that's a fairly nuanced FOIA Exception, but once that preliminary discussion culminates into something like a purchase, you're absolutely entitled to those minutes.

Cliff Newlands: I know that.

Seth Thompson: That was the initial delay, in terms of...

Cliff Newlands: I have no problem with the initial delay, but it's been 100 days. It's a long time.

Seth Thompson: Understood.

Cliff Newlands: You have 30 days to comply. It's 100 days.

Seth Thompson: I certainly agree as a general principle, town records should be in Town Hall.

Cliff Newlands: Right. My second issue, a Project Coordinator. Have we hired one yet?

Kristy Rogers: I finished interviews last Thursday and I'll be discussing that with Council in Executive Session.

Cliff Newlands: The job description that's on the books for tonight, is that effecting these candidates?

Kristy Rogers: That would be the job description they would be hired under.

Cliff Newlands: You can't do that. That's unethical to do that. You can't change the job description after you've had resumes come in and after you've interviewed candidates. You can't just go ahead all of a sudden and say, I've seen all these people and now I like this particular one. I want to go and change the job description that fits that one person. You can't do that. You're going to get a lawsuit. A real big lawsuit and you're going to lose.

Seth Thompson: The applicant's were made aware that there was a proposed revision, in terms of the job description and I think if you look at the revisions, it's essentially

updating what the Project Coordinator has been doing. A lot of the updates were some technical items; turning ADA into Americans with Disabilities.

Cliff Newlands: I still think you're going to be subject to a lawsuit, no matter what happens. People who don't get the job, they're going to come after you. Thank you.

- Jeff Dailey, 211 Grist Mill Drive: Public hearing item. I hope that under Old Business, replacement of downtown clock, including approval of the style and expenditure. I and others have suggested that this might be an item where the town would want to do a survey, so that we could unite around this issue and find out what it is the majority of citizens would like to see. Surveys can be done relatively inexpensively by putting them in the water bill and I hope that this is an item that unites, rather than divides us and I understand, as well, that we have to come up with a way of funding it and that could involve the public. Maybe a thermometer and fundraising, etc., etc. So I look at this, Madame Mayor, as a golden opportunity to bring us all right back together and I thank you.

- Jim Welu, 30263 East Mill Run: I have a question first. Did I understand Mr. Newlands to say that he had requested the minutes of an Executive Session?

Seth Thompson: That's correct.

Jim Welu: Okay, because I need to request the same for another Executive Session. Thank you.

Seth Thompson: It's going to depend on what the basis of the Executive Session was, but that's why I explained that when it comes to...

Jim Welu: Well, the basis was that there was a private citizen, not a citizen of Milton, that was at your Executive Session last month and I'm wondering what his role was in going to an Executive Session when there's a potential rezoning, that he's going to be requesting, as far as I know from the newspapers and it just seems like a very strange kind of issue.

Seth Thompson: I'm not at liberty to disclose what the issue was, but I can tell you that was not the issue.

Jim Welu: Okay. I would like to know what the issue was. Secondly, car wash water. I have made a recommendation to the Council some time ago that they ought to take up an amendment to the current code, law, whatever it is, to allow private wells for certain things that don't need treated water, such as watering of lawns. It seems a waste of the town's money to do all of this chemical treatment of water and then people are using it to water their lawns. I don't think this was envisioned as a realistic issue, when the code was enacted however long ago and I would just like to encourage the Council to also approve the water well for the car wash; basically under the same terms that they approved the water well for Dogfish Head Brewery. I think they fall into a similar category where they do not want to be using treated water for their work. I do have one issue. The website advertising the public hearing tonight was fairly accurate; not as accurate as it could be, but fairly accurate. But for someone that wants to find out what's going on in town, that doesn't use the internet very often, we go to the Police Department Bulletin Board and the notice of the public hearing information was woefully inadequate. It says you wanted to change the zoning code. You know, people don't get excited about that. It's a technical thing, but if they were told that you were going to change the Zoning Codes so that the Council could, with two people, with a

minority number of Council Members present to override Planning and Zoning, that would strike a chord in their mind to say, maybe this is important. But, what was on the public bulletin board, gives you no information that would make you even think that it was something worth coming to a Council Meeting and I think that...

Mayor Jones: Thank you Mr. Welu, but while you're standing there, I want to ask Mrs. Rogers a question...

Jim Welu: Pardon?

Mayor Jones: Was the notice put at the Police Department any different then that was advertised in the paper.

Kristy Rogers: I believe he's speaking about what's no longer on the agenda, which states relating to Amendments to the Zoning Code. Is that correct? And what was placed in the paper was a full legal notice, description of the ordinance.

Mayor Jones: And how about the website?

Kristy Rogers: Same as the newspaper.

Mayor Jones: Okay, thank you. Thank you Mr. Welu.

Jim Welu: The website was enough to give you some idea of what was going on. I think if it had been more declarative that a vote for a full Council was going to go from this number of Council members voting, to what it is now; or if it went from the worst case possible, with a very small quorum, I think it would be more indicative and be more enlightening then... I can remember when John Brady was Town Solicitor for this town, he made it very clear that the published agenda should make it clear to people what was being discussed; it shouldn't be kind of vague. People should really be able to know what's going on and just as when you are making a vote, he insisted that you declare why you were voting in a certain way, for future litigation it means that it would be all out going to the public. I think that's enough time.

Mayor Jones: Thank you.

- John Oates, 115 Arch Street: My wife and I moved down here in August of 2010. The following month we were very surprised that there was no 9/11 Memorial Service in town. The following two years was more of the same. No service at all. Last year, however, there was a very nice service; largely coordinated by a few interested people, one of our neighbor's was involved and we were hoping we were off and running and we would see a report of that this year. But much to our disappointment again, there was no service. We spoke with the fire company, we spoke with the VFW, other people we thought that might have some input into this and it was an exercise in futility I'm coming to the Council now asking if they can offer any help, or guidance, for next year; whether it be formation of a 9/11 committee. I feel very strongly that our town should be doing something. I think the members of the Council are probably aware of what happened this year; we don't need to go into details. Obviously, there was no... what we need is some kind of formal, organized effort. I'd like to see the Council consider perhaps putting this on the agenda for next month, for discussion. Thank you.

Mayor Jones: Thank you.

- Steve Crawford, 216 Ridge Road: Mayor and Council, I noticed on the back table the packages did not include the Economic Development Committee monthly report. Now, if they're not in your package...

Mayor Jones: We have them.

Steve Crawford: Oh, you do have it. Okay, that's fine. The other thing that I just wanted to mention briefly. In the Cape Gazette last Friday, there was a Letter to the Editor from Mr. Esposito, Tidewater Environmental Services, talking about overflow; but what caught my eye was Tidewater expects to upgrade or rebuild this plant in the near future to remain in compliance with next year's new, more stringent State permit discharge limits, blah, blah, blah. Do we know anything about that? Should anybody know anything about that?

Mayor Jones: No, I read that article myself and I thought that sounded like we should be right on target, but I wasn't aware of any plans.

Steve Crawford: I'm a little concerned because they talk about a new plant, but I'm thinking, are they meaning the new plant because it's been upgraded? Or are they talking about a new plant because they're really going to take that eye sore off the river? So, I just wanted to raise that and just in case you didn't read that article or read that letter and didn't know about it. Thank you.

Mayor Jones: Thank you.

- Ginny Weeks, 119 Clifton Street: First of all, Mrs. Rogers, congratulations on your award as the Town Clerk of the Year. Thank you.

Kristy Rogers: Thank you.

Ginny Weeks: I just want to touch for a moment on what this gentleman just said about Tidewater and maybe Mr. Thompson later on, you could let us all know what you think. When a municipality builds a utility, it can build it wherever the hell it wants, because it's a municipality and it's doing it within the municipality. However, once it was sold, it became a private business. It is on Town Center land and is a non-conforming business now; therefore, they can't expand without coming back for permission to expand. They're not allowed to expand or increase their business.

Seth Thompson: I completely agree with that.

Ginny Weeks: Thank you. You don't need to say anymore.

Seth Thompson: I think public utilities are identified as a permitted use throughout, but that doesn't mean that they can just go and build whatever they want. They have a foot print there and they're aware that my opinion is... they need to come forward. Frankly, they need to come forward with a site plan...

Ginny Weeks: On a lot of things.

Seth Thompson: Even if the town is willing to allow that to expand there.

Ginny Weeks: Okay. Thank you. Second thing. Oh God, Thursday night in Georgetown at 6:00 is the County Planning and Zoning Meeting on the rezoning of almost 5,000,000 square feet of commercial on Route 1, across from Cave Neck Road. The traffic pattern for that at best, is worse than horrendous. I would urge all of you to go and express your concern, because you will not be able to get in and out of Cave Neck Road and to come home from the beach, you will do three roundabouts before you get on Cave Neck Road and you will be merging with traffic off of Route 1, traffic off of that horrendous... just to give you an idea, the three... and this is from Lawrence Lank in Georgetown, the three Tanger Outlets are 50 acres. This is 114, that's more than twice the size of all three of those acres together and you know, I don't want my town... God love you Jeff, you were right, we don't have a pass through, but we could become another Millsboro, if we don't watch, with everybody high tailing it back and forth to the center; so think about it and

please show up if you can Thursday night, in Chambers, on The Circle at Georgetown, 6:00. There was something else. I agree with what Mr. Ed Harris said. Things are slipping through the cracks like mad around here, you know and really, when you hire a new Project Coordinator, I'm not even sure that's the position you need. I think you need a really good planner on salary, not somebody that we can afford to talk to once every two months, or something. You need somebody who really knows land use and knows how to protect the town, not somebody who knows the ordinances. Thank you.

Seth Thompson: While he's making his way up. Ms. Weeks, it's a permitted accessory use, public utilities in the Town Center. The bottom line though is that doesn't override the site plan requirement.

Ginny Weeks: Doesn't that have to come to the floor, for review?

Seth Thompson: Yes, that would happen; but even if it were a Permitted Use, if they were going to expand anything, the site plan process has to go through.

Ginny Weeks: Thank you. [garbled]

- Jim Parker, Finish Line Car Wash at 204 Broadkill: I'm here tonight... I realized that coming up under Old Business is the reference again to the well I'd like to put in for the car wash. A couple of things I want to bring to you guys' attention tonight. One of the things that was asked of me was to get something from Tidewater Utilities on where they were, as far as metering the sewer outfall and that. I do have a letter from them. Like most other companies, it takes forever to get a response; but after two months I did get a response from them and I would like to submit that tonight to the town and they are more than willing to work with me on the metering process. They're recommending that I meter it on the well side, because it's quite less expensive; however, they are willing to let me do the sewer side, if I want to pay the tremendous amount involved in doing that. But I do have that letter and I'd like to submit that. The other thing I want to submit and point out, is about a month ago the town had a major water break, somewhere out, not even near my car wash; but as a result they had to shut down a tremendous amount of the water and when they shut it down, next thing you know, I started getting phone calls saying that the car wash is down, the car is broke, we put our money in, so I high tailed over here thinking well what has gone wrong? Once I get there, I realize that I had no water to the entire car wash, as a result of them cutting off the water valve, I don't know where at, but I'll say four or five streets over, it ended up cutting the car wash off. When they cut that off, I was out of business for about 6-1/2 hours and as a result of that, I had a lot of people obviously that had came up there, put money in one of the car wash and obviously never got that. That's a bad thing for me being in business. It's not the first time that that's happened to me. When my pumps go dry, they burn up and if I've got water that's not coming into that building, it's a problem and I think that one of the things that concerns me again, is when it cuts off and I get no notification that I don't got water. I think part of the problem is the town's plans are old, outdated, they don't know where the valves are, certain valves are blown, they cut off a certain section and it cuts off a whole lot more. As a result of that, that was a good instance right there, where it affected my business that day and affected not only my income, but more importantly, my customers. I want to point that out too as being one of the assets of being able to put a well in. I don't have to worry about the town having water issues, shutting valves off and not having an issue. The other thing is my car wash does not have a valve at the street. I

have mentioned this to several people throughout the years and the town does not have a main cut off valve on their main line to cut the car wash off, so if there's ever a problem there, it's going to be a real problem because there's no where to cut it off. Now, I have a valve at the meter, but there's nothing on the main line from the town, so I'd like to point that out. I would ask the town tonight to only consider allowing me to do this well, being in town for over 10 years, I've tried to be a great business; I've tried to be an asset to the town; and I've always tried to support the town. I think it's very, very unfair that if you allow some businesses to do what they want, but then turn around on the other side and say we can't allow that. You're not Dogfish Head, you're not such and such. I think that's very unfair. This is certainly a situation where I've tried to pay my taxes every year, on time, pay what the town asks me to pay and I've always tried to be an asset by keeping my property in A-1 shape. So I'd like for you to please consider that.

Mayor Jones: Thank you Mr. Parker.

Kristy Rogers: That's all I have.

- Ginny Weeks: I'd like to ask another question.

Mayor Jones: You'll need to take the microphone.

Ginny Weeks: Are you going to send a representative to the meeting Thursday night, for the town?

Mayor Jones: I can tell you, I cannot be there, I'll be in Baltimore, so you should not be surprised that I am not there when you go there on Thursday night and I can discuss that with Mrs. Rogers, but as far as sending a representative from the Town, it's nothing that I have thought about yet.

Ginny Weeks: Thank you.

Mayor Jones: Thank you.

7. Presentation by Roger Thompson, "Neighborhood Watch"

Mayor Jones: Now we have a presentation. It will be brief. It will be a video that Mr. Thompson some time ago to the Neighborhood Watch Group. If I am correct, Mr. Thompson, have you left some paperwork on the back table to sign up? Okay, so you have Neighborhood Watch ability to give your name and some information, so not necessarily to make you an automatic member, but the information is very helpful in getting data out to you, so you might want to consider signing up for that before you leave tonight. Whenever you're ready, we'll cut the lights. Do you have anything you want to say in reference to this, before you get started on the film?

