

Milton Town Council Meeting
Milton Theatre, 110 Union Street
Monday, December 7, 2009
7:00 PM

1. **PUBLIC HEARING portion was called to order by Mayor Post at 7:00 pm** in regards to and in cooperation with the Sussex County Council and the Delaware State Housing Authority to allow citizens an opportunity to participate in the development of an application to the State of Delaware Community Development Block Grant and if you'll come forward and state your name.

Bill Lecates, I'm the Director of Community Development and Housing for Sussex County. The purpose of the meeting tonight is to give the citizens of Milton an opportunity to participate in the development of a Community Development Block Grant Application that will be submitted to the Delaware State Housing Authority around the end of February. It is mandatory that a public hearing be held in each community that is applying. Our office generally applies for the administration of the Block Grant for all the communities in Sussex County. The CDBG Program uses funds for the Department of Housing and Urban Development, which are allocated to the Delaware State Housing Authority. This year it will be approximately \$2,000,000, as it was last year. This will be awarded to Kent and Sussex County communities on a competitive basis. Pretty much the need and the availability to the low and moderate income citizens is the main competitiveness of the application. The Delaware State Housing Authority and its consolidated plan lists the activities that are eligible each year, including housing rehabilitation, water and sewer hookups, demolition, and infrastructure projects that benefit low to moderate income citizens on that particular targeted street. Historically the large majority of the funding always goes for housing rehabilitation, because it's the only type of funding available to help the homeowner/occupied and to preserve the housing stock in each community. The basic housing rehab needs are roofs, doors, windows, upgrading plumbing, as well as energy upgrades. The income, once again, must be the low to moderate to be eligible and they must be homeowner/occupied. Our basic guideline at the present time for a family of one is \$32,850; and each household member would send it up to \$4,600 per household. Roughly for two would be \$37,500; three would be \$46,900; and as I said about \$4,600 each after that. I have left some income guidelines and our building criteria on the stand in the back for anybody interested. They also can call our office (855-7777) to get on a waiting list or list with the Town of Milton. The home must be owner/occupied and the primary residence; insurance must be obtainable or have at the time of the grant. There will be a five year lien put on the home for the amount of the rehab for anyone 62 and older; a ten year lien will be put on for 62 and under. A demolition type lien would be a permanent lien that would stay on it until the sale of the property. Over the past nine years, to give you an update, the grant has been allocated to Milton for \$326,000; mostly housing rehabilitation, but we did do a water line, we also did a demo and a relocation a few years back; we've only gone nine years now; but probably the first five before that there was quite a bit of

money that was put in to Milton, but we only went back nine years. It's well over \$1 million if we went on close to fifteen years. The current last years funding of \$90,000 was six jobs for 2008. We have currently about 21 on the waiting list and we would like to open it up even more; the more you have on the waiting list, the better chance of getting funded because it is competitive and that number once again is 855-7777. This is a public hearing for the citizens to ask questions or comments, so that we can put them in the grant application. I would like to thank you for allowing us to hold a public hearing tonight and if there's any questions, I would be glad to answer them at the time.

Vice Mayor Betts: I have a question. I noticed on the waiting list, some that are on that waiting list are deceased. What do you do about that?

Bill Lecates: Well, is the residence occupied by a present homeowner that is an heir or anything?

Vice Mayor Betts: I don't know, I just was noticing.

Bill Lecates: We try to get them updated and I guess what we need to do is to have the Code Enforcement or George to take a look at it and update it; we try to do that about once or twice a year. Unfortunately with the amount of funding we get, it happens a lot because of...

Vice Mayor Betts: I just noticed some that are deceased.

Bill Lecates: If you do notice somebody that has moved and that happens too, now as long as there is an heir that's moved in.

Vice Mayor Betts: I know of one in particular. Do they have to be in the town limits?

Bill Lecates: Yes, for this particular grant.

Vice Mayor Betts: Well there's several that's not in the town limits on this list.

Bill Lecates: Okay, then it shouldn't be on there. We can go outside of the town limits a short ways per the request if all the names in town have been utilized and there is no one on the list.

Vice Mayor Betts: There are some that's on the outside of town. I'll be glad to work with you if you want to know.

Bill Lecates: Okay, I would appreciate it, because I know this list we really do need to update.

Mayor Post: Any more questions from the Council? Are there any questions from the Public? We'll go ahead and close the public hearing at 7:08 pm. Thank you very much.

Bill Lecates: Thank you Mayor and Council.

2. **PUBLIC PARTICIPATION portion was called to order by Mayor Post at 7:08 pm.** I will adhere to the 3 minutes because there are quite a few people here to speak tonight. Let it go on record that the following members of the Town Council are present:

C Martin-Brown

C Duby

C Hudson

C Prettyman

C Abraham

Vice Mayor Betts

Mayor Post

- a. Norman Lester: Last time at a Council meeting we discussed you and I, Mr. Mayor, a full financial statement for the FY ended September 30 would be prepared by the town bookkeeper. I'm just wondering how that is progressing because we're in December now and time is flying by.

Mayor Post: Jenn? Do you have a comment on when the full financial, or Mr. Dickerson?

George Dickerson: We reviewed the minutes from the last meeting where Mr. Lester made his comments. The comments which you said as far as preparing a full financial statement, was not part of what the comments were at the minutes. There has been, as Jenn has prepared as Council had requested, at the end or close of each month. It is done. A full financial statement, with adjustments, will be made after our audit is complete, for last fiscal year and the auditor's are in-house at this time, doing those audits.

Norman Lester: I'm just going back to my original statement last time, was that waiting for March is just not good enough. If you can't do this in-house, I just simply don't understand that. My next quick comment is I've been asking for October's budget statement; they've not been posted on the web, the Town Clerk said it's not priority to put them on there; there's no sense of urgency to post those statements. I believe, Mr. Mayor that sometime back you said after the budget year-to-date was approved, it would be posted. So you might want to get that done to your staff.

Mayor Post: Which month is that?

Norman Lester: October is not there.

Mayor Post: October is not on there.

Norman Lester: Yeah, and just as an aside, you may want to take a look at the whole web-site's is a little out whack. You're still on August weather. And I know you have the town attorney question. I would like just to make a quick suggestion that when you retain something that that person has to be part of a firm that has the capacity to serve the Town and all its functions; the Town doesn't have to go out and sub-contract.

Mayor Post: Right.

Norman Lester: And one last thing, if you have a new attorney, make sure they can understand, read and write English. That's all. Thank you.

- b. Gwendolyn Jones: I have two issues to bring up here and I thought it would be easy last time; and it sort of got blown off, so I think I'll pick the really spicy one; I've been bringing it up for a while. I filed a complaint last March. This was in regards to the home invasion orchestrated, I'm not sure exactly who, but as Marion had pointed out during the hearings, Milton Police Department is a quasi-military organization, so those people at the top are responsible for the actions of those all below. Okay. I've been waiting over two years for an accurate and a complete disclosure of the property that was removed from our home by the Milton Police Department and have yet to get that. I have a letter sent by myself and then a day letter one sent by my attorney and we still have not yet received a statement of the property removed. In the process of sending that letter, I have five separate instances, where Mr. Philips has referred to me as Mr. Now despite having retained my license to "verify" my

identity for over two weeks in the summer of 2007, Mr. Philips hasn't picked up the clue that I'm female, my present license says female, the previous license said female, and the one that I had in Maryland said female; now Milton Town Code says that as far as indecent exposure goes, now I'm not really sure what private parts are but, I do know and I do understand that women from 3 years or 5 years from the waist up must be covered, I understand that. But the Town of Milton can't have it both ways. Either I'm Mr. and I can go out and mow my lawn and deal with the sunshine or the Town of Milton and the Milton Police Department owes me an apology, a big one; so you've got to have it one way or the other. And this issue has been brewing for some time. I've done that before, I've filed complaints, I've been trying to progress this and I'm not going away. I brought up eight issues last time and I was only allowed to bring up one. But that's just part of them. So there are some long standing issues that remain unaddressed and I'm going to presume that this issue here is something that will make really good reading in the newspaper or on the radio. I'm going to carry this as far as I need to. Because I'm upset.