Roger Thompson: No. All politics aside, I'm going to talk to you about your security and your safety in the Town of Milton. My name is Roger Thompson. I am a resident here. I moved here in 2007. I live in Cannery Village. I was a Police Officer for 34 years in Montgomery County, Maryland. I was an investigator for 25 of those years, the last 25 years I worked. When I came here, the Neighborhood Watch Program had already started and I joined Neighborhood Watch and then subsequently became a Civilian Coordinator on Neighborhood Watch. But I give you some basic information on Neighborhood Watch and you're going to see a short film. National Shifts Association is really the cog wheel for Neighborhood Watch throughout the country. They took it over about 20 years ago. Then with the Bureau of Justice's assistance, they funded the program. Here in Milton, the Milton Police Department, that little photo there, that's on the town website right here; that's the police station and Sussex County Citizen's Core. The Citizen's Core Council, here in Milton, with the Police Department, as well as the Town

Council initially got grants to start the Neighborhood Watch Program here in Milton. A little history, 30 years ago is when Neighborhood Watch began. It used to be crime prevention, but then communities got together because of crime problems and then they came up with Neighborhood Watch. In 2002, USA on Watch was launched and you can go on a computer and put in usaonwatch.org and you will get a lot of information about Neighborhood Watch that way. Here the Neighborhood Watch began in 2006, Councilwoman Mary Hudson was part of the Emergency Preparedness Committee and with her, Captain Cornwell, Corporal Rockwell, Carl Davis from Sussex County Citizen's Core, Mike MacNamara one of the citizens here got together and they were the ones that put up the signs that are all over town. Have you seen the signs around town? I've talked to people before and they say what signs; well they are out there and he's shaking his head no, he hasn't seen the signs, but they're out there. In fact, we just put two other signs up recently because of some complaints. That's when the flashlights were handed out, some caps were handed out for identifying purposes for people who were with Neighborhood Watch. Initially we were going to walk around the neighborhoods, but that didn't come to fruition. Neighborhood Watch is actually people working together, involved in crime prevention, trying to be the eyes and ears of the Police Department. We'll talk about that in a second. It's about local Homeland Security. It's an opportunity for people to volunteer, which is what I do and it also empowers the citizens in the community to work together for a common cause and that is your safety and your security. Neighborhood Watch programs promote the unity I was talking about that. It trains it's members. I do a lot of training in our Neighborhood Watch group. We have a meeting every third Wednesday of the month, here at public library from 6-7 p.m. we have a meeting and I oftentimes have training at those meetings. We try to make a difference in the neighborhood. Our groups provide law enforcement with the eyes and ears of law enforcement. We don't promote any kind of action by the Neighborhood Watchers that are part of the program. We're just supposed to watch, listen and if you see something that's suspicious, you're supposed to contact the police. We've never had anybody promote or getting engaged in any kind of activity with whatever is going on in with the problems. Anyone can join Neighborhood Watch. It gives you a greater sense of security, responsibility and personal control, building community pride, unity and preparing us to help others. This also stems and I also put out information on immersive communities when we're talking about how you prepare for hurricanes, how to get prepared for tornadoes and that sort of thing and that information also goes out. It's Homeland Security at the most local level, works towards increasing the safety and security of our homes. We talk about those sorts of things and some of the other things we talk about is terrorism awareness, emergency preparedness and emergency response training. Emergency response training, some of the people that are in the Neighborhood Watch group have also become trained in Community Emergency Response Training ("CERT") and I'm one of the CERT members here in the town. Some other people in the town have also taken that CERT training and that's spawned off of the Neighborhood Watch group. Some of the things that we've trained are observation skills, reporting suspicious activities, getting information on targeting hardening at the home, how you can make your home safer, identity theft, computer hacking, all sorts of information for your security and your safety. Those are the kinds of things that we go over in our particular meetings. Now I'm going to show you a video. Hopefully, it works. [The video plays.] Neighborhood Watch has an email list and we put out information on it. Captain Cornwell here is the coordinator with the Police Department with Neighborhood Watch and when we have information about ongoing crime or a series of crimes that are going

on in the Town of Milton, either he will put out some information or he'll give it to me and I'll put out some information by email. Right now we have 70 people that are on the email list. We'd like to have more people on the list, so that we can not only promote Neighborhood Watch in the town, but also give out information to you regarding crime and crime activities that might be going on in the town. I want to thank you very much for your attention.

Mayor Jones: Thank you Mr. Thompson. I think that's a very informative film, particularly with what's going on today.

Roger Thompson: There's a sign-up list in the back of the room.

Councilwoman Parker-Selby: Mayor Jones, I'd like to commend Mr. Thompson. I've been with his group since he started and it's really very interesting and very informative and certainly when we started out, very few people were coming, but now I see more people are joining, so everybody in the audience, it would be nice to have you, because with today's times we cannot be too safe and think too safely and he really knows what he's talking about, so thank you again.

Mayor Jones: This past year, we have had some instances where car break-ins, vehicle break-ins in an isolated area Neighborhood Watch can get that message out to folks; maybe you're going to remember that your car in the driveway isn't locked tonight and you'll go out and get that so, the whole idea is that it emphasizes are truly eyes and ears in the neighborhoods to help assist the police. So we thank you for that.

8. Additions or Corrections to the Agenda

Mayor Jones: Now back to the agenda. Additions or corrections to the agenda. I have had a request that Item 16.a., under New Business, which is the DeLea Founders Insurance Trust – we do have a representative here this evening and Mrs. Rogers would much appreciate it if we could move her forward, up under number 14 and I have no reason to discuss number 15.c the Replacement of Downtown Clock. We do not have new materials in our packages tonight. So those are a couple of things I just want to ask the Council to consider in a motion. That, and anything else, that you may see.

Councilman Coté: I would even suggest that 16.a can be moved up even further, if we can do that, because the representative is not local.

Mayor Jones: Our Town Solicitor said that would be fine, if you would like to put it up under number 9, after the approval of the agenda, as amended.

9. Agenda Approval

Councilwoman Parker-Selby: I move. You can do it.

Councilman Coté: So moved.

Councilwoman Parker-Selby: Second.

Councilman Coté: That was 16.a to after 9 and drop 15.c.

Councilwoman Parker-Selby: Second.

Mayor Jones: Any other discussion? All in favor say aye. Opposed. Motion carried. That is an approval for that amended agenda.

Seth Thompson: If I understood the motion correctly, it was approving, as amended.

Councilman Coté: Yes.

16. New Business – Discussion and possible vote on the following items:

a. DeLea Founders Insurance Trust program and agreement

Mayor Jones: Alright, Mrs. Rogers.

Kristy Rogers: Mayor and Council, I'd like to introduce Ms. Terry DeSanto. She is representing the DeLea Founders Insurance Trust Program that Milton is a member of for Worker's Compensation policies and has joined for the Property and Casualty effective October 1, 2014. Please speak into the microphone.

Terry DeSanto: Thank you Mayor and Council for moving me up in the agenda. I wish I was local. I'm actually from New Jersey. I'm from Pedricktown, New Jersey, but I'm here to talk about Milton's participation in the DeLea Founders Insurance Trust which is a group insurance program that was formed back in 2008, originally comprised of 11 members of municipalities from the State of Delaware; originally it started out as a group insurance program. The significance of the program was that it was a group purchasing consortium that enabled the municipalities to group together to better control their insurance destiny and control their insurance costs. Since 2008, we have added to the Worker's Comp portion of the program, Property and Casualty at the behest of our members. The membership has grown since 2008 from 11 members, to the current membership of 21, including Kent County. We were given the Certificate of Authority to function as a fully self-insured program, effective September 1st of this year, so our group has achieved history here in the State of Delaware for Worker's Compensation Self-Insurance. It's the first joint insurance fund for municipalities in the history of the State of Delaware. I really do congratulate our group. Why is that important? From 2008 to current, we have saved a great deal of money for the municipal members, including Milton, in their insurance costs. We've also had and I really love this Neighborhood Watch Program, I hope all of you encourage your neighbor's to get involved, because the cornerstone of our program is safety and fostering a culture of safety awareness. Through our safety programs and we have gotten all of our municipal members involved, we have been able to reduce overall employee claims by 40% from 2008 to current; so not only have we helped the municipalities establish a culture of safety awareness, to send their worker's home safely at the end of the day; this has also passed along a savings to the group. In addition to the savings, the group has accrued surplus funds to the tune of over \$1 million, which they have placed in accounts, all on a pro-rata basis and that account was used to present to the Delaware Departments of Insurance and Labor to gain approval for this program. So moving into the program, means that you are your own insurance company now. You are no longer subject to the rating ups and downs of insurance carriers. You are free and clear of an insurance carrier and you have freed yourself from the Delaware Bureau Rating System, which has consistently raised your rates by anywhere between 11% to 14% over the past six years. So you are no longer subject to the rating basis and going into the program initially, this year, September the 1st, every municipality has saved anywhere between 25% and 30% in their costs against what would have been a 14% increase as imposed by the Delaware Bureau Rating System. The Property and Casualty is currently still a group purchase program. We have about 11 of our 21 members engaged in what we call a group purchase program and what that means is, Economy of Scale, they have pooled their premiums together and it's considered a very large chunk of business to the insurance carriers, so they have been able to apply discounts, safety credits, proactive safety

services that we've been able to pass along and give educational seminars to our municipal members and we've really been able to contain costs on a year to year basis. Milton, we thank you again for coming back into the DEFIT Program for your Property and Casualty. We are able to keep your costs pretty much within 2%, especially the property portion, which I'm sure all homeowner's in this room can probably relate to what the insurance industry is doing to you at renewal time for you property rates and pretty much everybody in the State of Delaware is going to pay for Hurricane Sandy for years to come and we are going to move the Property and Casualty shortly into it's own program as what we did with the Worker's Compensation. We have found a facility that's willing to look at Delaware and they get the 100 year picture. All the major storms that have occurred in the past 100 years; how many times has Delaware seen a major catastrophic loss? This many times, so why should the Delaware taxpayer's through their insurance, pay the dollars for everybody else's losses around the country? If we can move you into a self funded program, as well, on the Property and Casualty, we can do the same for you as what we did the Worker's Compensation. So that's a broad overview of what the DeLea Founders Insurance Trust is. It is a program that's sponsored by the Delaware League of Local Governments. The Delaware League of Local Governments has looked to establish a joint insurance fund for over 20 years, so they really do celebrate in the success of this program. The program itself is run by the membership. It's not run by an insurance carrier, so we have a Board of Trustees as you have your Council Members. They are elected from the general membership annually. Nine trustees and they have been and will continue to make decisions for the program on behalf of the membership. We have a Chair, a Vice Chair, a Secretary and a Financial Secretary that report to the membership on a quarterly basis. We do have a Safety Committee and now we have a Claims Committee, because the group does have a say now in what claims are paid and what are not paid; that's not just arbitrarily a number that's pulled by an insurance carrier to boost your claims reserves and cost you more money, so we are going to provide that oversight over our own claims and those decisions will be made by our own group. So it's a tremendous step forward and it is absolutely a way for the municipalities who are here in the State of Delaware to control their own insurance destiny and we really do see this as eventually becoming a statewide program, where we would want all Delaware municipalities at one point, who are within the same claims parameters and are performing as well as towns like Milton to join our program. I would open for any questions coming from Council regarding your renewal, regarding your insurance. The gentleman with the car wish, I would advise that you look to your insurance policy to see what your business interruption coverage is. The next time you lose your water supply, if you're out of business for more than three days, you should have business interruption coverage. That will help to offset that. Any questions?

Councilwoman Parker-Selby: I don't have a question. I was at the Delaware League of Local Governments meeting when our own Kristy was honored and I also am aware, historically, of Mr. George Wright's efforts; the first African American Mayor in the State of Delaware and how he is getting nationally honored for all that he has done and when he puts his stamp on something, it's highly respected in this state. Seeing that Ted Becker, the Mayor of Lewes has been a leader for eight years in bringing this forward, I

am certainly looking at this as a positive thing for the Town of Milton.

Terry DeSanto: Absolutely, we really have George Wright, the former Executive Director of the Delaware League of Local Governments, to thank for where we are today. It was his vision and his dream, it was for him that we all came together and we have seven years of proven track history. We've got \$1 million of surplus funds sitting because of George Wright, so I look forward to success with the Property and Casualty, as well. Thank you very much for your time.

Mayor Jones: Thank you.

Jeff Dailey: Madame Mayor, any questions to be entertained from the audience?

Mayor Jones: None that I am aware of, Mr. Dailey. Terry, thank you very much. Mrs. Rogers, anything else? Just a reminder to the Council, this was something voted on during our budget process.

Kristy Rogers: No.

10. Presentation and Approval of Minutes: May 22, and 31, 2014

Mayor Jones: Okay, we have two sets of minutes, one for May the 22nd and one for May the 31st. Have you had a chance to review these? Are there any corrections.

Councilwoman Parker-Selby: Several, but I'm not going to go through that.

Councilman Coté: I have one correction for May 22nd. On page 3, near the very bottom, a comment attributed to myself, it ends with being referred to as a group as Justin Properties and it should be Chestnut Properties.

Mayor Jones: Okay.

Councilman Coté: That's all.

Mayor Jones: Hearing no other corrections, do I hear a motion to approve May 22nd minutes.

Councilwoman Patterson: I make a motion to approve the Wednesday, May 22nd minutes, as amended.

Councilman Coté: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. The minutes from May the 31st? Any corrections? Hearing none, do I hear a motion to approve?

Councilwoman Patterson: I make a motion to approve the minutes from Saturday, May 31, 2014.

Councilman Coté: Second.

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

11. Mayor's Report

Mayor Jones: I have a couple of items under the Mayor's Report this evening and I really appreciate Mrs. Weeks and the announcement she made, just a little more data for you. Kristy Rogers is one of 41 members of the Municipal Clerk's Association in the State of Delaware. On the 23rd of September at the Delaware League of Local Governments banquet, Mrs. Rogers was named Clerk of the Year, so we are very proud of her. I want to just point out that if we are keeping the same Comprehensive Plan schedule that I have in my book, we do have one coming up on the 15th regarding utilities, as well as on the 23rd regarding Open Space, so if you don't have that on your calendar's... and all those schedules are also up on our website. Of note, among many other things, there's a Seafood Festival in the park on the 18th of October. I would have asked Councilman West the times, the cost and where to purchase the tickets, but let me

see if I can fill in a little bit of information on this. I believe the Chamber of Commerce is holding the tickets. Is that correct?

Kristy Rogers: I'm not sure about the tickets, but the time is noon to 8:00 p.m.

Mayor Jones: Okay, thank you. Also I want to make a statement that on the 30th of September, Mrs. Rogers received an email from Vice Mayor Booros, stating the effective date of his resignation was indeed, Tuesday, September the 30th. Tonight I want to publicly thank Mr. Booros for his service to the Town of Milton. I often found his well thought out comments made me pause for thought and I am grateful for all he has done in the interest of the Town. On a personal note, I wanted to extend my sincere appreciation to him for all the meetings and events he attended in my absence because I still have a full time job. I will certainly miss his contributions to Council and the many, many committee's he served on. I have approached a member of the Committee as of today's date to fill his remaining five month term and I will bring this information before Council, at our next meeting. Also, with appointment books in hand, we are actually overdue on our quarterly Town Council Forum, which we promised and I'd like to just take a moment tonight to try to schedule that, if we could. It has traditionally been on a Saturday for the ease of the citizens. The only one I see available in the month of October is the 25th for my schedule and I wanted to ask how that would work for the other members of Council.

Councilwoman Parker-Selby: I could do that if it's in the morning.

Mayor Jones: And it usually is.

Councilwoman Parker-Selby: Right.

Councilman Coté: I'm not available either.

Councilwoman Patterson: No, I'm not available.

Mayor Jones: Okay, I don't have any... I'm just sensitive here, making sure... in the month of November we have a big holiday, but we also do not want to interfere with anything having to do with the Comprehensive Plan, so how does Saturday the 1st of November look?

Councilwoman Patterson: I won't be here. The 15th is the only one I'm available.

Mayor Jones: How about anyone else? The 15th?

Councilman Coté: The 15th of November?

Mayor Jones: Yes.

Councilman Coté: I believe that's okay.

Mayor Jones: Okay. And you'll remember that the library doesn't open until 10, so I believe last year we scheduled that meeting for 10:30. Is that correct? So we'll schedule that for the 15th, 10:30 until noon here in the library, if that is available. Thank you for that.

Kristy Rogers: Okay.

Mayor Jones: And just to address Mr. Crawford and the article in the paper, yes I was pleased to see that Tidewater had some plan, but no, Milton has not been advised; Milton continues to work with Tidewater, however, to try to resolve the issue. I think it's no surprise, the stand has been that the Council has made it clear that we would like to have them off the river.

12. Discussion of Written Committee Reports

Mayor Jones: Alright we have some written committee reports. In front of you, you have Economic Development, the Planning and Zoning Commission and the Police Ad Hoc Committee briefly on their activities. I will say to the Milton Economic Development Committee, very nice to see the signs. For those of you who haven't looked and noticed them,

there are many directional signs right now available, that through the Economic Development Committee's effort and a U.S.D.A. grant. If I'm not mistaken, you all are still looking for locations and you have further funding. Yes. Any comments or questions on these reports?

Councilwoman Parker-Selby: Is there a police report here?

Mayor Jones: No, not under this one. These are just the committee reports and you have only three of them.

Councilwoman Parker-Selby: Right.

Mayor Jones: You had these two documents right there in front of you when you sat down. Any questions?

13. Department Reports: Administrative, Code, Police, and Public Works

Mayor Jones: We'll move onto the department reports. You have an Administrative report for September. Mrs. Rogers, the value on the bottom of your report for the sold auction items, those were police items so far. Is that correct?

Kristy Rogers: That's correct.

Mayor Jones: Okay, thank you and so we still have lots to pore over, right, to get that? Okay, great. You also have a composite of the Streets and Sidewalks and the Water Committee. Mr. Wingo also supplied a good bit of information about what his crew has been doing in the parks, so I just want you to know that's not a Parks and Recreation Committee report, but rather an accounting of what they have been doing. Mr. Wingo where was the break that Mr. Parker talked about?

Greg Wingo: It was at the apartment complex on Palmer Street, Park Royal. It was at a boiler company that was putting in an electric line. They ended up hitting their... they had a 2" fire suppression line that ran through all of the buildings and they ended up hitting that. I didn't end up shutting the whole side of town down; what we ended up finding, there was a backwards valve over there at Food Lion; that's one of our leak systems over there and that valve was actually off, so on Mr. Parker's side he was only getting fed by one side, until we found that.

Mayor Jones: Okay, thank you. You also have a monthly report from the Code Enforcer. Mrs. Rogers, should Council be expecting a Letter of Recommendation from Mr. Trotta, about the property that is located next to the business on the corner, there at Mr. Harris' and Mr. Dougherty's.

Kristy Rogers: I could have them write a Letter of Recommendation, but I think the letter that has been sent to the property owner is his recommendation that he wants to move forward with demolition of the house and the garage.

Councilwoman Parker-Selby: I think I asked at the last meeting. Has the owner responded at all to this.

Kristy Rogers: Mike has been in frequent communication with her.

Councilwoman Parker-Selby: What did she say? I just can't see... I think of myself, if I had a house and the Town told me to do something with it and if not, we're going to tear it down. She owns the property, correct?

Kristy Rogers: Yes.

Councilwoman Parker-Selby: I would be really upset, that's why I'm asking and I know her, so that's why I'm wondering.

Kristy Rogers: She hasn't filed an appeal. We haven't heard anything from her not agreeing with how the town's going to move forward.

Seth Thompson: And that, procedurally, is really how your Code is set up, when it comes to placarding, or when it comes to demolition. I think I mentioned it at the last meeting. I think it's a little bit odd that demolition isn't necessarily determined at the Council level, but abating a nuisance might be. It seems a little bit strange to me, just based on the scale of those two things, but that is how the Code is set up, the notice that went to the property owner indicated that she had a right to appeal.

Councilwoman Parker-Selby: I can see that. But we haven't gotten anything?

Seth Thompson: I don't believe so.

Councilwoman Parker-Selby: And it's been out here for so long, that's why I was concerned that no response from the homeowner. Something does have to be done do you agree?

Mayor Jones: So I just want to make clear, the homeowner's reasoning puts Milton in the position to assume the cost of the demolition; thus lien, but Milton can't force the sale of that property to satisfy it's lien. Basically, it waits until that property is sold, or not sold?

Seth Thompson: The Town could go forward in executing on the lien. It's just that what you could legally do is not often practically the best thing to do, so that's why we ran a Title Search to see if there are any liens and assessments out there, that would take a priority and none of them showed up. Therefore, the town would be in first lien position. So in other words, if you go through the process of forcing the sale, then you're going to collect the proceeds, at least that's the amount of your lien; whereas if there was a mortgage on the property, for instance, and you forced the sale it could be that there just isn't enough money to go around and the superior lien holder is going to get paid and you're not and then you spend a bunch of money on attorney's and then court costs and the Sheriff's fees. So that's why it was important to figure out, okay what can we legally do, but now let's make sure it makes sense in the real world.

Mayor Jones: Thank you. Any other questions about the Code Enforcer's Report? I have a couple of questions on the police report. First of all I'd like to say Captain, thank you very much. With the small crew that you have operating at this time, we're very thankful for what you're doing. I have a couple of questions on the report itself. You report four burglaries and we're in the month of August, so it's kind of behind, but did you make arrests on those four burglaries in August, because that's the date that we're looking at today?

Captain Cornwell: When I go to the criminal charges there is no arrests for burglary. That's page three. So no, there were no arrests for the burglaries.

Mayor Jones: Okay. And is the unauthorized use of food stamps, an identity theft, Captain? I don't quite understand. I didn't understand that and I didn't understand the offering of false instrument for filing.

Captain Cornwell: Where are you?

Mayor Jones: I'm at the bottom of page three at the criminal charges.

Captain Cornwell: Offering false instrument for filing? I'd have to look at the section and see what that is. That could be... I'd have to actually look to see what that would be.

Mayor Jones: I wasn't sure of that one. On page five, however, if you would be so kind as to include the two recruits on your numbers, we do have to...

Captain Cornwell: Okay, I'll have Cathy amend that.

Mayor Jones: And the only other thing I would ask for my own edification is that you would have the names of the officers placed on the Activity Sheets, instead of the numbers. That would be helpful.

Captain Cornwell: Okay.

Mayor Jones: That's all I have for the police report.

Councilwoman Parker-Selby: I have a couple of clarifications here. Would you explain the Assist Other Agencies; we had twenty and then further down it says public assist? What's the difference between those two? I'm on page two. Assist Other Agencies. I kind of think I know. And then Public Assists, is that within our town, or one goes out and one stays?

Captain Cornwell: Okay. Well Assist Other Agencies could be in town, it could have been out of town. Assist Other Agencies, they have Station 85, so if we assist the Fire Department or an ambulance, obviously, that's separate. Assist Other Agencies could be any time we go to a dog, like if there's a loose dog, or a dog bite because Kent County SPCA has taken the contract for Sussex County; we contact them, so instead of us doing a dog at large, we do an Assist Other Agency, turn it over to them. They handle the investigation and arrest. The Assist Other Agencies could be something where we get a call to go out and assist the State Police. If we go to help at a parade or a function of another town, we generally do an Assist Other Agency, just like when they come to help us with our Christmas parade, or they help us with the St. Patrick's Day parade, so we try to document that we're assisting and helping them. It comes in our town we help DFS, like if they go to do an in-house inspection somewhere, with children or something, they can contact us and we'll do their probation pull, so there's a whole host of things that Assist Other Agencies fall under and we look at them as Agencies. The Public Assists can be anything from where Casa San Francisco sends over everyone to be referred and our referral is pretty much that they're not wanted. If they're wanted, they stay with us. If they're not wanted and they don't show up, they know that they're with us, generally; but that's a Public Assist. Another Public Assist is if we go over and somebody wants... the other day somebody needed help getting property, so we'll go stand by while they get their property, so we're there to Public Assist that way. If someone is asking for just information, we may do a Public Assist, but generally we're out there, physically making sure nothing happens or standing by, or something, or we're assisting someone.

Councilwoman Parker-Selby: They both had high numbers, that's why I was curious, that they didn't overlap.

Captain Cornwell: Everybody goes to Casa San Francisco comes through and basically gets a referral which is a wanted check.

Councilwoman Parker-Selby: Got it. Thank you for that. Anything Councilwoman Patterson on the police report?

Councilwoman Patterson: No.

Mayor Jones: Anyone else?

14. Finance Report and Revenue/Expenditure Report

Mayor Jones: Councilman Coté is there anything you want us to know?

Councilman Coté: I think we're looking at August now, at the end of August and we will have one month to go before our audit and we are under budget overall in both the General Fund and the Proprietary Fund. We'll probably get close by the end of September, but as of the end of August we're under budget on our expenditures.

Councilwoman Parker-Selby: I have one question on the Budget Transaction Audit Trail. It doesn't have a page number, because I'm several pages in. It's on the cell phone line.

Councilman Coté: Which department? There could be different departments.

Mayor Jones: They do have pages in the top right, Councilwoman.

Councilwoman Parker-Selby: The lease, I think. Oh see mine are stapled. Seven. I think. Seven. One open cell phone(s), plural. Is that \$420 some dollars is that for more than one phone? Is that for more than one cell phone, \$420?

Kristy Rogers: Yes, that is for the Police Department and that also includes their air cards for the laptops in their car.

Councilwoman Parker-Selby: Okay.

Councilman Coté: That's for all of them.

Mayor Jones: We should note that's relatively good news about the healthcare that you've put in your report this time, too. Any other questions on the Financial Report?

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

- a. Shipbuilders Water Tower Foundation, including possible vote to approve substantial repair expenditure

Mayor Jones: You were offered a package and the maps and I don't know if anybody really wants to undo the maps, but I am looking to Greg to walk the Council through this.

Councilman Coté: Or Carlton?

Mayor Jones: Greg and Carlton, but Greg can introduce those he'd like to talk to us this evening.

Greg Wingo: I'd like to introduce Carlton from Pennoni, our engineer.

Carlton Savage, Pennoni Associations, Milton, Delaware: I also have tonight Ed Cahan from our Philadelphia office. He's in our structural department, so he worked on the bulk of our structural work that you'll find in your package. Basically we presented two items. There is a plan set, that's the construction documents. You also have a large bid set, bid specification. Within the bid specification you'll find everything from Title Sheet, all the way back through all the technical specs that go along with that. Most of the important things to Mayor and Council here would be the up front documents, including the time line, the bid form, making sure we get everything bid properly, all those items are in there. As you go through your package, you're going to notice that the bid form is what the contractor will bill out and provide back to you with their pricing. There are two options in that bid form. There's an Option One which includes the timber piles that we discussed. Then Option Two would be the auger cast concrete box. As we've been going through some of the cost estimating, it looks like the two options may be close in cost. I know we discussed that point previously, that concrete could be a better option, less invasive, they won't have to drive the piles; they drill the piles in and fill it back with concrete. So that's the two options. They would provide pricing for both. One thing I'm not completely sure about, if a contractor bids one or the other, we may have to look at that during the bidding process. They may only have one option that they will provide, but you would have the option of picking either option; any selection of the two. Basically, Option One and Option Two would have to be bid as a whole, either of those three items. To summarize, basically what we're proposing to do, the existing foundation has some problems. To mitigate that, we've decided to move and put a new foundation in; it's about 30' from the existing location. We've tried to select the best possible spot, the most amount of room to do the work and we ran the geotechnical numbers last time and then we presented that Geotechnical Report to our Structural

Department, as well as our Civil Department, to come up with the two sets of... you basically have two separate items. You have pipework, valving and relocation of the tower; then you have the structural component, which is the foundation for the tower. The foundation would include deep piles to strengthen the material underneath the soil and then you would have the concrete beam foundation, which would be what you see on the ground surface, which is a concrete ring that the tower sits on and all the components that would go with moving that tower to it's new location. Basically the pipework consists of you have to add a few valves which will run from the existing line over to the new location. We tried to minimize the downtime, obviously because we're going to have to shut some water mains down. The system is looped, so we shouldn't have any problems with shutting people off. The only one we have to be concerned with is H. O. Brittingham, I believe, but I think we've looked into it. I think we have everything there, so that we don't have any down time on that. Moving the tower, we bid the package, so they could move it in whole. I talked to some contractors and they feel that the tower can be moved in one piece, but we could get an option of taking it down and reassembling it. So we'll have to address that, probably during a pre-bid meeting; we could discuss approaches in that aspect. It could be that one option is cheaper than the other; one contractor could come in and say I could take it down in pieces; and that will save me money in doing that way, or maybe that moving the tower in one piece is the best option. In the package we do have a list of sub-contractors and materials, so they have to fill that out and submit it with the bid. That way we could look at what sub-contractor is going to be used. Make sure all those are credible. Concrete and pile driving companies, those kinds of things, make the types of sub-contractors. That's pretty much the overview of what... There's some grading involved, the tower is going to stay at the same elevation, so it's really creating a new foundation for the tower. Do you guys have any questions? Maybe that's the best way to go right now.