Mayor Post: I'm going to give you your three minutes, but I just wanted to comment on the first issue as far as what you're talking about of what was confiscated and I do not want to go into detail; but I do want to say that with the Chief did send you a letter, because I did receive a copy of that letter and that letter did state that you would need to go through the Attorney General's Office to retrieve those items and that's what I've been told and that's all I can say about it is that my understand is that it is out of the Milton Police Department's hands that if you want those items returned you must contact the Attorney General's Office.

Gwendolyn Jones: I have, Brad Hudson gave me information and I have on record the times and dates that I had contacted them. I have been consulting with my legal firm and they suggested that I do it in writing since there appears certainly to be an adversarial position. I did contact Ms. Ryan and have never had a response. So I'm progressing further with that.

Mayor Post: Then what I would do is have a list of those items and I'm sure you do...

Gwendolyn Jones: Oh, I do, yes.

Mayor Post: But I understand.

Gwendolyn Jones: But apparently the Milton Police Department does not because we have not yet proceeded. This is required by law that they disclose these items and we've not yet had a full disclosure about them. They're not all listed. Some of this stuff is just like you know, somebody went through my purse and took our organizational cards and things like that, stuff that was never listed, never included, you know, a long list of issues.

Mayor Post: Thank you. But I think it is an issue that has got to be pursued through the Attorney General's Office.

- c. John Collier: Good evening, Mayor and Council. I thank you for the opportunity to speak. I just have a couple of questions on an item of a new business. I see where it will be discussed and possibly voted on \$7,500 for the

design phase of the sidewalk and curb program. I'm just curious what that's about?

Mayor Post: It's the design bid to handle the sidewalk project in the town.

John Collier: Now is that design or construction management?

Mayor Post: Its design, it's the placement of the ad that would go into the design build specifics and then, I'm not sure. George, can you address more of that? That's why we're going to address and vote on it tonight, because that was not in the budget and there have been a lot of things thrown out about it. It will be addressed in detail, but I know he wants to probably comment on it and that's the thing. It would be the design, bid, construction of the sidewalks, overseeing with those being placed in those properties designated that need to be replaced.

John Collier: Well, it's a little confusing, because design is one thing; the town has in place, I've been told we have standards, so if we have standards, you don't a design, you need construction management. So now I understand. Thank you for clarifying that.

Mayor Post: And it's a placement in the paper as well, the write up for that as well, the specifics.

John Collier: Thank you for that.

- d. Ed Henry: I'm a resident of Wagamon's West Shores. Before you tonight is a motion to extend or reduce the bond of Mr. Simeon who is the developer of our neighborhood. I've been involved with the neighborhood association for probably the last year, as far as getting ready for what we think would be the turnover of the Homeowner's Association from Mr. Simeon to us, being the homeowners and I would ask two things. Really, its one. What is Mr. Simeon's intention as far as turning over the neighborhood to us, being the homeowners; not only do we want to know that; but I think it's more important and equally important, probably you the Mayor and the Town Council know that so that how can you go and vote on either accepting or not accepting something that we have no idea of what Mr. Simeon's intentions are and I just would like to bring that to your attention and if there are any questions I would gladly answer them at this time.

Mayor Post: What do your covenants state or your deed for your Homeowner's Association; usually it's a percentage billed out; does it have that in it?

Ed Henry: It is very vague and it said at one point that it had to be the last homeowner, that's when the dues would be due; or the last home built that's when the dues would be due. However, for the past, I've lived there, I guess most of us have lived there for three or four years; we have been paying our annual membership every year; we being the homeowners; there's been no dues paid by the Developer or by the two builders of our neighborhood, so that it is our understanding that it's going to be turned over as the bond comes due and after the roads are paved, the sidewalks are finished and so forth; then it would become the Homeowner's Association. Mr. Mayor, my question is what is Mr. Simeon's intention as far as a timetable for turning it over to a Homeowner's Association?

Mayor Post: I can't answer that for him but we could certainly ask him. Even though we have nothing to do with the Homeowner's Association, but with tying it in with this issue, we certainly could ask him his intention.

Ed Henry: Your question concerning the deed is a very valid one. I'm a homeowner not a lawyer; that's not my background; so I can't really answer that maybe as you would.

Mayor Post: Some would say 75%; some say 80%; then there are other verbiage too; so I was just wondering.

Ed Henry: And we all know it's down economic times so we all expected the neighborhood to be built up. If you're expecting it to be built up to 100%, we might be meeting here in 10 years. Hopefully not, but let's face it, that's what it might be.

Mayor Post: That's true. That's possible. Okay, we will certainly try to get some type of an answer from him regarding that matter.

Ed Henry: Thank you for your attention.

e. Georgia Dalzell: I'm the Executive Director of the Chamber of Commerce here in Milton. I just would like to remind everyone that this weekend we are having the 20th Holly Festival here in Milton and a lot of other groups are participating and we're just welcoming everyone to come and join us. Things begin at 9:00 am in the Fire Hall and continue until 6:00 pm. Let's see 9:00 am until 3:00 pm at the Fire Hall and at Goshen Hall where we will have vendors and crafters selling items for Christmas; then we have the house tour sponsored by the Milton Theater, which should be very nice; that begins at 2:00 pm. So the whole day will be taken up with the Holly Festival and House Tour and we just encourage everybody to participate and join us. Thank you.

f. Jeff Daly, 211 Gristmill: We've had a number of reports in the papers; a forced break-in and some illegalities between here and Ellendale recently. As a citizen, I just want to know, from the Mayor and Council that there is excellent communication between you all and our Police Department; that the Police Department is interfacing with the State Troopers; that there are ongoing investigations into what in the papers have been referred to as perhaps gang-related violence; so I just wanted to hear and I would assume that my fellow citizens would like to know that everything is proceeding as best it possibly can. Thank you.

Mayor Post: I can comment on that, that yes it is. I mean, the Department is on top of all of those issues and yes, I can't go into big details. As far as the gang-related, I have no idea, I mean there's always people that want to kind of say what they think about something, but it doesn't necessarily mean that it's gang-related, these issues. I have to say that I do think that the Police Department on the investigation of these issues are on top of it, so I will say that. I do see the communications and I do see the communications of how they are handling it and who is involved. So, yes.

g. Marvin Cummings: I live at Lutheran Towers. Mayor and Council, I just would like to thank the Chief on a marvelous job that he has done. He has come and done everything possible at the building where I live. He has

answered every question and done everything possible. Yes, I would like to let him know that I think Milton is a wonderful place to live; I think it's a wonderful place; people think that I'm probably on the Council; everybody has come to me; asking me everywhere I go, Marvin, Milton is in the paper all the time. I tell them Milton is a wonderful place to live; it's just the idea I think that if we could just only let the Chief do his job, leave him alone, because he's come a long way and I think if we let him do his job, business is business, I don't want us to get things mixed up; what's wrong is right and what's right is wrong. I think if we just let him do what he has to do, I think everything will be all right and I want to thank him; I know this is the last Monday of the year; a new year is fixing to come in; but I just want to thank you Mayor, Council and that's all I want to let you know that he is just an outstanding and he's done enough and we should just let him do his job and we'll be all right. And I think the Town we won't have all that negative criticism and that's what is going on now, all that old negativity and we don't need that here in Milton and I just feel that we don't need all of that. Period. As long as we do what we have to do, business is business. Period. Thank you.

- h. Jennifer Brengel: I am President of the Milton Garden Club. Thank you, Mayor Post and Town Council for your continued support. We've had another successful year of beautifying downtown with the most rewarding of the memorial gardens around the Gazebo, where some of the Town Council were personally involved. That was a highlight for us and also Katherine was a big driving force behind that and we've also tossed around ideas about future memorial gardens, in particular along Governor's Walk. We might be able to pull that off. Lastly, we will be at the Holly Fest, as the last town sponsored event, which does us well. We'll be making wreaths at Grace Church, but also we do need greens, so if anybody in the town has any town that they don't want or some unwanted pines, we could use them for making the wreaths this year. Also, I just want to say this is in particular about small towns, Grace Church that supports us, St. John's across the street has supported us, and, also all the events that have been sponsored through the Chamber have supported us, as well; and the people, the individual people that come up to us on the street while we're working and changing out plants or so on; has just been so rewarding; and that's what small towns are all about; is supporting other organizations and helping each other out and it makes a big difference when we do beautify downtown; we care and other organizations do care. So thank you for your continued support and hopefully another good 2010.