Mayor Jones: I have one, in particular. In your concerns about H. O. Brittingham and you believe that's a looped system. We know Wagamon's is not. It's a dead end.

Carlton Savage: Okay.

Mayor Jones: That looping never occurred in the Referendums that were defeated here in Milton. Do you see an impact on that location?

Carlton Savage: There is a valve that's closest... there's a tree line and there's a valve there at that point, which shut the water going to Wagamon's, however, there's another main. Greg will have to help me out here, but there's another main that connects around where that valve is that will feed water to Wagamon's.

Greg Wingo: Yes, we can contain that tower right there, within that tower, we have valves on both sides. It's not going to affect the school, it's not going to affect Wagamon's.

Mayor Jones: What are you looking for tonight from Council?

Greg Wingo: What we're looking for right now is approval to go ahead and send this to bid, so we can get some real numbers in here to keep moving forward with this.

Councilwoman Parker-Selby: I'm going to make a motion that we move on for bids, that's what you're saying; look into bids so we'll know exactly what the prices, or costs, would be.

Councilwoman Patterson: Second.

Mayor Jones: Is there any further discussion?

Councilman Coté: Just a quick question. I know we had the two options in there and I don't recall if there was ever any... Are they equal, or is one a generally preferred, or...

Carlton Savage: I'm going to give my opinion, of both options. I'll have Ed also step in and give his opinion.

Councilman Coté: Okay.

Carlton Savage: At the end of the day both options are going to hold the tower at it's location. They're both designed equally, so they both hold the lateral and vertical movements. There may be some longevity differences and I'll let Ed touch base on that, but when it comes down to better, that may not be the best word. There are probably positives and negatives for both. Obviously cost could affect that and make your decision based on what costs you will spend. Ed, do you want to add a little bit?

Ed Cahan: I agree with Carlton. Obviously a timber pile and an auger cast pile has different capacities, but that's why there are different numbers of piles provided for each option. As far as longevity goes, timber piles will be treated with a preservative treatment so there shouldn't be any deterioration and an auger cast pile is basically concrete and re-bar and the re-bar is encased in the concrete, so as long as there's proper cover, there shouldn't be any deterioration to the reinforcing steel that's in there, so both options, as Carlton said, is just a different way to go about building the foundation. Each has it's own capacity, but they're designed to support the loads of the water tower when it's full, when it's empty, for seismic, for wind, for all of the conditions that the Code stipulates.

Carlton Savage: Does that give you your answer?

Councilwoman Patterson: So really what it's going to come down to, is maybe a deciding factor is the cost.

Carlton Savage: Cost and also we do have a concern of the tower being located pretty close to where the new location's going to be. If we start driving piles and we start seeing the tower moving a little bit, then we may have to look at stopping, the auger casting is a less invasive approach and I don't know that one is going to last any longer than the other, on the surface. If both are done properly, they both could last probably until that tower's lifetime is succeeding or past. We are looking at a tower with age on it already, so most likely this foundation is going to outlast the tower, that's the length that we're talking.

Ed Cahan: And if there were any concerns about the deterioration of the existing foundation and that translating into the new foundation, we had chemical, physical testing performed on the existing foundation and that was sort of pinpointed, the deterioration mechanism, which pointed back to the aggregate and the concrete, so as long as we could prevent that moving forward, which is something that is easily controlled by reviewing the concrete mix designs and we can even add a line in the spec to make sure that that type of thing is reviewed by the contractor's providing the aggregate, then you shouldn't see the deterioration that you're seeing at the existing site moving forward.

Mayor Jones: Carlton you delivered, I think the last time in the Council's package, you had taken some bore samples you were indicating. Do you have any reason to believe that the earth... I'm not holding you to this, because we'll never know until you get into

it, but you've picked the location based upon your samples. Is that correct?

Carlton Savage: Correct. The location was selected number one, because it's going behind the existing tower, getting cranes and equipment back there, you're dealing with trees, you're dealing with a wetter location, a lower, wetter location. Putting it closer to the Shipbuilder's was initially not my best thought; moving it away and the location we selected, you could take the fence down, wide opened field, that's really the location. We did three borings in that location, the soils are not going to change drastically from there to 30' over to a different location, if that's what you're asking?

Mayor Jones: No. I figured you had picked your location based on some of that data that you had put together. Okay.

Carlton Savage: Correct and the Geotechnical Report is part of that package you have and the contractor has to refer to items in that Geotechnical Report. They're also well aware of what we found in the report, so that's all part of it.

Mayor Jones: Any other questions?

Councilman Coté: One more and it's a follow up to something and I'm sorry I forgot your name, Ed Cahan. Sorry. You mentioned adding a spec to the package that said that the contractor would test the concrete to make sure that it was up to the spec that it was supposed to be. I would like to see that added to the... I mean, all the testing and we don't want to end up with another one...

Carlton Savage: It's actually not a very common problem. It's related to the source of the concrete aggregate that they selected, so as long as there's a proven track record, a concrete provider has samples and mix designs from going back to all the mixes he's ever created, so as long as they can provide a mix design that has a proven track record of success, that's the key factor moving forward, so wherever they source their materials from originally, it just happened to contain a certain chemical within it that reacted with the concrete in a poor manner, it's not a very common... especially nowadays with all the technology that's available and everything, it's not a very common source of deterioration, so it should be something that's easily controlled and we'll add it. I'll verify that is added.

Councilman Coté: Okay, thank you.

Seth Thompson: This is a thought, that the general contractor would check that, is that who would be verifying it?

Carlton Savage: The way we've approached it to this point is, you could do it two ways, you could have the General Contractor do all the testing and be responsible. I feel like that's not the right way to go, because that's where we're at now. There are somethings that you could hire Pennoni or another engineer, on your own to do. One is with the auger cast. We'd be out there overseeing everything, if that's what you'd like to see, but there are some tests. I can't think of the name right off the top of my head, but it's like a static load test that basically they put in test piles. Once they dry, it has to be tested and there's a special test that has to be done. We don't offer that test, so that would be something that the contractor would have to provide to Pennoni and then we would then take and say okay, you have to go a certain depth with your pile, based on that test. Most of the testing would be able to be done by us, on site, reviewing everything they're doing and then we could give recommendations and things like that.

Ed Cahan: If I could add one thing also, part of the construction administration process,

is review of design submittals, so I don't know if we're already on board for this, or not, but reinforcing steel, concrete mix designs, things like that will come to our office and we'll review and approve them before they get built, so we'll make sure to review in a concrete mix design, that the aggregate has a successful track record and we can comment on that, as needed, back to the supplier and the contractor, to make sure moving forward that it's addressed.

Carlton Savage: I can say right now, with this package going to bid, we fulfilled our original contract. The next step would be going through the bidding process and then going out, awarding a contract, and then setting up inspection testing, pre-bid meetings, pre-construction meetings and all those kinds of things. It looks like we're going to be under budget from our original price we gave you, so some of that money could be rolled into the next phase, if you'd like to entertain that. The one thing I have a question about is timing. Right now, we're on track. We're trying to get done before winter. We've discussed with some concrete company's. Winter is not as bad as it used to be. There's additives they can add that don't affect the ASR problem. It doesn't add to it, in fact. Is winter the best time to do concrete, not really, but it can be done. There are certain things we have to add, how many days in the contract. I think I've established 90, which puts us to start, if we awarded the contractor in November, it pushes us almost to the end of February. Some things may have to get pushed back a little farther, could be touch-up painting. It's super cold in February. It could be tough to do some touch-up painting and clean-up work, but I do stress last winter was very bad on the foundation; the freeze stall really took a toll. There's really nothing you can do to stop that process. We may not get as bad a winter, either, so it may not be like what we saw last year. There are items in the front of that spec that we're going to have to work out. We can work it out with Kristy, or Greg. The timing, when we're going to do pre-bid meetings and move forward with bidding and those kinds of things. Also getting us on board, if that's what you'd like to do, we can give you some pricing for testing inspection. That would be the next step in our process; bidding it and then going through with construction.

Councilwoman Parker-Selby: Well, I appreciate your honesty. You hit upon some things that I was thinking about, the weather. I don't think putting out a lot of money like this is going to cost, we need to be very concerned about the weather, because don't want touch-ups and jobs that are half done. So I think we really have to think about that, but I do think we need to move forward. We've been on this for quite awhile and finding out just what it's going to cost us and then move on from there. That's my thought.

Mayor Jones: My personal opinion is that the inspection is a very important element of going forward and making sure that the investment we're now about to make, does not suffer the same problems that this one has.

Carlton Savage: It is going to have to be inspected. It's whether or not you let the contractor do the inspection and provide reports that we would review, or sole source the inspection. You pay for it either way, to be honest with you.

Mayor Jones: So we have a motion and a second to go forward on the bidding process of the water tower foundation. Are there any other questions? Hearing none, all in favor say aye. Opposed. Motion carried. Thank you very much.

- b. Request for commercial well to be installed at the Finish Line Car Wash – 204 Broadkill Road

Mayor Jones: You have in front of you a letter dated May 21st from James and Mary Beth Parker. This was the resubmitted request for the private well at Finish Line Car Wash. You also have in your possession a letter dated July 25th from the Water Committee, with their recommendation and comments. Mr. Wingo, I have a question for you, please. Mr. Parker made a comment about Tidewater's willingness, and I'm not even sure of the apparatus, but being placed on the sewer side, not the water side, or did I get that exact opposite?

Greg Wingo: I believe he said that the initial faults were putting in a meter on the sewer side and I believe that he got a letter and he talked with Tidewater about that issue and they had also maybe recommended to go ahead and put in the water meter on his actual well. I do have a question for him, real quick, if I may?

Mayor Jones: Mr. Parker, please come to the microphone.

Greg Wingo: The purpose of installing the meter at your sewer, and correct me if I'm wrong, your using about 60%, is that what you're claiming?

Jim Parker: Yes, my first thing with Tidewater was I asked for it to be put on the sewer and the guy I was dealing with, local here, his name was Tom Herdholt and Tom is like the Administrative Director in the area and I told him that I'd like to get something that I could submit to the Town letting them know that you're willing to allow me to meter whatever goes out, or however it comes in. The letter I have from them shows both ways in here. The reason he recommended the water to me, was it's a lot less expensive. When you go with metering sewer, I guess it's a lot more expensive and can have more problems with maintenance and all of that. That's what the letter says.

Greg Wingo: Okay, thank you.

Jim Parker: So they were saying to put it on the water side, would be less costly to me, but probably more apropos to be accurately compared to the sewer discharge, or less maintenance on the water side.

Greg Wingo: Okay, thank you.

Mayor Jones: We've been in possession of this letter from the Water Committee for quite some time. I'd like to reiterate something that was said originally, I believe former Councilman Collier made this statement, on a couple of occasions, that the difference between your request and Dogfish, which is one that you repeatedly have brought to our attention, is a matter of human consumption, as opposed to the use of yours, so I just want to state that again for the record. It has been stated prior. Now I'll ask Council if they have any questions for Mr. Parker directly? Mr. Wingo, who represents our Water Committee?

Councilwoman Parker-Selby: I don't have a question. I'm just commenting. I've read the Water Committee's information and Mr. Parker, I think you might be related to me in some way. We need a laugh this time of night. But anyway, I guess my take on this is I use your car wash. I send my friend's and say go down the street to the car wash. You've been in business since 2004 here, so evidently the Council before us, 10 years ago, thought it was great to have this car wash. Our whole aim in Milton is to bring businesses, not to throw them away, so I guess the letter from Tidewater... I do probably have a question. Is that saying some kind of way how we can not have to deny you

because the options they gave you will help curtail some of the concerns that our Water Committee has?

Jim Parker: Yes, what they were basically saying is and this came from Bruce Patrick and I really can't tell you what his title is. Evidently he's up in the Tidewater thing and obviously one of the things that he put in here, is "Good morning, Tom and Mr. Parker. Our tariff currently requires us to charge a fixed base, based on the number equivalent residential dwelling units" I guess he didn't realize I'm commercial and not residential, but "plus a barometric charge based on the flow register of the water meter at the service address. The tariff is customary for sewer utilities and believe it is important to be consistent. If the Town allows a well, it's probably best to have a meter on the well, to be consistent with other customers. As noted, meters for gravity sewer discharge are very expensive and typically require periodic maintenance and this can also be costly." That's from Tidewater. The way I read it was they were kind of open to either way. Their situation was probably water would be less expensive and also more accurate, in the sense of the sewer not having as much sewer service work to the meter. I'd be happy to give this to the Town.

Councilwoman Parker-Selby: They'd probably like to have a copy of it, I'm sure.

Jim Parker: Probably do.

Councilman Coté: Was there any discussion of the timing? I assume, if you're putting in on the wells, on your potential new well, then it would be as the well is being installed?

Jim Parker: Oh absolutely. All that would be put in at the same time. No question. Yes.

Councilman Coté: And do you have any quotes or plans?

Jim Parker: No, I have basically been obviously waiting on the Town. Obviously I can't really do a whole lot of moving forward until I have permission.

Mayor Jones: Mr. Wingo, I see your initial recommendation at the second paragraph of what the Council is looking at. It also indicates certain recommendations, if the Town should decide to allow. Do you have that document with you or do you know from memory, what exactly does this mean and for me, does this mean that the Finish Line Car Wash is no longer metered and does not pay town water?

Greg Wingo: The Water Committee had made the recommendation, if the Town Council decided to let Mr. Parker install his own well, that we were to pull the existing meter that he has of the town's out; put it on a shelf at the shop and basically install two caps, two valves, on both sides of where that meter was and then, if something happened to Mr. Parker's well the only thing he had to do was pick up the phone and call and we would go ahead and have him back on town water. That was his second option, so his first option was installing his own well and then as I said, if the Town Council approved that, it was to go ahead and pull that meter, cap everything off, have everything off, to protect our side, or end of it, for contamination.