Mayor Post: Thank you for all you do.

Vice Mayor Betts: I would like to thank you also. [applause]

- i. Mr. Miller: It's my understanding that there's a federal grant for about \$130,000 for sidewalks and streets, is that correct?

Mayor Post: The schools get that, we're a pass through for the schools.

Mr. Miller: I would just ask that none of those funds be used for private residents to repair any of their properties or sidewalks. I know it's on the

agenda; I just wanted to call that to your attention. We don't want to be diverting those funds. The only other thing I wanted to add, I just wanted to wish the Council and Milton employees and the residents of Milton a Happy and Joyous Christmas Season.

- j. William Nunziata: 317 Brick Lane and I enunciate Lane on purpose. Unfortunately, I missed last month's meeting, but I read in the paper and before I get upset, I know the paper is not always accurate. That the Town Council approved maintenance and snow removal of the lanes in Milton, except for my Lane in Cannery Village; and all of the Lanes in Cannery Village. Is that correct.

Mayor Post: Alleys was the word, but I think you're correct.

William Nunziata: Okay, now I would like to know why out of all of the alleys or lanes in Milton, was my community excluded from that?

Vice Mayor Betts: Because they're not dedicated to the town.

William Nunziata: Once they become dedicated...

Vice Mayor Betts: If we accept them.

William Nunziata: So it's possible then that all of the lanes in Milton will be covered by the Town of Milton, but the town may not accept the lanes in Cannery Village?

Vice Mayor Betts: Most of the alleyways were here years ago. This particular alley could not be identified as to who owned that alleyway.

Mayor Post: This was started from the maintenance, and I'll be honest, the question of should we be making repairs to alleys that we don't know whether we own or not; and in this reference it was the one next to the coffee shop across from Holly House; the Art Gallery/Coffee Shop; the alley in between the big building next door; that alley there's really no designation of who owns that alley and the gentleman that owned coffee shop wanted the town to make the repairs to the alley and we were going back and forth but Council decided (it wasn't my choice) that we would repair that alley. And I can understand that part of you know we're talking about \$50 worth of whatever fill into a pothole, but what concerns me is what happens next when that property owner says he wants it paved when it only goes to private property and I have a real problem with that; and it goes to private property and its not public access.

C Duby: We didn't just approve repairing that alley; we approved repairing all of them; and that's what he's saying, except Cannery Village.

Mayor Post: Excluding those in Cannery Village, yes; that is exactly what happened.

William Nunziata: To me that just sounds a little bit discriminatory that you'll have all of these alleys being taken care of except the newest of the alleys, hopefully within a year or two will be turned over to the Town and the Town may not approve the maintenance of those alleys. It's like we did something wrong in Cannery Village; are we like the step children of Milton; because I believe we pay our taxes too.

C Duby: My concern at the time and the reason I voted against the motion was I felt that the motion was over inclusive without our having looked at exactly

what it would included if we voted to approve taking over the maintenance of all alleyways except Cannery. I agree with you wholeheartedly because I think if we're going to do it, we're going to do it. I don't feel we should have done it, because we did not have clear information about what that includes, what it involves, what the maintenance would be, and so I appreciate your concern and I think you're right and I think we should have looked into it a great deal more before we passed such an over inclusive, in my opinion, over inclusive motion.

Vice Mayor Betts: But this was not the first time that we had cleaned up an alley, so there had already been a precedent set over this.

C Duby: An alley, I would have been fine with. We said all alleys.

Vice Mayor Betts: Excuse me; we had already done an alley in cleaning it up. All they were asking and we can't find an ownership of this alley up here. If there was an ownership, it would be the responsibility of the homeowners; so this was never found as being owned by anyone; so actually when you can't find a property owned by anyone; or anything is with taxes or anything; the town most of the time, takes it over.

William Nunziata: It's sounding to me like I'm hearing two different things here. It's sounding Ms. Betts you're saying that this motion was only one alley, when I'm also hearing that the motion was for all of the alleys.

Vice Mayor Betts: The alleys that are not; that we can not find ownership to them. If someone owns an alley and it's on their deed, they would be responsible.

William Nunziata: Well the individual owners in Cannery Village do not own any of the lanes. I don't own the lane...

Vice Mayor Betts: It's not dedicated to the town yet.

William Nunziata: Neither are our streets dedicated yet either. But my concern is when the streets and alleys are done in Cannery, could I expect that the Town Council will take over the maintenance of not only the streets, but also the alleys, because they've done that now.

Vice Mayor Betts: Not if they are... It's not on your deed? Is it designated as an alley?

William Nunziata: The individual lanes are not owned by the...

Vice Mayor Betts: Who pays the taxes on it?

William Nunziata: The individual homeowner pays the taxes on his home.

Vice Mayor Betts: And he doesn't pay taxes on the lane?

William Nunziata: Not on the; I don't believe on the lane, no.

Mayor Post: But Mr. Nunziata, the question at hand also was the fact that when they made comments that we made repairs of cutting a tree down and we cleaned out one alley; there were two alleys in reference and those alleys we owned; we have deeds to; we owned those alleys; if I had my way I would sell every one of the alleys we have including the one next to the coffee shop, because it's private and I have a problem with it. But the alleys do us no good; we have another person that built their garage facing one of our dead end streets that really now she complains because the thing's money. Well,

we don't have any intentions of black topping it. So the thing is sell them. If they are non-productive, get rid of them.

William Nunziata: Well all of the alleys in Cannery Village are paved and that's where the garbage collection takes place and...

Mayor Post: When there was an annexation agreement, Mr. Nunziata, the annexation agreement was with Tom Draper and the Town of Milton when Cannery Village first was annexed in; when we approved those things and with the fate and the approval of the site plans; the alleys were always designated to be private to the development. It was never to be assumed to be the responsibility of the Town of Milton. Now whether, you know, if anybody agrees with it at this time, my concern and I will say it now and I've said it 50 times, is that they are really used mainly as streets in some of those areas and they are not built to grade; they are built to the grade of an alley; which is going to mean more maintenance. I'm going to be quite honest with it. But, our papers with the annexation agreement with the developer was that we would at the time the streets are done we will assume the streets; but we never have intentions of assuming the alleys. That's the agreement from the start.

William Nunziata: Understood and I understood that when I bought into Cannery Village; but now when I saw this new thing happening it seems that those bets could be off and this is something, by the way, that is going to come back, I'm sure, once the streets are dedicated and it will be a continuing problem that we're going to have to face and deal with. Thank you.

Mayor Post: It will come back to bite us. Okay. Thank you.

- k. Mayor Post: And last I put myself here for the public participation, because I just want to make a public health comment. I'm plugging H1N1 flu shots; so if you would please make it public; there are a lot of flu shots still available in Sussex County. They are not getting the H1N1, I don't know why. But they need to get it and they're having the flu clinic will be on December 16th between 1 pm and 8 pm at the Georgetown Del Tech and if you want to schedule an appointment there's a number here that will be available at Town Hall; but somebody needs to get the word out. It's for infants and children, 6 months to 4 years of age; pregnant women; and people 5 to 64 years of age with a chronic disease, diabetes, heart disease, cancer, etc. Those are the people that qualify. I highly recommend if you are one of the people that qualify, but I highly recommend if you are one that qualifies that you seek to get your H1N1 flu shot. That's my little plug. Thank you.

C Prettyman: I would also like to say that our school has already started that.

Mayor Post: We will now close the public participation portion of this meeting at 7:40 pm.

3. The Milton Town Council Meeting called to Order by Mayor Post at 7:40 pm.
4. A Moment of Silence was led by Vice Mayor Betts.

5. The Pledge of Allegiance to the Flag was said by all in attendance.
6. Roll Call was called by Mayor Post

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

7. Additions or Corrections to the Agenda
C Prettyman: I move that we accept the agenda for December 7, 2009.
Vice Mayor Betts: Second
Mayor Post: All in favor say “aye”. Opposed. Motion carried.
8. Presentation of Minutes for November 2, 2009.
C Prettyman: I make a motion that we approve the minutes of November 2, 2009 as presented.
C Duby: Second.
Mayor Post: We have a motion and a second. Are there any questions? All in favor say “aye”. Opposed. Motion carried.
9. Approval of Written Committee Reports
C Prettyman: I make a motion that we approve all written committee reports as presented.
C Duby: Second
Mayor Post: We have a motion and a second. Any discussion? All in favor say “aye”. Opposed. Motion carried.
10. Town Manager’s Report
George Dickerson: Good evening Mayor and Council. The first thing that I would like to announce in that doing the reassessment that anyone filing a tax appeal, I would like to make the date of that hearing where you can appeal the reassessment, that meeting will be held on Monday, December 14, 2009 at 6:30 pm in the Milton Mariner Middle School. Again, that’s 6:30 pm in the Milton Mariner Middle School on Monday, December 14, 2009. You must have already filed your appeal to your reassessment values and those will be heard by Council, at that time. The next announcement is an old Rails to Trails update. You heard me say that they were out there and there was some work going on last month. Today we talked with Ten Bears; Phase II and Phase III, Ten Bears has collected soil and groundwater samples from the property for laboratory analysis and those samples have been submitted. The recommended remedy or clean-up of the site will be contingent upon the findings of that investigation and what those samples indicate; but the samples are not back yet. As soon as they are I’ll probably have

that next month, and we can move into mitigating those. I asked Scott Hoffman from Cabe Associates, our Engineers to be here tonight to give an update on Wagamon's West Shores and the ADA issues that had been out there, so I would like to call Scott up here at this time.

Scott Hoffman, Cabe Associates: Good evening George, Mayor and Council. As you know, as the Town's Engineer, we perform construction review for the Town and have been doing so on Wagamon's West Shores. The project has been going on since 2004-2005. In February of this year we sent a letter to the Town that summarized the work completed to date and we had included what was called a punch list which is items of work that remained to be completed, before the Town would accept the project and since February, they have been working with various contractors to try to get that work done. Talking with our inspector today, at one point we had 450 items on the punch list; there has been a lot of work done but there are still some outstanding punch list items; including this issue of the handicapped ramps, curb ramps and so forth. We received a letter from GMB on behalf of Paul Simeon stating that it was their contention that the sidewalks and so forth were constructed according to ADA standards and we responded to that letter basically disagreeing with that contention. The Town has also engaged William James Associates and I can only speak on behalf of these folks, based on a letter that I received from Allen today; they did additional review of the project and also came to the conclusion that there are several items which did not meet ADA standards. These things are basically curb ramps at intersections which do not have the correct slopes; they do not have what are truncated domes, I'm sure you've seen them at intersections, at ramps; it's an indication that you're coming to the street; and the other big issue is that the sidewalk where it crosses driveways, the slope between the sidewalk and the driveway is incorrect and also the cross slope on some of the driveways is incorrect. So there are a number of issues which are related to that and I'm not sure what the status of Mr. Simeon's efforts in getting those repairs made stands at now. He would have to speak to that. I do know that our inspector told me today that the contractor that is currently working out there is making good progress on the punch list.

George Dickerson: I did have a conversation with Mr. Mike Simeon, myself that he was negotiating with Wilson James Co., the one that the Town had go out there and make an inspection; however, there was no agreement signed. I have not heard from him and that conversation took place approximately a week and half, two weeks ago. I have not heard back from him; he was supposed to return a call to me, if in fact he contracted with him and I have not, as of today, heard from him. Last month, and again this month, in the public participation section there was the issue of internal controls that keeps coming up again and again. I do want to address that; I went back to last year and comments that were made and conversations that were held with our auditor, Tom Sombar and Company, directly with Mr. Sombar himself. Last year, Mr. Sombar answered a lot of the questions with regard to the internal controls and spoke to it this way; that was in September of 2008; when these conversations took place between he and our Financial Coordinator. The majority of municipalities, as Mr. Sombar reported, do not have written internal controls, with the exception of the City of

Wilmington or somewhere like Philadelphia, where they have full time numerous staff just to do those. As of last year, there were new auditing requirements regarding risk evaluation and parts of that is what type of internal controls that he looks for when he comes in; just like he has a staff member in Town Hall right now who makes requests of our Financial Coordinator, at random, we don't know what accounts he's going to ask for and he does inspections of those as pulled randomly for on the spot inspections. Also, there was no mention by Mr. Sombar in the Management Letter last year, with any lack or deficiency in procedures with regard to that. So I thought that was just important to bring that up, because it seems to be a reoccurring theme; it happened last year, the same theme; same answer. The meetings at Mariner Middle School were not allowed to go past 9:00 pm. We did contact them with the hopes that we could move this, the regular Council meeting out there if they were available and they had the time to do it. What we were told is that their janitorial staff will not stay past 9:00 pm; as we know most of our meetings exceed that time period of 9:00 pm; unless you could start earlier or some other provision. School would have to be out and then they have other things there. Since most of the Town Council meetings cannot be predicted and do go over 9:00 pm, that doesn't look like a candidate where we could actually meet regularly. In fact, we had a hard time pressing them to keep the appointment that we have the meeting for the 14th and the tax appeals out there because they were still having this issue where their janitors will not stay past 9:00 pm and there has to be someone there, according to the rules. Mr. Prettyman I don't know if you could help us in this area, or not; but that's the answer that we get from them, Sir.

C Prettyman: I'm going to look into that, because our Board meetings last after 11:00 pm sometimes, so I'll look into that with Mr. Donahue and get back to you.

George Dickerson: Thank you.

C Hudson: Could you please give us an update on Shipbuilder's Village and the easement?

George Dickerson: The easement has been written; I called for Mary Schrider-Fox today for an update, at the request of the Mayor to see if that had been completed; it is in its final phases; it's really waiting for signature from the owner to be worked through his attorney to Mary Schrider-Fox.

Mayor Post: Council will have a copy of that detailed. We just received it Mary at 5:00 pm today. She was trying to get the signature by the time of the meeting tonight and it did not happen. First thing in the morning they'll print that out and then you'll have a detail of where she is with that.

C Hudson: I just wanted the public to know where we were.

Mayor Post: We're still waiting for the signature. Everything seems to be agreed upon and I know the Cabe Associates, the two engineer firms I know that's been resolved; I know the easement has been finalized; all we're doing is that agreement of the list of items. Any day now.

11. Written Reports
a. Maintenance

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

C Abraham: Second

Mayor Post: We have a motion and second. Are there any questions? All in favor, opposed, motion carried.

b. Project Coordinator/Code Enforcement Report

C Prettyman: I make a motion that we accept the Project Coordinator/Code Enforcer report from November 2009, as presented.

C Abraham: Second

Mayor Post: We have a motion and second. Are there any questions? All in favor, opposed, motion carried.

c. Police Report:

C Prettyman: I make a motion that we accept the Milton Police Department Report dated October 21 through November 20, 2009, as presented.

Vice Mayor Betts: Second.

Mayor Post: We have a motion and second. Are there any questions?

C Abraham: Chief Philips, I hate to put you on the spot, but in light of Mr. Daly's comments, about the recently criminal activity, is there something that you can say to reassure the citizens or points of a heads up of be careful and watch out for?

Chief Philips: I wasn't here when he spoke. We would ask people to keep their lights on at nighttime and keep their doors locked; their vehicles locked and if you see something suspicious dial 9-1-1 and let us know.

C Prettyman: Then you are keeping the State Troopers notified also.

Chief Philips: That is correct.

C Prettyman: Thank you

Mayor Post: We have a motion and a second. Are there any other questions? All in favor, opposed, motion carried.

d. Finance Expenditure/Revenue Report

C Abraham: I make a motion to accept the Financial Expenditure/Revenue Report.

Vice Mayor Betts: Second.