Mayor Jones: How does that work, not only in this case, but any of the other wells that are on wish lists for contaminating, or does it just take so long when that water, in any way, and does groundwater contaminate our well water?

Greg Wingo: I don't think anybody can really answer that. The only thing that we can do is try to protect what we have in our bubble and by allowing Mr. Parker to go ahead and install the well and for us to go ahead and stay hooked up, he can back feed, back through our system and in the meantime he could be pumping in chemicals and it's just

a...

Jim Parker: I agree with what he's saying in once sense, but I disagree. First off, when I built the car wash in the town, one of the things that was very, very conscience from the engineering department, was that I had to put in what we call back preventer valves and back preventer valve will allow water only to ever go one way and on my system at the car wash presently, right now; it's been this way since we were put in, I don't have one back valve preventer. The town at that time had me put in two, thinking it was like Greg was just talking about; so on my main line that comes into that car wash, I have two brass, huge back preventer valves and that is no different than any other system. It will only allow that water one way, not to ever come back the other way. And that is a good question, but there are two there presently, right now. Even when they allowed me to tie in 10 years ago, they were worried about hey what can we get back in? But another thing I'll tell you is, when the water comes into the car wash, the first thing I have to do with it, is actually dis-treat, or treat that water. I have to take out, just like Dogfish does, I have to take out the fluorides, the chlorides and all of that, because that is absolutely tough stuff, that's not good to wash cars quality-wise. So the first thing it does, it goes in through a huge chemical system and takes all of that right back out. The second thing is, the chemicals are never mixed, never mixed, until it reaches the point of application ad the point of application is directly at it comes out of that nozzle in that self serve bay, okay, or in an automatic when it comes out those nozzles, so there are no chemicals that are sitting in there that are stored in 500, 300, 2,000 gallon type capacity things, so it's all done right at the time of demand, per usage.

Mayor Jones: I have a simple question and perhaps you can provide an elementary answer.

Jim Parker: Those are the ones I don't normally got answers for.

Mayor Jones: Your statement about the water from the town is not good to wash a car with.

Jim Parker: What I mean by that is basically saying that the chemicals that are added to it are not good for car wash paints and the reason we take that out is, we can do a whole lot better quality job when we are dealing with pure water, with today's chemicals that we apply. Another thing, back in 2010 I went "Going Green", which has become a big thing. All the chemicals we use today are all Going Green products, so nothing is of strong character. The ideal that obviously all live in our environment and we want to keep it healthy and safe and I do too, okay, so everything we do today is Going Green and everything is not mixed and stored or anything like that, it's all at the time that it goes onto the car.

Mayor Jones: Well, two things and that is we wash babies with this water, but we can't wash cars, or it's not conducive...

Jim Parker: Oh yeah. I don't say we can't wash cars. Again, the ideal of why we put it through that system is we want you to have the best clean car that we can provide. If we leave the chlorine in that water, when you leave that wash, it's going to spot it. Okay? As it spots that car, the next problem we've got is you're going to say man, they did a common job, so it all has to do with the quality performance that we're trying to give the vehicle the best wash. Not that we can't use chlorine, it just doesn't do a quality job. Not that we can't use fluoride, that stuff doesn't give you the best result.

Mayor Jones: And just to be clear, that the Water Committee's recommendation, if approved... excuse me... if the Water Committee's conditions are approved, as written here in your recommendation, it provides that Milton will, for another occasion, having given away a good volume of water with no income to the town. Is that correct?

Greg Wingo: That's correct.

Mayor Jones: Because that has been a topic of discussion among the public and it's something that I think Council has to think about.

Jim Parker: Can I interrupt for that thing there?

Mayor Jones: No, interrupt us. Go ahead.

Jim Parker: I disagree with that, because what happens in most towns that I do business with and I have a lot of businesses in different towns, typically towns are not in the business of making money on water and sewer. That is not where the town... They provide a service and in providing that service, they hope that it will break even. Where the town actually has income for most towns is on property tax. The property tax is what supports the town and keeps it functional and operating. With me coming off the water of the town, the amount of water that I was using, that could be used to allow other people to be able to hook up in the town with residential houses and stuff like that and continue to have plenty of viable water. If you've got eight properties, new homes, that come in the town, you pay the \$3,484.86, which is what the Impact Fees are on water and sewer for the Town of Milton, one house. Okay? You take that, then you add on top of that the \$2,000 a year you get in property tax, the town is going to make out a whole lot better, income-wise, with me off the system than with me on the system. Now, why did the town get out of the of the sewer business?

Mayor Jones: Do you want the answer?

Jim Parker: Yes.

Mayor Jones: It didn't make any money.

Jim Parker: Thank you.

Mayor Jones: But water, Mr. Parker, does make money and we're not the only municipality who has that comfort of having their own water system.

Jim Parker: Here's my thing with that. You may say that you make money, but right before I got up here, there's a water tower base that's getting ready to have to be fixed. I'm not an estimator, but I will sit here and make a prediction, the base on that tower is going to cost \$400,000-\$600,000, okay? Now, here's the thing I want to look... you've got a tower that's got how many years of use on it? How old's the tower? Does anybody know?

Greg Wingo: 1987.

Jim Parker: 1987, 1997, 2007, we're at 2014; that tower is 27 years old, okay? What is the life expectancy of a water tower?

Greg Wingo: 100 years.

Jim Parker: So the majority of the people in America say today that if they put a water tower in, it will last 100 years. Wow. In that situation, it might be better that you do fix the base. The other option you have is to put a whole new water system in. I never knew water towers lasted 100 years, honestly. I would have guessed 40 years if I was a betting man and saying it's steel, it's got water in it every day, it's there 365 days a year; I would say 40 years would be the life expectancy. Greg says 100, so obviously in that case, the

water tower's probably worth fixing, more than it would be to put a new one up at \$1.5 million. I don't know what a new water tower is. \$1.3? That is just my argument with the fact that, again, I'm not asking the town to give me anything. I'm not wanting that. I'm not asking for a reduction in my property taxes. I want to continue to be a part of the community and be an asset to the town and all I was asking for is I'm deeply concerned about water quality volume-wise and I really think it would be an asset to the town, if I come off not a negative to the town. I'm so sorry it's took so long to get to this point.

Mayor Jones: Thank you. Well, we contributed to the delay so don't apologize. It's okay.

Councilman Coté: Quick question for Greg. In the letter dated July 25th, we want to pull out the meter and basically close off the ends of the system. If he has the two back flow preventers, do we still need to do that?

Greg Wingo: I believe that Mr. Parker has that inside his building, so it's not right there at the meter and that's where we would end up installing. Basically, we would just basically pull the meter out of there and we would just put caps on both sides, where the meter was boarded up. You're looking at a 20 minute job and it's just to protect our end. As I said, it would still be there, if Mr. Parker needed the secondary water, if something happened to his well.

Mayor Jones: So would it be safe to say that Mr. Parker's other water needs are then cut off, meaning bathrooms or drinking water, sinks? How does that fit?

Jim Parker: First off, I'm not asking for the water to be cut off to the property. At the property currently there is a restaurant there, there's a two Bennett Building. I want all of that to stay as is. It's got water meters to it. They're separate metered and all that. All I'm asking for is just the car wash itself. That's all.

Councilman Coté: And you have no need for any treated, drinkable water at the car wash?

Jim Parker: No, Sir, we don't.

Councilman Coté: Okay, thank you.

Councilwoman Parker-Selby: Are we voting on this tonight? Are we putting this up to vote tonight for his car wash?

Mayor Jones: Yes we are. Councilwoman Patterson, anything?

Councilwoman Patterson: No.

Councilman Coté: Just give me a minute. I had a thought and it traveled on. Oh, I just wanted to get refreshed on the comment, I guess it was Mr. Collier that mentioned that the wells at Dogfish are basically for drinkable water.

Mayor Jones: There are two. One is in the production of the product and one was for the use in sanitizing their bottles.

Councilman Coté: And I'm not sure what the drinkability of their water... what difference that makes? Maybe I'm just not seeing it. The drinkability of the water that's going into the beer makes vs. the difference in washing the cars? And by the way, one of the differences about washing the baby, is we don't paint the baby and it's the paint that's the issue, so I'm just not sure about that...

Mayor Jones: The difference is consumption. The word that Mr. Collier made very clear is the difference in human consumption and where that Milton-treated water came in contact with the process at Dogfish, as opposed to having no human consumption for the request from Finish Line Car Wash.

Councilman Coté: Well doesn't... Dogfish uses town water for their drinking water and restrooms, so I guess I don't... I'm not...

Mayor Jones: Interferes with the brewing process.

Councilman Coté: Right. It's sort of the same issue; they'd have to take the chemicals out, so they just drilled a well and use it directly from the ground.

Mayor Jones: Right. Remember too and we can't undo what's been done, but the Dogfish wells were not forwarded to the Water Committee for any recommendation.

Seth Thompson: I could be inferring a little too much, but I thought that part of the distinction was the amount of regulation that goes on with Dogfish's product and again, that was my own inference, but that given the fact that they're going to be regulated as producing a product for consumption, somebody was going to be focusing on that content anyway.

Councilman Coté: I guess, for those facing me, the quizzical look is still... I don't... I'm not sure about the difference in... and it's Dogfish's responsibility to make sure that the water out of their wells is drinkable? Mr. Parker doesn't have to worry about that. I'm not sure of the significance of that.

Councilwoman Parker-Selby: Well I would like to make a motion to allow Mr. Parker to install his well... help me out Seth. In other words, I'm for allowing Mr. Parker to continue on with his request or to accept his request, personally, so I'm making that motion.

Seth Thompson: That's fine Councilwoman. We heard tonight, a discussion in terms of putting a meter on the water side vs. the discharge side. Is that a condition on your motion?

Councilwoman Parker-Selby: I heard all that, but I'm trying to put it together now at this time of night, I think...

Seth Thompson: In the July 25th letter...

Councilwoman Parker-Selby: Oh that's at the bottom. The one that says should the town decide to allow to install, despite recommendations from the Water Committee that recommends... And that's what you were saying also, weren't you, Mr. Parker? Yeah, with the recommendation that's accepted by Mr. Parker and his businesses. Well...

Councilman Coté: And would that include the "Tidewater meter" to catch the flow that's going back into the sewer system?

Councilwoman Parker-Selby: The letter you received, that's a lot of words put in my mouth.

Councilman Coté: If we're going to allow that, that should be a condition that that's done properly so that Tidewater is getting their due.

Councilwoman Parker-Selby: I understand what you're saying. So I make the motion that Mr. Parker is allowed to continue with his request, with the recommendations designated in the letter being followed, which include... and then somebody can write all the rest of it in there, because... what you said and what's here. It's a lot of verbiage.

Councilman Coté: I think we need to be real clear.

Councilwoman Parker-Selby: Okay, Seth, clear me up here.

Seth Thompson: I just want to be clear. It sounds like you're adopting by reference, the recommendations that the Water Committee made in their July 25, 2014 letter. Is that fair to say?

Councilwoman Parker-Selby: Which was a part of what Mr. Parker was explaining, as well, through the Tidewater letter, correct?

Seth Thompson: Correct.

Councilwoman Parker-Selby: Yes, okay. Now you're saying something else.

Councilman Coté: No, I'm just trying to be clear. It looks like the last paragraph... are you talking about the last paragraph of page one of that letter, the July 25th letter?

Councilwoman Parker-Selby: Yes.

Councilman Coté: Because that just seems to relate to removing the meter, removing the town's water meter and capping off the end of system. What I think also should be in there, is that a condition of that in fact, that the meter, wherever it's on the discharge side or on the intake side, that there's a meter installed to make certain that "Tidewater gets their due"...

Seth Thompson: I think that's in the second to last paragraph. Now it references the fact that the meter would be on the discharge line, in the Water Committee's recommendation. It sounds like Tidewater is saying it could be on the water side.

Councilman Coté: It sounds like they're willing to have it on either end, Tidewater is.

Councilwoman Parker-Selby: From that letter.

Seth Thompson: So we just need to make clear that if anybody reads the minutes, they know that you approved it, whether it's either way or only one way; but obviously, assuming it's approved, we want the applicant to know what he needs to install. If it doesn't matter to the Town, then you can approve it either way. Councilwoman Parker-Selby, I think we still have your motion...

Councilwoman Parker-Selby: Yes, my motion is on the table, but they need a little more clarification in the wording of the motion, which would clarify what the Tidewater is saying he would need, or the town Water Committee said he would need. The recommendations of the town committee. Greg? Come up to the microphone, Mr. Garde. Help us out here.

Sam Garde, 115 Sassafras Lane: My understanding is that the Town has a contract with Tidewater and one of the issues with respect to this, is not to ensure they get their due, it's to ensure that the Town Council complies with the contract that they have. Now, I don't think it mattered. If it doesn't matter to Tidewater, I recommend that it not matter to the Town, which side the meter goes on and that Mr. Parker be allowed, if you approve the well, to put it in the most advantageous place to him, as long as you're satisfied that the township is complying with it's contract with Tidewater. That's my understanding of the issue.

Councilman Coté: Thank you.

Seth Thompson: Did you want to finish your motion? Do you want to withdraw it and...

Councilwoman Parker-Selby: Start again? Let me withdraw and start again. I make the motion that we accept the request from Mr. Parker and the "FLCW", which is Finish Line Car Wash, to install a private well, with the recommendations that are advantageous and in compliance with the Town of Milton. Something like that, right?

Seth Thompson: So does that include...

Councilwoman Parker-Selby: It's inclusive of no matter where they put...

Seth Thompson: Sorry, that Mr. Parker just has to meter whether it's on the front end or the back end.

Councilwoman Parker-Selby: Right, wherever it's supposed to go, it doesn't matter, just so it takes care of it. Mr. Parker we want you to have the well, so I do. Do you want to read it back to me? 9:00 is not my brain power time.

Seth Thompson: I think we need a second.

Councilwoman Parker-Selby: That's the motion.

Councilwoman Patterson: I'll second for discussion.

Councilwoman Parker-Selby: Okay. Discussion?