Mayor Post: I have a motion and a second. Is there any discussion? All in favor, opposed, motion carried.

12. Old Business

a. Discussion and possible vote on an ordinance to accept the bound copies of the town code from company General Code

C Prettyman: I would like to make a motion to accept it and I think it's an outstanding job that went into preparing it all in one small notebook where we don't have to carry all these other books around. So I think it's a very good job and I thank the Town Manager and the staff for the work that they've put into it.

Mayor Post: And to give credit due, this did start under Jack Bushey, the previous Mayor is when we voted on this and it is finally gotten to the point where it is finalized and it could be changed at any time and it would be updated on a regular basis; that's the purpose.

C Abraham: I think it's an excellent book. I've worked with it from another municipality, city, excuse me.

Mayor Post: Are we going to discuss it before you have a second, or what are we doing?

C Abraham: Second.

Mayor Post: We have a motion and a second. Are there any questions to the motion?

C Abraham: My question was and I don't want to hold up the approval of the book, but in approving the booklet, we also have to approve the ordinances, which I questioned the last time. It's not questioning so much that we're not knowledgeable what was changed or what you; but I do see, like the Water Ordinances; I know we've been addressing that and we finally have a meeting set for tomorrow night to go over some of them and I see there were changes made on the Water Ordinances; kind of threw me off because we're going to be changing them again. So that threw me off.

Mayor Post: We will be ongoing. And there's one there I didn't like because it said something about the Mayor making appointments for something and it didn't make sense to me; but it is how it was written and I understand how they came up with that conclusion; because what the purpose of this was, was to clean up some of the messy codes out there. But I think, again, any agenda we can immediately put them on next month that there are certain ones you want to clean up; because that was the one I know you commented on; but it's how if you read what it said, I can see how they got it; but that's not how it should be.

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

- b. Discussion and recommended changes of Council on the propose changes to Article 4, Section 4.9 of the zoning ordinance (item tabled at the October Town Council Meeting)

Mayor Post: I think this has been tabled twice. It's the Historic Preservation Ordinances that have been on the table here for a while. A lot of work went into it and I know the one question was about the posting of them on the web-site, that they weren't done with the corrections and also with the mark-ups; and actually they were put on the web-site in both forms and they hits at that time when we checked about a month ago; they had like 150 hits on them, so somebody was reviewing them.

C Prettyman: I would like to make a motion that the proposed changes to Article 4, Section 4.9 of the zoning ordinance be accepted.

C Martin-Brown: Second.

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

c. Comprehensive Plan Update

Robin Davis: Yes, Mayor and Council I don't have a lot to go over. Right now, currently, I'm in the process of making some changes to the current document, as requested by the Planning and Zoning at their October 20th meeting and November 17th workshop. Most of the corrections that needed to be made were wordsmithing issues, single word changes and things like that. But there were some other items that needed to be addresses. I contacted C Martin-Brown; she supplied me with some information for Economic Development, Main Street Program; C Duby has supplied us with information from the Parks Committee; and I've also received some of the maps that were requested from Scott Hoffman at Cabe Associates. So hopefully, our next scheduled meeting that we have planned is December 15th, where we will discuss these changes. It is a Planning and Zoning meeting, 7:00 pm at the Milton Library. Also they will be discussing maybe some changes to the maps; they are the Town Center map, existing Land Use map, and the future land use potential expansion map. As I said, Scott has given us those maps; I received those tonight; so they will be passed out to the members. Hopefully, after that meeting, we will still be on schedule to hold a January 4th Public Hearing on the changes for the Council. Then we will supply it to the State.

C Martin-Brown: Robin, did I hear you say that the next event, so to speak, is Planning and Zoning, is that correct?

Mayor Post: Yes, that was what I wanted to know. So that's good.

Robin Davis: Yes.

Mayor Post: When it needs to come back to us, it needs to be addressed in its entirety; so there's not time for back and forth. Planning and Zoning needs to bring it forward to us the way they want it. So I expect coming back a document that they're saying is what they are in agreement with and that means the zoning maps and the body of the Comprehensive Plan itself needs to be in its entirety, of their expectations. We don't have the time to go back and forth.

Robin Davis: Yes, the last changes we've done are very minor. I've got to give it to Planning and Zoning and they've really worked well on this document, trying to get it squared away.

Mayor Post: There's no motion required, as long as they know it is in their ballpark right now.

Robin Davis: Yes.

C Duby: In terms of the procedure you mentioned for the January 4th Public Hearing; that's after it has come to us from Planning and Zoning there will be a hearing on what they send us? Or if we make changes the hearing will be on that? Or what's the timeframe?

Robin Davis: Right now they are scheduled to have a Public Hearing and a Meeting to discuss those changes all in one night.

C Duby: A Public Hearing before Planning and Zoning or a Public Hearing before the Council.

Robin Davis: Before the Council.

C Duby: Okay.

Robin Davis: There was a Public Workshop before Planning and Zoning.
C Duby: But that Public Hearing; I heard about it; I missed it. What I'm asking is what is it the public will be commenting on at the January 4th hearing? Will it be a draft that comes from Planning and Zoning to us; or will it be a draft that came from Planning and Zoning to us and then has our input?
Robin Davis: If it is done on January 4th, it will be only the comments that are going to be presented to you from Planning and Zoning.
C Duby: So then theoretically when we consider it for a vote, there will be Planning and Zoning's draft; we will also have the public comments to consider; and then we will vote, but also I assume, we will have the opportunity to make changes before we vote.
Mayor Post: I don't think we'll be able to vote that night. What I think is that we might need to have our own workshop on it in January sometime and then move for the vote for February meeting. I don't see how we could vote on it that night. It's too much to digest.
C Duby: I don't think so either, that's why I'm asking January 4th seems awfully soon to me.
Mayor Post: So what I would like to see; that's fine, if you want to have; I don't know how that's going to work, because how are they going to have the document, the public to comment on it?
Robin Davis: I'm hoping at the December 15th meeting the changes that are left to do, there will be very minimal changes; I'm going to get that supplied to the public on the web-site and to the Council as soon as possible.
Mayor Post: There will have to be another Public Hearing on it, because if we have any changes or anything that we want to add to it, the public should still have a right to make their comments. I foresee the possibility of two more Public Hearings on it. But we do have to move accordingly because we do have a deadline. Okay, that's fine; that sounds good. I wouldn't plan on voting on it at the next Council meeting.
Robin Davis: Right.

13. New Business

a. Downtown Concept Presentation on Economic Development and Revitalization

Ray Kaufman: Mayor and Council and citizens, my name is Ray Kaufman. Thanks so much for allowing me to come and talk to you this evening. I guess I better start at the beginning because that's always the best place to go to. My partner, if you will, has been coming out to Broadkill for the past 16 years and into Milton, every time she comes out to Broadkill during the summer. She's always talked of Milton and when she was finally able to get me to come out, the first thing I saw was your idyllic town, that's very reminiscent of a Currier and Ives print and made even more so this evening when I drove into town. I would like to just take a second and congratulate Town Council and the Garden Club for the beautiful work they did in decorating the downtown. I've been around the country quite a few times and this was quite amazing and very surprising; I really like it. It shows the

energy that can happen in a community. More specifically, when we first came in to town, the first thing I wanted to see was a coffee house and on the way from the parking lot to the coffee house, we happened by an antique store and a bookstore and I've always been interested in old bookstores; so I went into a used bookstore; a very nice used bookstore, I think; I love them and talked to the owner, Jamie. I asked him what was going on in town, what were the plans for the community; we talked for almost a half hour and he said well I'm sure everybody has some plans, but the person you really need to talk to is right next door and happens to be the Mayor of the Town. So I walked over to the Jailhouse Antiques, walked in the door, introduced myself and about a half hour later told the Mayor, I thought there was a strong possibility that the town and myself could work together. I had an idea for a concept. The first idea was born actually about 2-1/2 years ago. A little bit of a background on myself. I've been doing community development for about 25 years; actually a little bit longer than 25 years; in everything from theaters to designing and bringing about entertainment districts, art districts, doing fairs and festivals of every kind; usually in downtown; usually arts and crafts oriented or music oriented or food oriented. One of the communities that I came across that was very similar to Milton was in South Indiana; but my lady friend told me that I really should look at Jerome, Arizona; and ironically somebody that is sitting at the head table today, was just in Jerome a couple of months back. Jerome, Arizona was a major copper mining town just outside of Sedona, Arizona and the last mine closed down in 1953 and when that happened the population of roughly 15,000 evacuated and moved out quickly; by 1963 there were fewer than 50 people living in the community. At that point, Arizona was able to declare it officially a ghost town. But then came what they now like to write as the counter-culture, otherwise known as hippies, and with their arts base, if you will, with other craft, chain mail, things of that nature; and they pretty much kept the town and its buildings alive until the late 1960's, when it was named a national historic place and protected, at least state wise, until the Fed's came along and also declared it as such. In the last 10 years, the community now, today, has over 440 people living in it. It has turned into quite an arts colony. It rivals Sedona, there are over 100,000 visitors according to their Chamber of Commerce annually that come to over 40 galleries and 20 art studios; it has become a very vibrant and live community; courtesy of the arts; mainly visual arts, but they get into the creative arts also. The other community that interested me, as far as Milton was concerned, was one that I first encountered 2-1/2 years ago in Southern Indiana; on the Ohio River just outside of Cincinnati; down river from Cincinnati is the little town of Vidi in Switzerland County and Vidi had a casino 7 miles upriver from it and everybody was driving through the town and nobody was stopping. Vidi was the County Seat of Switzerland County and Switzerland County was the smallest county in the State, only had a population of 10,000. They did a national search, they had over a 40% vacancy in their small downtown and they needed to do something and they needed to do it quickly. They did a national search and came across a

gentleman that was looking to relocate to the area; he at one time had been a casino manager; he came into town and within a matter of 18 months they put together a plan and implemented it, wherein they went out to the community throughout Switzerland County, identified 150 different artists or craftsmen and convinced them that if they were to open up 4 individual stores in the town; stocking the stores with their products, there was a place for them. In addition to the four stores, they decided because they were the home of the first winery in the country to build a wine museum; so between the country tourism office, the community foundation, the county foundation, the county government, the town council and an economic development corporation in the southeastern corner of the state they were able to get a commitment of better than \$1 million in order to lease and/or purchase buildings to basically open them individually fostering the arts. One of the stores they called "Signatures", which really is a regular retail shop, but it's your finer art, if you will; everybody thumbprints the description of the item that is up for sale whether it be a basket, a sculpture, a piece of hand-blown glass, a painting, a photograph, what have you. Another one is called "The Mercantile", which is more just, if there is any such thing, as a run of the mill arts and crafts. There was another one called "Amish Goods", kind of self-explanatory, three floors of furnishings, clothing, blankets, and quilts; anything Amish it went in. And the last of the four was "Antiques and Treasures", also self-explanatory. Every week they brought in new and recycled and sent out old. It is a cooperative that runs the stores and it works very well. Again, in an 18 month period they went from a 40% vacancy rate down to 4% in their downtown; because not only by doing what they did to bring it about; they also attracted other businesses. Three new restaurants have opened in town; one woman quite ironically restored a four-store front building; opened up her café to begin with and then brought in her mother-in-law and her sister-in-law; a gift shop on one side; a bakery on the other and I forget what the fourth store was, but they're all up and running. Two other people have opened up galleries in town and they've attracted a number of different artists. No when I've talked to the gal from tourism, who is in charge of the program, she says they've patterned the program after one in Rising Sun, Indiana. Rising Sun became very famous because they were the first one that brought about a program I would like to talk about closer to the end of the presentation. Those are the two cities that immediately came to mind that were very much like what we have here in Milton I think. Something like that I am proposing happen as one of two concepts here in Milton. We have a number of empty storefronts, I know. I've had numerous discussions with a variety of different people, from tourism, from the artists in the community, from the artists in the county, I believe I've talked to a total of 27 people to date, including one just this morning. Outlined in the presentation that you're looking at is a map of all three of Jerome, of Vidi and of Milton. I think you can see the correlation between the two. I'm sorry that we don't have slide up so that everybody could see it. The bottom line is we could start this program with visual arts, both 2 dimensional and 3 dimensional; but there's no reason why with that

group of people coming in; that eventually this couldn't become a home for the creative arts, including performing arts, culinary arts, writing, as well as visual arts. That would be the art concept for the community. The second concept came about because of the variety of visits I had here talking to people and just observing in downtown. The town seal has a sailing ship; the fire department has a sailing ship; you walk into Irish Eyes there's a story of a sailing ship, all built here in Milton; and the one thing that is rather evident that is unique to Milton and can't readily be built anywhere else is the fact that we had five shipbuilder's operating out of at least three different shipyards here in Milton in the mid-1800's. It's probably the longest running industry that the town ever had, from the early 1800's to the early 1900's. What I am proposing is a two-phase project, as the second concept; and that would be what I'm calling for now, the Milton/Broadkill Wooden Ship Shipyard, or Boatyard, if you will; which would be a living history museum. Again, it's difficult to see or envision what I'm talking about, other than to say there would be an L shaped three-story building that would be the museum part. You walk out into the yard where you're actually watching a wooden ship being constructed; there's also one sitting off to the side, that's on the waves while waiting launch; you'd have a sail-off to Blacksmith area; you would have a sawyer; and, of course, you would have a shipwright working with his team in order to construct the ship itself. As you wander through, again it is living history; it's interpretive; you talk, actually you would encounter the people actually doing the work; they would explain what they were doing and might even offer you an opportunity to participate in helping build the ship. As you move around you come over toward the riverside and there's a ship in the water that is being outfitted with a new mast, new yardarms and sails. You then walk back into the building and up to the third level and there's an open porch and in that open porch you are looking down at the ship about to be launched and actually give somebody an opportunity to do just that. This is something most people like to see; believe it or not; they love to see a ship being built. The second phase of that project would incorporate seventeen store fronts for a shipyard village, though I'm going to change the name of that, since we have a neighborhood called Shipbuilder's Village, here in town. That would be the boatyard village and also a two story restaurant that would overlook the river. That's a very important phase of the project, because most museums are not difficult to build to begin with; it's sustaining them that is difficult and the village itself could be the thing that would generate the revenue; because more than likely the admission to the museum would be free. You live off your gift shop and you live off of grants at that point. So those are the two concepts that I'm proposing. I do know that we need to move into a study phase, but everybody has been telling me that I've been talking to here in Delaware, from tourism to artists to a few others, that at a minimum I need an endorsement or a sanction from Council in order to proceed with this. The study itself shouldn't take more than three months to complete on both phases of the project and then we can move forward from there. So I think that pretty much says it in a nutshell. I have a couple of

other handouts that I can leave with each of you before you leave this evening, if you like and thanks so much for listening. Are there any questions?

Mayor Post: I think we would have to move it forward for a formal vote; it would have to be at the next Council meeting. If you are talking about a sanction, as long as no financial commitment, that's something we will... I told you Mr. Kaufman has been working months on this project, but I give him credit; he's done everything gratis; everything's been free; there's been no payment to him whatsoever. As a matter of fact, I've told him all along that we have no money; so, but at the same time we have to look at Economic Development. I think certainly having a business downtown, it certainly concerns me with the downtown and I think successful revitalization needs a concept and I think it's something where possibly if we could get the community involved, as a community project, in the concept of taking it further; it could be wonderful. At the same time, I know C Martin-Brown has been working diligently with the Main Street Program and I know she's going to have something on the agenda within the next month or two, as well, regarding Main Street, but I could see where both of these could work hand in hand in revitalization of downtown Milton. I think the one thing that we certainly lack in this town is to capitalize off of the shipping industry that was here; we've lost it; we don't have anything really that shows the power that was in this town where you had diamond merchants and mills and everything else from living off of the shipping industry and the building of the schooners. I know I was excited when Les McCabe and Allen Davis came in front of us, then that kind of spun its wheels and went nowhere; but it was interesting without even discussing with Mr. Kaufman that he came back with a concept even bigger and more fulfilled than this and he does have a lot of interesting contacts. He has been in constant contact with the gentleman who built the Calmar Nickel; he's a personal friend with this gentleman who is interested in the project; and there's a lot of ways of finding funds out there; and as I told Mr. Kaufman if he's interested in searching those ways, I feel we would certainly support the efforts; but tonight it was more of a... It's sad that the PowerPoint didn't work. I would like to see it placed on the town web-site and does anybody else have any comments?