Mayor Jones: My discussion is to ask Mr. Wingo if the placement of the meter makes a difference to the Town of Milton.

Greg Wingo: No. He could place it on his well, he could place it on the sewer side. It has nothing to do with us.

Mayor Jones: Okay. Did you have a question Councilwoman Patterson?

Councilwoman Patterson: No, everybody explained their information pretty early.

Councilman Coté: I just have a question for Mrs. Rogers. In terms of the contract with what we would have to do, the information we supply to Tidewater, we're not using any town water and the car wash gets that meter on whichever end they get it on; it sounds like we're in compliance with the contract. I guess that question is for Mr. Thompson and for Mrs. Rogers.

Kristy Rogers: I would agree with that, on the basis that when we read a meter, we supply the meter reading to Tidewater and in this instance, being a private well, we would not read that meter, any longer and that would be the responsibility of Tidewater for their own billing.

Councilman Coté: Okay. Thank you.

Mayor Jones: Is there any further discussion? If not I think we should make this a roll call vote.

Councilwoman Patterson

Yes

Councilman Coté

Yes

Councilwoman Parker-Selby

Yes

Mayor Jones

No and I will tell you why. I do not want to oppose the work that the Water Committee did in making their recommendation, but more importantly the issue of the enormous amount of town resources that Council voted to turn over to Dogfish, I think this may be somewhat of the same situation, and not as enormous a volume, but I fear this is not a financially good move for the Town.

Mayor Jones: But the motion passes. Thank you. Thank you Mr. Parker.

c. Replacement of Downtown Clock – including approval of the style and expenditure

Removed from agenda per motion

d. Memorial Park Gazebo Usage Policy and Request Form

Mayor Jones: Okay, you have in front of you a revised copy of the Park Request Form. This went through with our budget on the 25th of September. All the details haven't been completed on this, or hadn't been completed on this. I see that Mrs. Rogers has made some adjustments. You've had a chance to look this over. Mrs. Rogers, basically we're looking to pass a new Park Use Policy. It goes along and supports the Park Request Form. Correct?

Kristy Rogers: That's correct.

Mayor Jones: Okay.

Councilwoman Parker-Selby: I had a question. I didn't know, or realize, that when you rent the Park, that the Gazebo is a separate rental from using the Park. Is that what we're looking at? Maybe I'm wrong.

Kristy Rogers: No, for instance for birthday parties and some events, that they are renting the Gazebo exclusively.

Councilwoman Parker-Selby: Okay, that clears me up.

Kristy Rogers: I'm going to say the Chamber of Commerce reserves the Park for the Bargains on the Broadkill, Horseshoe Crab Festival, they're using the entire park.

Councilwoman Parker-Selby: Right. That's what I was used to.

Seth Thompson: Councilwoman, would you prefer that after Milton Memorial Park, it said including Gazebo, so that it's clear?

Councilwoman Parker-Selby: Yes, something like that. It just seems like I could go to the park, but I can't get on the gazebo.

Mayor Jones: Say gazebo only.

Seth Thompson: I see, so instead of changing Milton Memorial Park, change gazebo only. That makes sense.

Councilwoman Parker-Selby: Yes, so that it's clearer to the renters. Now, on number 12. It states "Milton Police Department staff, if required by the Town based on the request, must be provided by the organization requesting use of the Town parks." I kept reading this over and over again. Help me with this please. What are we saying here?

Seth Thompson: I think that was my language that essentially, given how few Police Officers you have, if you're going to need to bring another Police Officer on to handle an event at the park, then seemingly the financial responsibility for that should be borne by the event... by the person requesting the event. I agree. That language could be better. I wasn't sure how to calculate how you would charge. I know that often that involves paying overtime, just based on your current staffing. So we could make that more direct, if you guys have a number in mind that it costs you X dollars for every hour of Police Officer time. You could do it that way.

Mayor Jones: Or set a value, or set the wage of the day, whatever the wage is for the officer that is brought on board; so that you would be able to change it.

Kristy Rogers: A few other towns charge a flat, \$50 per hour charge, for an officer to be on duty.

Councilwoman Parker-Selby: Yes, they do. If you need it. If it's needed.

Councilman Coté: I don't think we'll know... and we won't know when the application is

filed exactly who or what.

Mayor Jones: Well you ought to, because your numbers...

Councilman Coté: You'll know you need a body, but you won't know who it is and what their rate is, so the \$50 an hour flat fee makes sense and I would say that in Mr. Thompson's explanation of that, he was referring to bringing in outside officers. If we have to provide an officer, one of our own, that fee should still apply; because if that officer has to be in the Park, they're not doing anything else, so it should be regardless of whether they get somebody from Georgetown or we provide, the cost is still their responsibility.

Mayor Jones: I agree, but in the case of a Milton Memorial Park, I believe it should be mandated that it is an off-duty Milton Police Officer.

Councilman Coté: Okay.

Seth Thompson: And that was my intent, that's why I wrote Milton Police Department staff. I hadn't envisioned using a... I suppose that does happen, but I had kind of thought of it in the context of needing an off duty officer, just based on having a sizable event.

Councilman Coté: So we can fix those words up a little bit?

Seth Thompson: I was thinking about adding at the end, at the requesters expense of \$50 per hour. So paragraph 12 would read, "Milton Police Department staff, if required by the Town, based on the request, must be provided by the organization requesting use of the town parks, at the requesters expense of \$50 per hour." I guess the next question is then, when you ask them to pay that; if you want them to pay it up front.

Mayor Jones: And the need. I mean I think it's also triggered by the number of participant's in an event.

Councilwoman Patterson: That's why it says if required by the Town.

Councilwoman Parker-Selby: Yes, they're paying a security deposit for so many people in the beginning.

Seth Thompson: And fortunately you guys seem to have repeat events, so I think you're going to have a pretty good handle on the size; otherwise I was a little bit worried that that's just going to encourage somebody to low ball the potential number of attendees, but if you guys get the same events, same organizations, year in and year out, it's really at your discretion there.

Mayor Jones: Mrs. Rogers did you have an idea of when you wanted to initiate this, certainly after Council approves; but do you have a jumping off point? Do you want to start in 2015? Is that your idea?

Kristy Rogers: I thought the intent would be to start with the fiscal year.

Mayor Jones: Okay, very good. Town staff is prepared for keeping a regulated calendar and schedule of the Park, because I think we had some question about double-booking last time and it is definitely a first come, first serve. Correct? Okay.

Councilwoman Patterson: And the security deposit will be based on the number of attendees?

Mayor Jones: Yes.

Councilman Coté: And I had another... near the bottom of the request form, about a quarter of the way from the bottom, "Do you seek permission to fund raise or collect monies, as part of the event?" Rule 4 says, you're not allowed to.

Mayor Jones: But it does speak to it further down.

Seth Thompson: Right. It's under Rule 5.

Mayor Jones: It is a little confusing.

Councilwoman Parker-Selby: It is confusing.

Councilman Coté: So maybe we need to...

Seth Thompson: And I could have put in there, unless prior approval is given, something along those lines. I don't want the town, obviously, to be in a position where it has to pick what causes are appropriate.

Councilman Coté: Right.

Seth Thompson: The easiest policy to enforce is either you allow everybody to do it, or you allow nobody to do it.

Mayor Jones: But a non-profit doesn't necessarily fall under the heading of a commercial purpose, which is number 4, correct?

Seth Thompson: A lot of non-profits or not for profits, make a lot of money.

Councilman Coté: Maybe just change the form, where it says, do you seek permission to fund raise? You make that specific... Or it says fundraiser or collect monies. You make that specific to something like for a not for profit organization, noting that commercial... I don't know how you separate the commercial; but I would think you could just put it for not not for profits only.

Seth Thompson: I suppose if you had... some of it depends on who the requesting party is, so if it's the Boy Scouts having their Jamboree in the Park and they're kind of collecting donations, you could probably limit it to fundraising or collecting money for purposes of the person using the park, the organization using the park. That doesn't open up the door too much where you're having some event and everybody is coming out and soliciting.

Councilman Coté: I had one other thought with the form itself. Somewhere near the top of the form, we should put in the Who's Requesting? It's kind of buried somewhere near the bottom, or... It would be easier to look for near the top. I think.

Councilwoman Patterson: So move organization name, contact name, address up at the top and then just have the insurance carrier and policy number at the bottom. That would be easier.

Mayor Jones: So would Council like to wait to vote on this until the changes are made and presented to us at the next meeting?

Councilwoman Parker-Selby: Yes.

Councilman Coté: I think that would be a good idea.

Councilwoman Patterson: I don't think it's that urgent.

Mayor Jones: So, do I hear a motion to table this at this time?

Councilwoman Patterson: I'll make a motion to table the Park Request Form at this time.

Councilman Coté: Second.

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

- e. An Ordinance to amend Chapter 220 of the Town Code, Entitled "Zoning", relating to amendments to the zoning code –(third reading)

Seth Thompson: We're back to the Ordinance that we had the public hearing on earlier in the evening. I'm certainly willing to answer any legal questions. Hopefully, everybody

remembers my comments, but feel free to ask anything you want. We have seen some iteration of this before, now this is a more limited draft Ordinance. Again, this is removing the super-majority that would currently be necessary to override a recommendation of Planning and Zoning. I will note, that unless this ordinance passes, you would need a super-majority to pass this ordinance.

Councilwoman Patterson: So my question is going back to earlier comments, in the meeting. Because Council now, technically is a Council of five, it's based on the number... so we're not based on seven, all the time. It changes, depending on the make-up of the Council, is that correct?

Seth Thompson: That's correct and the key provisions in your Charter and I looked at it earlier this evening, but it has to do with how the Council transacts business; so looking in Section 10, a majority of the Mayor and all the members to the Council shall constitute a quorum at any regular, or special, meetings. So it doesn't say all seven, it says that a majority of the Mayor and the members of Council, at that point.

Councilwoman Patterson: Just the members of Council? Okay.

Mayor Jones: It takes it out of being the four-fifths vote, to common practice, which is the number of Council present at any given time, as long as there is a quorum, it's considered the voting body.

Councilwoman Patterson: So our quorum right now would be three?

Mayor Jones: That's correct.

Seth Thompson: That's correct.

Mayor Jones: No, our quorum right now is four, but the majority would be three. That's correct.

Councilman Coté: No. It could pass if you need all four.

Seth Thompson: Because...

Councilman Coté: Four-fifths.

Seth Thompson: Right, because three-fourths isn't enough? Right, but four-fourths obviously, would pass it.

Councilwoman Patterson: This is the only amendment in our Charter right now that has the super-majority?

Seth Thompson: In your Code?

Councilwoman Patterson: Sorry, in our Code.

Seth Thompson: I believe so.

Councilman Coté: I guess I would offer that while I'm not real in favor of having two people be able to override, in theory two people could have passed the budget.

Mayor Jones: That's correct.

Councilman Coté: And this number is a temporary situation, I believe.

Councilwoman Parker-Selby: Right.

Councilman Coté: I guess I'll make the motion to pass this ordinance, as written.

Councilwoman Parker-Selby: I second the motion.

Mayor Jones: Is there further discussion from the members of the Council?

Councilwoman Parker-Selby: The only discussion I have is, I've sat on many boards, still sit on many boards and basically the majority consensus, or majority rules; it's not as strict with the four-fifths and so forth. I'm on a 15 member board right now and we are the majority. That's how it goes. It's been like that before I even got on that board.

Councilman Coté: What would it take to amend the words you've just written for the Code, about how you determine a majority? A quorum? That's in the Charter?

Seth Thompson: It is.

Councilman Coté: Do we know if that's... I would hope that when we do Charter recommendation changes, which Sam's gone, we incorporate something that basically corrects that, that it be based on... we're supposed to be seven, that it be based on seven. My opinion.

Mayor Jones: The problem with that... I can even answer that, what happens the night something comes to vote and you don't have seven people and it's a Planning and Zoning recommendation advisory report back to us.

Seth Thompson: And it is a result where an absence is a no vote. That's the net result. Again, these are things that are worthy of discussion, but I think on some level you worry that it creates a situation where a couple of people can kind of hold the rest of Council hostage, in terms of not being able to get...

Councilman Coté: Anything done.

Seth Thompson: That's right.

Councilwoman Parker-Selby: And I've sat on that type of board too and that is not pretty.

Seth Thompson: These are policy considerations. On one hand, making sure that you could go through the process of actively governing. On the other hand, giving people a lot of due process. We see it on the national level, we see it on the state level, we see it on the local level.

Councilman Coté: And just to refresh, this Ordinance only affects changes to Section 220.

Seth Thompson: That's right, to your zoning, as well as your zoning map, but that's part of your zoning...

Councilman Coté: To the zoning ordinance, not necessarily to the zoning decisions and my favorite example is and I read all those minutes today from June 18th and October 23rd for the tank farm approval.

Seth Thompson: And that's not really a... this might be splitting hairs, that's not really a zoning decision in the sense that it's not a rezoning, they're not redrawing the map. It is a zoning decision in the sense that they're going through the site plan process, it's within your Chapter 220.

Councilman Coté: But this change would not effect how that's done?

Seth Thompson: That's correct.

Councilman Coté: Okay. Thank you.

Mayor Jones: Is there any further discussion?

Councilwoman Parker-Selby: Ready for the question?

Mayor Jones: Is there any other discussion, questions for Mr. Thompson?

Councilwoman Parker-Selby: No, I said ready for the question.

Mayor Jones: Is there any other discussion before we take a vote? All those in favor of the change say aye. Opposed. Motion carried.

- f. An Ordinance to amend Chapter 152 of the Town Code, Entitled “Nuisances” (fourth reading)

Mayor Jones: We've had this one in front of us before.