C Duby: As someone who has done and is doing fundraising for some of the cultural arts entities in town, either now verbally or you said you had a couple of other handouts, I would also like if we were to consider this for a vote later on; would love to see some of the things you're thinking about in terms of possible sources of funding for this; some of the things you mentioned that happened in Indiana, I believe it was Indiana where you talked about the community foundation and so on, sound viable and others don't; for this particular area; and, given the times, economically, it seems kind of a high mountain to climb.

Ray Kaufman: If you're familiar with Dawn Applebee?

C Duby: Yes.

Ray Kaufman: I had about a 4-1/2 hour long conversation with her two weeks ago; we came out and sat and talked and I understand exactly what you're

talking about. To go just a couple of steps further with what Dawn was saying, my partner is a professional fundraiser; she's been working in fundraising for almost 25 years and three of the other people; that's what I do. I'm a project manager who puts together a team.

C DUBY: It sounds like that and that's why I'm very interested in that specific information.

RAY KAUFMAN: Part of the study that needs to be done would identify the funding sources.

C DUBY: Because I think some of the things that you've listed, particularly Don mentioned that we had a proposal having to do with a shipbuilding thing earlier, but the first part of your concept, I think some of the things have already been done; are being done here; and so I think there are a number of us in town who have some experience with a lot of those things. There are some festivals that we have here that have gone on in Milton for years and years and years; others have been added more recently; so things like that are certainly already in existence; it would be interesting to see what you're thinking in terms of what you're proposing in terms of changes and so on. I think particularly given the economic times, the funding sources are really important; that's what I would like to see.

MAYOR POST: I just want to comment that I have become a believer; I feel small town USA is dying, but I was the one that was in Jerome a couple of months ago and it was just a fluke that I ended up in Jerome, Arizona which is 8,000 elevated and it was just amazing that the town went from 50,000 and I think the lowest was 15 people living there and they built it back to a magnificent; and I'm not talking about magnificent architecture and I'm not talking about great shape buildings; some of them I would be afraid if I stepped in them that they would fall over the canyon.

RAY KAUFMAN: Mainly the jailhouse that slid 200 feet down the side.

MAYOR POST: I have to say that the streets were packed, the activity, it was incredible; the rebirth of that town and I think that's what it is going to take is people with vision and belief.

C MARTIN-BROWN: I did have the privilege of having some time with you and I know you are up-to-date on all the festivals that do go on and the Milton Art Guild and a lot of these other existing things and therefore, you might in further interaction with the Council, this is my own opinion, decide which of the two concepts you would like us to really hone in on. I mean by that that there's quite a bit of activity going on that is building slowly but steadily with some cohesion in terms of arts and theater and culture and historic events, etc.; but I think to reflect what the Mayor said, when Mr. McCabe came before the Council, when I was not on it, and proposed this idea of building a ship, etc. that Council endorsed that idea officially; so there's a history of endorsement for that kind of a focus and initiative, so I just share that with you.

RAY KAUFMAN: Thank you.

MAYOR POST: Thank you.

- b. Consideration of Community Development Block Grant Program
George Dickerson: Bill Lecates reported on earlier in the Public Hearing; a portion of that there's a resolution that I would like to read for Council's consideration in allowing the Council and the Town of Milton to participate in that program: "WHEREAS, the Town of Milton recognizes the importance of the Fair Housing for the citizens of Milton, and, WHEREAS, the Town of Milton supports the goals of the Federal Fair Housing Laws and NOW THEREFORE be it further resolved that the Town of Milton when acting as the Administrator of the Community Block Grant is hereby authorized with such actions as deemed necessary to affirmatively further the Housing and Consideration of the Community Block Grant for Fiscal Year 2010." And for consideration by Council for vote on this Resolution, which will allow Mr. Lecates to proceed.
Mayor Post: We've done it every year.
C Martin-Brown: So moved.
C Duby: Second.
Mayor Post: We have a motion and a second for the Resolution. Is there any discussion?
C Prettyman: Yes. I would like to agree with Vice Mayor Betts on the list here because I looked down this list and there are quite a few people that are deceased and some information isn't correct here and I would like to sit with Mr. Lecates and go over it.
Mayor Post: Okay, that makes sense and Bernice Edwards works closely with this kind of thing. I think that's a good idea.
C Prettyman: I just would like to go on record for that.
Mayor Post: There are probably some new people that would like to be on this list.
C Martin-Brown: C Prettyman would you like me to amend that motion to read that we pursue this program after its review to validate the names and addresses of eligible people.
Mayor Post: I think we need to approve the Resolution because we have to move it along; but at the same time, give permission to both Vice Mayor Betts and C Prettyman to clean up the list.
C Martin-Brown: Excellent.
C Prettyman: The Resolution is okay, it's just that I feel that we need to sit down and pick out the correct people that should be removed. Some people don't even live in the Town of Milton.
C Martin-Brown: So the Mayor will call the vote, with that understanding.
C Prettyman: Yes.
Mayor Post: We have a motion and a second. All in favor say aye, opposed. Motion carried.
- c. Discussion and possible vote to approve \$7,500 for the design phase of the sidewalk and curb program
Vice Mayor Betts: I think the Town Manager, George Dickerson and Scott Hoffman have also worked on this. What the \$7,500 is, is for the engineering

services which was required in the design phase in which the engineers will prepare the contract, is that right Scott?

Scott Hoffman: Yes, just to go back quickly, in July or August, we were approached by the Town regarding some prices you were getting for replacing the curb and sidewalk; we have reviewed some bids and one of the comments I had made at the Streets & Sidewalks Committee was that you had three different bids that you could not award if they were brought to Council, because all three contractors had bid the project out differently. That's certainly not unusual. That is why typically in this type of project you develop in this case an RFP (a Request for Proposals) that establishes the rules for bidding; it establishes the unit quantities; the materials and so forth; and tells the contractor what to do. I had made the suggestion that Streets & Sidewalks Committee that is something you may want to consider if you're going to move forward with the project. Shortly thereafter, I received a request from Mr. Dickerson to develop a proposal to do that and we did so; it was sent on August 25th and the design phase of the project, which includes the following: working with Allen to come up with the actual scope of construction; meeting with the Streets & Sidewalks Committee to review the project; having been through some of the things with Allen; there's going to be some decisions that have to be made for particular properties; how to handle replacement of sidewalks; meeting with the Department of Transportation regarding permitting, because some of the work is within the State right-of-way; attending the pre-bid meeting; attending the bid opening meeting; verifying the correctness of the bids; and making the award recommendation; and presenting that to Council. There were also construction phase portions of the project. We had a separate price for that and the reason I did that was because knowing the Town's financial situation, I thought that maybe Allen and his staff wanted to handle construction inspection, rather than pay us to do it, since it was just replacement of sidewalks. The design phase was \$7,500.

Mayor Post: And what was the other one? Wasn't there one that was \$1,500?

Scott Hoffman: There was a design phase which was a lump sum of \$7,500; a permitting phase which was working with DelDOT, that was a time and materials cost of \$2,000. At the time we were developing this proposal we were also working on the Mulberry and Union Street project. I don't know how much Council was aware of it, but DelDOT was giving the Town a particularly hard time with that and we spent a lot of time working with DelDOT to get that project approved and frankly the Town was not billed for that cost; it was beyond our scope, but we included it in our original price. That was why I broke that out separately. Having been through that process, I think we can now knowing what they are going to require, I don't think it is going to be that complex. We do need to meet with them, just to review what's going to happen and find out what they're going to want in terms of permitting. Then the construction phase was a separate cost of \$5,000 for construction review and that's basically responding to all the questions from the contractors; handling their payment requests and so forth; and then

construction inspection costs were \$5,600. Obviously, I felt that it was something that the Town could handle and that's why it was broken out as a separate cost item. Mr. Collier did have a question earlier regarding; I guess the question was related to the cost and the fact that the Town has standards for sidewalks, which he is correct, they do. Those standards in themselves are not bidding documents, however, and I think one of the concerns is that you should have a bidding document that is going to get you equitable bids so you can make a fair award. There are other alternatives the Town could prepare themselves if they wanted to, so this was simply a response to the Town's request for a proposal.