Seth Thompson: We have and I think at the last meeting, there was some discussion as to fleshing out a little bit more what process would occur in order to abate a Nuisance. So if you look at that second page, the prior draft stopped at "The Council may [and then new language of] direct the Code Enforcement Officer, or designee, to use the appropriate legal remedy." And it stopped there and I think Council wanted to know, well okay, what remedies could those be? So I included language that "as determined by Council", meaning you're the one that determines what legal remedy you want to pursue, "including, but not limited to, the Town Administrator filing suit for a mandatory injunction". So that would be one avenue that you go to Chancery Court and ask the Chancellor or the Vice Chancellor to issue an order for somebody to abate their Nuisance. I suppose you do that if you're looking at a very, very expensive clean-up, because you would probably do that instead of going to bid for a \$200,000 clean-up or whatever. So as part of that remedy I included "Including reimbursement of attorney's fees and costs associated with said suit." And then an alternative and I was thinking of a lower cost level here, or "The Code Enforcement Officer or designee, effectuating removal of the Nuisance, in compliance with town purchasing policies." That language is going to sound familiar, because we discussed it with property maintenance issues. Then the rest of the language basically tracks what the language that we discussed in Chapter 158 on Property Maintenance in terms of how they handle charging, if the Town deals with abating the Nuisance.

Mayor Jones: I have a question. On page two, under 152-2(g), are skunks not vermin carrying animals?

Seth Thompson: I don't know.

Mayor Jones: And vermin to me would be skunks carrying around mice, because those are vermin; mice are vermin. Not necessarily what you're talking about the nasty's that sometimes are carried by these animals, but I'm back to the basic question. Aren't skunks animals?

Seth Thompson: Skunks are definitely animals.

Mayor Jones: Marsupials, we don't have to designate any of that, but skunks are animals.

Seth Thompson: Yes, I don't know if vermin carrying was designed to talk about fleas and that sort of thing. I can see why... You're absolutely right, that if skunks are, indeed, vermin carrying animals, then we don't need to duplicate that.

Councilman Coté: But they do have a special problem all their own, which probably, in my view, deserves special mention.

Seth Thompson: They do, well it's a defense mechanism, if learned correctly in science class in 3rd grade, probably.

Councilwoman Patterson: That is correct.

Seth Thompson: I don't know if you want to name skunks expressly. Again, I'm not quite sure... I can see why you would say vermin carrying animals, they pose this problem. Skunks, they pose this other problem. But I also understand the argument of, if skunks are vermin carrying animals, you don't need to name them separately.

Mayor Jones: And a skunk is then a Nuisance, because he smells bad?

Seth Thompson: He doesn't have to smell bad. He could be a very clean smelling skunk

and still is, technically, a Nuisance.

Councilman Coté: Still be a Nuisance. Just the threat is the Nuisance.

Seth Thompson: That's right, because it's the accumulation of growth and weeds and underbrush that attracts the skunk, that's technically the Nuisance, as opposed to the skunk.

Mayor Jones: I have nothing else to add to it. Does anybody else? I did have someone tell me, just this past week, that they cut their grass at 6" and leave it that high.

Councilman Coté: 6" seems a little short to me, to be a Nuisance.

Mayor Jones: Short? To be a Nuisance, right.

Councilwoman Patterson: We did talk about that at the last meeting.

Mayor Jones: The problem is, as it stands, 10", by the time somebody gets after it, it's already 14" or a foot.

Councilwoman Patterson: We did talk about some of his... I didn't really understand it, but actually let your grass go to seed.

Mayor Jones: And, as that was also pointed out, it lets all the weeds go to seed too.

Councilwoman Parker-Selby: Do we have a large problem of weeds or grass that high?

Mayor Jones: Take a look at your Code Enforcement Report.

Councilwoman Parker-Selby: Oh yeah, I saw that, but it's not... I'm thinking a whole area, to me that's not that bad.

Mayor Jones: Well, to tell you the truth some of the people that call...

Councilwoman Parker-Selby: Now some of the people aren't living in the houses, are they?

Mayor Jones: That's an issue all it's own and then we incur a grass cutting fee on that property and then an attempt to bill and regain that.

Councilwoman Parker-Selby: And the people don't pay their...

Mayor Jones: Not always.

Councilman Coté: If we lower it to 6", we'll incur more of those hard to collect charges.

Mayor Jones: What is reasonable? Do you want to go between 10" and 6" and call it 8"?

Councilwoman Patterson: I would ask Council to go 8".

Councilwoman Parker-Selby: You said 8"?

Councilwoman Patterson: 8".

Councilman Coté: How about 8-3/8"?

Mayor Jones: I'm not going for that.

Councilman Coté: 8" is better than 6".

Councilwoman Patterson: I think 6" is too low, then we'll be putting a lot of time.

Mayor Jones: I think 8" tall will bring your attention to a lawn that's not cut.

Councilwoman Patterson: Absolutely.

Mayor Jones: Are we okay with how this is written with the addition, or the change of 8", as opposed to 6", calling it a Nuisance?

Councilman Coté: Yes.

Mayor Jones: And do you wish to pass this with that correction? If so, we would need a motion, unless we have some other discussion.

Councilman Coté: Motion to accept the Ordinance, as amended.

Councilwoman Patterson: Second.

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

carried.

16. New Business – Discussion and possible vote on the following items:

a. Project Coordinator Job Description

Seth Thompson: Kristy and I tried to update the job description for the Project Coordinator, really to reflect what Robin had been doing. A lot of this is kind of linguistics, so instead of disabled to act, it actually says disabled to assess. I think it was intended to be access. It now says ADA Compliance. Instead of Town Clerk and Town Manager, it says Town Administrator or designee. It updated the fact that the job occasionally requires moving about, inside the office, to access file cabinets, office machinery, occasionally going up and down steps. If you follow down, under Primary Responsibilities, number five, this is a little bit of wording, but determines what Zoning Districts and property lies within in the Town. It sounded a little bit odd, that person is supposed to look on the zoning map and say yes, you're in this District. So we changed it to the word "verify". We expanded ADA to Americans with Disabilities Act, CRS to Community Rating System, and instead of Flood Plain Manager, that person serves as Coordinator for the FEMA Flood Plain Management, so those really aren't any substantive changes, it's just making it a little bit clearer. I don't know why overseeing the issuance and enforcement of all building and rental licenses, was left out. I imagine that probably takes up a good amount of time in the Project Coordinator's day and then we did add checks compliance of Clean Hands Ordinance, since that does need to be done. That Ordinance is maybe four years old, I guess. So this hadn't been reviewed. Kristy, was it maybe six years ago? Somewhere around there.

Kristy Rogers: More than eight.

Seth Thompson: Okay. For some reason Town Council was left out of the Boards and Commissions that the person would need to attend. We updated the language in terms of the Historic Review Board. It's now the Historic Preservation Commission and attends those meetings. Looking at page two, again, updating the language and then distributing the monthly report to the Town Administrator and the Town Council, as opposed to just the Mayor and Town Council. Supervises the Code Enforcer, we changed that to Code Enforcement Officer, since that's really the title that your Code uses and then fills in for the Code Enforcement Officer, when designated. That really is combining those two, as you can see in number five, where that is struck. Monitor's any work orders or complaints filed with the Code Department. That's that follow through that obviously can... that's really vital, because for instance, tonight, we hear about buffers and it could be that the site plan that was approved there, had the buffer on there, but then when somebody goes to build, maybe they don't follow what's actually been approved. At some point, then, there is an inspection for them to get a Certificate of Compliance, but that's just an example that is kind of on my mind, in terms of we need to know how the process actually works. Chances are, somebody on the site plan included the approved buffer from the sub-division plan on that site plan, but they might have gone ahead and built something else. It's not like Planning and Zoning drives around after a site plan is approved, to see if it's built according to the site plan.

Mayor Jones: No, but the Project Coordinator should.

Seth Thompson: Right. That's exactly right, because that's what that position is supposed

to be doing. So that's why I think monitor's any work orders or complaints filed with the Code Department, I think that's important. With regards to the records, we expanded it in terms of what records the Project Coordinator should really be researching and maintaining. As far as educational requirements, including Management experience is preferred, based on the fact that they oversee the Code Enforcement Officer and allow for one year to obtain FEMA Flood Plain Management Certification. Then the last part is Americans with Disabilities Act requirements, but you're disclosing just some of the requirements of the position, in terms of what they need to be able to do.

Mayor Jones: I have two questions. One, page one, paragraph one, about half-way through. Takes directions primarily from, and reports initially to the Town Administrator or designee. Who does it report to after initially?

Seth Thompson: I think that's also then referring to that monthly report to Council, or ultimately Council is there to supervise the employee, but I think the word "initially"... and obviously that's not new language, that's in the existing job description, but I have a feeling that it was reporting initially to the Town Clerk and Town Manager, but ultimately then being responsible to report to Town Council.

Mayor Jones: I don't think that position does report to Town Council.

Seth Thompson: It could be that they're just talking about that monthly report that they submit to Town Council. It's hard to guess as to what the thought was.

Councilman Coté: If that's what it is, it should say prepare that report.

Mayor Jones: Right, it should be takes direction from and reports to the Town Administrator or designee. And then down in Responsibilities, prepares monthly report to be presented to Town Council.

Councilman Coté: And can we make some suggestions about that report? I don't need to know every phone call that that individual makes. I just need to know some results that were obtained, or some significant items, not every phone call that happened and not the fact that he spent an hour trying to prepare the report.

Mayor Jones: I would rather see that sentence, "Takes directions from and reports to the Town Administrator, or designee."

Seth Thompson: So, removing the word "primarily" and removing the word "initially"?

Councilman Coté: Yes, that works.

Mayor Jones: And if that refers to a report that is due each month, either under Additional Responsibilities or Primary Responsibilities. Under Additional Responsibilities, okay, this is two, I have three. Issues building permits, or does he/she, whoever that is, would they also not be in a position to designate that to an underling, like Code Enforcement? Or no? Who issues building permits at this time?

Kristy Rogers: The Code Enforcement Officer. My thoughts on adding that in, it would allow the Code Enforcement Officer to be out of the office more; bringing that directly back under the Project Coordinator, again making sure that compliance is on the applications, site plans, Master Plans.

Seth Thompson: But Kristy, the Code Enforcement Officer is doing it now, because there is no Project Coordinator, right? This wasn't something that shifted to the Code Enforcement Officer before?

Kristy Rogers: I think it's been handled for a couple of years by the Code Enforcement Officer.

Mayor Jones: So that issuance of building permits may, or may not have caught the buffer over here. That would be where it would be caught, correct? Okay, then I like it where it is. I did have a third question. Former Mayor Newlands brought up an issue of this having some changes and how it affects the process which is already begun. It concerns me. Is there any concern, Mr. Thompson, from a legal standpoint?

Seth Thompson: Well, number one, the proposed changes were disclosed to all the interviewee's and were presented in this format, so they know what the current job description is and they know what the proposed language was. I think Former Mayor Newlands' concern was that somehow this was being changed to favor one candidate or another and I don't think that's the case at all. Again, I see a lot of this as being updating language, that frankly doesn't match your Code and updating the job description to match what the Project Coordinator actually has been doing.

Cliff Newlands: Can I say one quick thing? The only objection I had was that management experience was preferred. That was new and I think that's the one thing, the rest of it, I had no problem with. The rest of it I agree totally is just clarifications.

Mayor Jones: Okay. No, I appreciate your bringing it to our attention.

Cliff Newlands: So that's the one statement.

Councilwoman Parker-Selby: Now when the people were interviewed, they knew this was the current... before what we're looking at with the changes, right?

Kristy Rogers: They didn't receive a copy of...

Councilwoman Parker-Selby: Right, but this is kind of what you went on?

Kristy Rogers: We discussed it and management was definitely discussed with each person interviewed, using a direction question, what is your experience.

Councilwoman Parker-Selby: Okay, because as an H.R. person, and I go along with what Former Mayor Newlands had said; you definitely don't want to change something after you've already had your interviews and what have you. So, but if they knew in the interviews that there will be proposed changes and updates and what have you, then that's, as you're saying, correct. That's the H.R. in me.

Seth Thompson: The other element to it, is that the position has been overseeing the Code Enforcement Officer, so I think the questions were set up anyway, to ask about their management experience; even if it's not in the job description, I think it would have been necessary to ask that question, anyway, just because that's part of the role currently.

Councilwoman Parker-Selby: Right, okay.

Mayor Jones: And one can only assume that if you had a candidate that displayed management experience, they most likely were one of your interviewee's, anyway. I mean, it stands to reason, but if that was a point that was something that was compatible with what you were looking for. Want to make sure for the future.

Seth Thompson: Kristy, that actually does bring a good question. Was management experience one of the criteria, in the initial round of selection, so the people that were selected from all of the applicant's to then receive interviews?

Kristy Rogers: I reviewed all the applications based off of the current adopted job description.

Seth Thompson: So there wasn't a reference.

Councilwoman Parker-Selby: That's a good thing.

Kristy Rogers: So management was not included in that.

Councilwoman Parker-Selby: Right, but one of your questions did get into management?

Seth Thompson: During the interviewing process?

Councilwoman Parker-Selby: Yes.

Councilman Coté: I have a few questions on some of the line items. Number four.

Seth Thompson: In terms ranging through job responsibilities or a different...?

Councilman Coté: Primary Responsibilities. Enforce State and Local Regulations. Does that individual really have authority to enforce any State regulations?

Seth Thompson: And that is interesting. I guess that's not using the term enforces, the way that we think of, where it's I'm issuing a Stop Work Order because you're violating DNREC, but we do tend to incorporate those requirements into our site plans, so indirectly he's doing it under the auspices of the authority given by the Town, but I think you're right. He doesn't walk up and say, I'm canceling your DNREC permit, or I'm canceling your DelDOT permit.

Mayor Jones: Does that cover and we have come up against times when we don't own our own local regulations and we refer to the State?

Seth Thompson: Right and really that is how a lot of agencies are set up, that we're not supposed to be the ones determining the fitness for fireproofing and that sort of thing. You know, the Fire Marshall handles that. So the Project Coordinator... I'm trying to think of a likely scenario. He's not going to issue a Certificate of Occupancy if they haven't complied with their Sussex Conservation District requirements. Is that enforcing a state agencies regulation? No, except for we've incorporated it into what we're requiring as a town.

Councilman Coté: So that wouldn't be like review adherence to state regulations, as opposed to enforce? Maybe it's picky, but...

Seth Thompson: No, no, I think that's fair. You're right that it's not... I think often people think of the term enforcement as, if you violate this, I'm going to file a Notice of Violation, that sort of thing and really the Notice of Violation would be that they're not in compliance with their site plan.

Mayor Jones: And that could have DNREC ramifications, or that water line on how far you can build on your property, that Milton may not hold as strongly as Soil Conservation or one of those folks?

Seth Thompson: That's a good question, though.

Councilman Coté: Then on number 13, under Primary Responsibilities, Handles all Because I think the Mayor isn't basically entertaining applications for Town Council, but I don't think this is what..

Seth Thompson: The purpose of... You're right. That "for" is there currently. It probably would make more sense if it said "to Town Council" and "to Planning and Zoning". Yes. That's a pretty easy correction there.

Mayor Jones: How about, instead of Handles, could it be that Receives and Processes, or Receives... Just as a specific, can you name anything the applications that come in specifically for Town Council, as opposed to these other boards that they cover?

Seth Thompson: So a rezoning comes to Council. Now you guys then refer it to Planning and Zoning, but that's one of your...

Councilman Coté: But he has to... that person has to give it to us.

Seth Thompson: Right and I think typically the Project Coordinator is the one that then

puts together the Resolution that says you're referring it to Planning and Zoning.

Mayor Jones: How about, Handles all applications coming before the Town? Are we the Town? That comes into a definition situation.

Councilman Coté: Well you could always say before the town and then you can always, and then list.

Seth Thompson: I was trying to think if there are any applications that don't to the Project Coordinator, under anything that the town does, so this might sound silly, but, for instance, an employment application isn't going to go to the Project Coordinator.

Mayor Jones: The Park. Use of the Gazebo. Who does that go to?

Seth Thompson: Right.

Mayor Jones: Well, see, there's one. I mean, I get that, Handles All Applications for Town Council.

Seth Thompson: I have a feeling they spelled out 14, because that's a more involved process, the annexations and the rezonings; I think that they probably did it that way, you can see that that's all existing language. The Project Coordinator is supposed to be the one doing the postings, the mailings, all of that.

Mayor Jones: But I have to agree with Councilman Coté, it also sounds like they field anybody who wants to be on Town Council and they can make a decision. It does read that way too. It just depends on the hour and how tired you are.

Seth Thompson: We can change it to "to". I sounds like it's more a question of the word "Handles". Is it "Processes"? I don't know.

Mayor Jones: But it's still for Town Council, becomes the... for what purpose for Town Council?

Councilman Coté: How about just put Town Council business? Town Council matters? Town Council business? Town Council stuff we have to do?

Seth Thompson: See I almost think that's too broad then. I think that's difficult.

Mayor Jones: Don't leave room for restrictive language. You've been in there too long, that's the problem with you.

Councilwoman Parker-Selby: Learning the tricks of the trade.

Seth Thompson: Is it land use? Does it make sense to say Handles all land use related applications?

Mayor Jones: How about Handles all applications coming before Town Council, Planning and Zoning, Historic Preservation? Is the word "coming" isn't really all that nice there, but that's what the application would eventually do, isn't it?

Seth Thompson: Right. So Handles all Applications to come before Town Council, Planning and Zoning?

Mayor Jones: Handles all applications to be reviewed by Town Council, Planning and Zoning, Historic Preservation? Discussed? Did you use disgust over there, as in conversation or disgust?

Councilman Coté: Was that a "g" or a "c"?

Seth Thompson: Or would you say determined. I mean discussed, makes it sound like we're just going to talk about this, but ultimately...

Mayor Jones: Could we please have a pot of coffee in here?

Councilwoman Parker-Selby: Some nice hot coffee would be a great thing.

Mayor Jones: Are we just staggering over this one thing and Kristy, really, really needs

this, so we cannot go into Executive Session. We have to hash this out. Let's come back to 13. What was the next one? Was that it?

Councilwoman Parker-Selby: We didn't like Handles, right? Town Council?

Councilman Coté: 16. This is picky. Instead of records, operates the recording equipment for.

Seth Thompson: So it doesn't sound like he's the Secretary, or she's the Secretary?

Councilman Coté: Correct.

Seth Thompson: I see.

Councilman Coté: Then I have a question, well I don't know what we're doing on 16, but 19, just a real good citizen. Every good citizen is going to adhere to the town policies, procedures, ordinances and the Charter. Is there anything more? I know we don't want to be too specific, but we could just put be a good citizen here.

Mayor Jones: If you insisted on keeping that in, I would put them in the priority of importance and that would be the Town Charter, goes first. Isn't that above everything?

Seth Thompson: It is in terms of hierarchy. I think part of this is, I have a feeling they put that in there so that you're not dealing with a situation where you have a town employee that's not paying his property taxes, or you have a town employee that's running up parking tickets in town, kind of a Clean Hands Employee Policy, if you will. The other element is that probably we're preserving the ability to issue some other policies that would apply to the Project Coordinator. I think that's probably why they put that in.

Mayor Jones: Then I have one on a Wish List. It's not going to make it, but that's okay. You're alright keeping 19 as a good citizen?

Councilman Coté: I like good citizens.

Mayor Jones: Let's go back to 16 and clean that up. What could you read on that, then?

Seth Thompson: I wrote down Handles the Recording Equipment for the Planning and Zoning Commission, so records minutes would become Handles the Recording Equipment?

Mayor Jones: How about Attends? Doesn't he attend? Is it in here? I'm sorry. I missed the word Attend.

Seth Thompson: That's the new language in 13.

Councilman Coté: Councilwoman Parker-Selby wants to leave 16 out.

Mayor Jones: Attends all. Okay. Okay. And, just as a side note, if I may, that's why that stuck out. Attends all meetings and public hearings of Town Council. I checked with another municipality and said just who do you have show up at your meetings? It was Police Chief and then they cut him loose after the report, those Committee Reports. It is their true Building Inspector and I asked about Public Works and they said no. So it was kind of a strange mix. Different municipalities require and I guess it is contingent upon those things that are on your agenda for the evening, that Council may have.

Seth Thompson: I could see it being where a municipality is in terms of build-out. So Code Enforcement might become much more of a pressing issue, if you don't have a lot of new sub-divisions in the works, but it seems like a lot of your questions involve newer sub-divisions and where they stand.

Mayor Jones: And if you got really busy, that person would have an awful lot of information for Council.

Seth Thompson: Yes.

Councilman Coté: And I have one more, under Additional Responsibilities. Number one, can we change “when designated” to “as required”?

Seth Thompson: You can.

Councilman Coté: “When designated” would indicate to me that somebody has to tell him or her to do it.

Seth Thompson: Wouldn't “required” mean the same thing?

Councilman Coté: As required means he or she sees a need and he does it.

Mayor Jones: You close your eyes, you don't.

Councilman Coté: But it can be as required by that individual's vision, or as required by the Town Administrator.

Mayor Jones: There's where it has to go. I don't think you can...

Councilman Coté: Well, I don't... Okay. Just my... I would think “as required” and the Administrator can require it or...

Seth Thompson: You point's well taken, taking some personal initiative is a good thing. Yes.

Councilman Coté: So. I don't know if we need to... I don't know if you want to have to keep track of that either.

Mayor Jones: I see them as two different things. Supervising the Code Enforcement Officer and fills in for the Code Enforcement Officer, as needed, I see as two things.

Councilman Coté: You mean they're two parts of number one?

Mayor Jones: Yes.

Councilman Coté: Yes, I agree.

Seth Thompson: They're definitely two different things. The question is whether one designated or as needed; whether those mean two different things; I think is what we were discussing.

Councilman Coté: Yes. That's what I was looking at.

Seth Thompson: I'm fine with “as needed”. You're right that can be interpreted in two different ways; that somebody else is requiring him to do it, or that he/she sees the need and does it.

Mayor Jones: You're relying on being a self-starter.

Councilman Coté: Or you're required by not being a self-starter, because somebody's got to tell you when to do it. I mean, I'd rather have the person who reads it and says, oh, I've got to do that, if I need to. I would hope that whoever is there, in that position, would be industrious enough, smart enough to do that.

Mayor Jones: You hope. Are you good on one?

Seth Thompson: Yes. I was just going to kind of recap, so looking at the front page, just the discussion so far, have taken out the word “primarily” and the word “initially” under the Summary.

Councilwoman Parker-Selby: I have a question now. Under the Summary, I question why do we have the wording “occasionally move about inside the office and access file cabinets” and so forth?

Seth Thompson: Well, I think it follows along with what's currently in there about carrying up to 25 pounds; so these are going to be the physical requirements of the job.

Councilwoman Parker-Selby: Okay. So you have to put that in there. I was just going to

say “occasionally”.

Mayor Jones: What else do you have on page one?

Councilwoman Parker-Selby: Access the files.

Seth Thompson: So in terms of down to 13, I have handles all applications to be heard before?

Councilman Coté: That's good. I like that.

Seth Thompson: Okay and I think that's it for page one. On page 2, 16, instead of “records minutes”, I have “handles the recording equipment” before the Planning and Zoning Commission. Going under Additional Responsibilities, instead of “when designated”, it would be “as needed”.

Mayor Jones: Could we stop there, before you go. I'm on number 3, Monitors Any Work Orders or Complaints filed with the Code Department. What does he do with those complaints? I know what he's going to do with those work orders. He's going to designate if it's the Code Enforcer or he's going to take care of them himself. But what about those Complaints? And what's he going to do? It just says he monitor's them. Action? Reports to? Reports same to the Town Administrator? I think this person, he/she or it, has got to put somebody else in the loop, otherwise it's a closed system on problems and we've witnessed this before. I'm just trying to build a safeguard in that we don't suffer it again.

Councilman Coté: Yes.

Mayor Jones: Monitors all Work Orders...

Seth Thompson: And addressed Complaints filed with the Code Department?

Mayor Jones: With the Town Administrator. It's a measurable piece that can be used on an evaluation.

Seth Thompson: The other element to that and I think it's probably more so with the Code Enforcement Officer, but you know sometimes it's helpful to get things in their right legal framework; that if somebody comes in and says, my neighbor's shed is too close or what have you; if your Code is set up the way I recall that it is, which is like a lot of municipalities; you know the Code Enforcement Officer is supposed to go out and make a determination and then the Code Enforcement Officer notifies the complaining party, so that they have the right to appeal if they really feel they are an aggrieved party and the Code Enforcement Officer is somehow wrong in his determination. I don't think that's within the Project Coordinator's responsibilities typically, but I mention it now, because that is one of those things that I'd like to see us do, where Complaints really get put into the right paradigm, so they work for the process, rather than just being stuck open-ended out there. If you tell somebody in writing, look this is my determination. You have 30 days to appeal to the Board of Adjustment and they elect not to appeal to the Board of Adjustment, there's some finality there that I feel like a lot of our issues don't seem to have.

Mayor Jones: And along that same vein, if I can remember this for more than one minute, I don't even have to go on... the Project Coordinator should also, I don't know whether it's on a yearly basis, a new term, I don't know, but that person is responsible along with that Code Enforcement Officer to review those Ordinances and Codes and present recommendations to Council for change. If that is just assigned by the Town Administrator, that's fine; but it lacks and the staff in these positions have, for some

reason, stopped giving their recommendations on things that they know don't work, but they're not coming forward. So is that better, something assigned by the Town Administrator on whatever schedule the Town Administrator feels, but for me I know that we are suffering because it should happen at the beginning of every new Administration. We know that. Things happen within three years, too.

Kristy Rogers: I think that may fall under Primarily Responsibility Number 3; makes recommendations to improve town ordinances.

Seth Thompson: That is important. That really is a key function.

Mayor Jones: It is huge and I'm sorry I looked right over that and there it is number 3. Thank you for putting it so far up the ladder. I guess you don't have to define who they make that recommendation to. I'm sure they would make that to their immediate Supervisor, who again is your Town Administrator. Anything else on here that we need to modify, look at?

Seth Thompson: I missed number... because of eliminating number five under Additional Responsibilities, number six should technically become number five.

Mayor Jones: Okay.

Councilman Coté: In reading this real quickly, the Code Enforcement Officer reports to the Project Coordinator. Does it say in his Primary Responsibilities... Which number Primary Responsibility is to manage the Code Enforcer or supervise the Code Enforcer?

Mayor Jones: It says it under Additional Supervisor's, the Code Enforcer.

Councilman Coté: I think probably that ought to be under Primary, but... Okay Supervises or fills in. Maybe Supervise becomes under Primary and fills in stays as number one.

Mayor Jones: I can't argue that.

Seth Thompson: Okay.

Mayor Jones: If I had my druthers, I wouldn't make it number 22; I know it's a matter of numbering, but it is a huge responsibility of the position. Is it not? I know they have their own and if it needs to be 22, at least it's on the sheet of paper. That's okay.

Councilman Coté: I think it just needs to be there and I don't care.

Mayor Jones: We're going to make it number 22.

Councilman Coté: If you wanted to make it number, whatever...

Mayor Jones: 22.

Councilman Coté: Make it a single digit number, it just drops everybody else down one.

Mayor Jones: Okay. Mrs. Rogers I'm going to assume if there was anything else on your Wish List for this position, it would be on here? Very good. I wrote on mine before I even read it through, "tracks follow-up" and I see that you actually already put up there. Plan work to meet deadlines. Detail oriented. So, if we are finished and agree with the changes that have been read back to us, are we okay to entertain a motion to approve? Okay, then I entertain a motion to approve as corrected.

Councilman Coté: So moved.

Councilwoman Patterson: Second.

Mayor Jones: Is there any other discussion? All those in favor say aye. Opposed. Motion is carried.

17. Executive Session:

- a. Discussion of the content of documents, excluded from the definition of "public record" in § 10002 of this title where such discussion may disclose the contents of such documents, specifically commercial or financial information obtained from a person which is of a privileged or confidential nature;
- b. Strategy sessions, including those involving legal advice or opinion from an attorney-at-law, with respect to collective bargaining or pending or potential litigation, when an open meeting would have an adverse effect on the bargaining or litigation position of the public body
- c. Personnel matters in which the names and abilities of an individual employees are discussed

Mayor Jones: Can I hear a motion to go into Executive Session?

Councilwoman Patterson: I make a motion to go into Executive Session.

Councilwoman Parker-Selby: Second.

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

18. Discussion and possible vote on Executive Session items

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. We are out of Executive Session. There was no material to take a vote.

19. Adjournment

Mayor Jones: Do I hear a motion to adjourn?

Councilman Coté: So moved.

Councilwoman Parker-Selby: Second.

Mayor Jones: All those in favor say aye. Opposed. Motion is carried. Meeting adjourned at 11:15 p.m.