Vice Mayor Betts: Thank you.

Mayor Post: Going back to Mr. Collier, I am just kind of curious, why aren't the specifics that somebody has to build to, why isn't that enough for bidding? What are they going to add? If you came up with that they are bidding on whatever the specific of the grade of concrete, the thickness of concrete, blah, blah, blah, and they are going to give you a price for X amount, whether it is linear feet or what 500 feet, why isn't that enough? What else do you need? I'm just curious because of the cost.

Scott Hoffman: For example, almost every section of sidewalk to be replaced out there, doesn't meet the Town standards; so technically, you cannot replace it with the Town standards because they won't work. You're not going to be able to retain the original grades out there by replacing the sidewalk with the Town's standard sidewalk section; so something has to be modified to the standards to make that work. What that is, I don't know yet; that's why we included the Streets & Sidewalks Committee meeting. I took pictures of all the sections of sidewalk to be replaced so we can decide, in our office, what's the best way to deal with those situations and then make a recommendation to the Streets & Sidewalks Committee on what to do about it. Some of the sidewalks aren't the proper width; they have trees in them; and, frankly the three bids that the Town received were so vastly different, as I already stated that you could not award the project based on those bids.

Mayor Post: But when a private individual, which we've had private individuals make their own repairs, I would assume that they don't go through an engineering firm to do it; I would think they would just call a company that does sidewalks and say will you come out and give me a price on doing my sidewalk; they would come into the Town of Milton for the specifics on our requirements of Code and do it.

Scott Hoffman: You're right, they could do that, but you're looking at a situation here where you've got 75 different properties and somebody has to divide up the cost of replacing all those and make it equitable when the cost of replacing the house on this address and the cost of replacing the sidewalk at this next address are not really going to be the same thing; so by incorporating the Town into this whole process it's gotten more complicated. It's up to Mayor and Council how they want to handle that situation.

Mayor Post: I would assume this would be a figure that could be rolled into the owners cost.

C Martin-Brown: Vice Mayor Betts I'm concerned that a lot of folks that signed up to be part of a town-wide contract thinking that they were going to experience a reduction in costs, because of the amount of repair work, per unit, would go down; what I'm beginning to be concerned about is because of the complexity your describing, that it would be, in fact, more expensive per participant in the town-wide investment in the sidewalk, then it would be for an individual.

Vice Mayor Betts: C Martin-Brown, I was just going to ask Scott, did he think it would be better that the town not do it as a town, and let each individual do their own. Would it be less expensive?

Scott Hoffman: I don't know if I could answer that question.

Vice Mayor Betts: Do you think it would be cheaper, as a whole to get the 75 together as a whole, and divide it?

Scott Hoffman: I don't remember what the costs were; it was several months ago. You're going to save the costs of the engineering, that's the big cost savings you're going to have. There is likely to be some cost savings from the fact that the contractor is going to have more of the sidewalks to do. It's impossible to say at this point. There are so many other factors; when the thing goes out to bid; how many contractors bid on it? That could change the cost. I don't know that I could honestly answer that question at this time.

Vice Mayor Betts: I guess it's up to the Mayor and Council, what they want to do. It was decided to go ahead with it, before and we voted on it. So now what do you want to do; knowing that it's going to cost \$7,500 for the engineer?

C Hudson: I make a motion that we approve \$7,500 for the design phase of the sidewalk and curb program.

C Abraham: Second.

Mayor Post: We have a motion and a second. Is there any further discussion? I'm just concerned that if we are going to absorb this cost for these private citizens for their sidewalk repairs, then we would be doing this for everybody in the future.

George Dickerson: Could we add a caveat to the motion that the \$7,500 be designated from whatever funds that Council wants. We don't have it in the budget.

C Duby: I'm concerned that the motion is a little vague, because a) we aren't designating where it's going to come from and we aren't designating whether or not we're going to pass that through and make it part of this program or, as Vice Mayor Betts asked earlier, whether or not it is the most cost effective way to do it now, or whether it would be cheaper for people to do it themselves and not go this route with the \$7,500. I mean there's a lot of speculation here that I'm uncomfortable voting on a motion like this.

Vice Mayor Betts: Maybe we have to come out of cash reserves. The only thing is that we have already voted to do this as a Town, so...

C Duby: At a lower price and so I think...

Vice Mayor Betts: I just want to know where to go.

C Prettyman: I guess we're talking about the sidewalks all being uniform and everything, so we need to make up our minds where we're going. Nobody ever listens to me anyhow, why do I even bother.

Scott Hoffman: Allen do you remember how many houses there were; I mean how many lots; were there 40 or some. So that is about \$200 a home, which is a fraction of what the sidewalk will cost. I forget what the total figure was, but we're probably less than 10% for engineering; maybe even less than 5%.

C DUBY: It's not going to be uniform, anyway, because some people are doing it on their own.

Scott Hoffman: That's correct.

C Martin-Brown: Do you have 40 homeowners. There are two categories: major repairs required and minor repairs required.

Mayor Post: They merged them now.

C Martin-Brown: They merged them now.

Mayor Post: There's no major and minor.

C Martin-Brown: Okay, well you know what, if a citizen signs on to be part of a minor repair program and finds him or herself in a major repair pot.

Mayor Post: They've been notified, Joanie.

C Martin-Brown: Well, I haven't been.

Vice Mayor Betts: I wasn't either. I didn't know that they had been joined.

Mayor Post: Well your committee did it.

Vice Mayor Betts: We didn't join the minor and... We kept them separate.

Mayor Post: Well that was my understanding. Would somebody explain to me... Everybody had to do it; even if... Okay, let's say if it was a major or a minor, my understanding was originally the minor didn't have to do theirs, but they were just like put on alert.

Vice Mayor Betts: They just asked to be.

Mayor Post: My understanding is that your Committee put the minor and the major for them both to be bid on them that they had to do them. Now if that's not true...

Vice Mayor Betts: We asked them if they wanted to. We sent letters to everyone.

Mayor Post: Could somebody explain, what's the update?

Vice Mayor Betts: They sent letters to everyone, Don, to see who wanted to whether they were minor or major.

C Martin-Brown: Yes, I got a letter and I was listed in the fix-it list as minor repairs required and in that communiqué we were given the chance to say we would like to join other minors to have our minor repairs made as part of that pot by the Town and be pro-rated.

Vice Mayor Betts: That's right.

C Martin-Brown: Is that correct Vice Mayor Betts?

Vice Mayor Betts: That's correct.

Mayor Post: No, no.

C Martin-Brown: What I'm hearing now is that the minors and the majors are in the same cement pot together and that the number of homes requiring major and/or minor will be divided by the number 40. Is that correct?

Vice Mayor Betts: See I didn't know that either.

George Dickerson: I don't know the answer to that question, but I have a comment. The Streets & Sidewalks Committee, Vice Mayor Betts' Committee, has met; there are numerous times that the Committee has met and the questions have been asked and the letters have been written; so let's go back to the beginning. The beginning is that we have an ordinance on the books that says that the property owners are responsible for their sidewalk; that's where it is. The purpose and the intent, through the Committee and in the spirit of cooperation, and to drive the price down, Vice Mayor Betts held a meeting in here, we've met to death over this sidewalk issue; now where we are is that letters have been sent to both major and minor repairs and they were designated. The purpose of the majors was your sidewalks need immediate replacement and you need to act on them or we are going to enforce the ordinance; that was one position. At the same time, letters were sent to those needing minor repairs and they had the ability to come along, if you will, for economy of scale when the majors were being done and we would farm it all out together, thinking that we could drive the price down. Nothing we've seemed to do works.

Vice Mayor Betts: That's right.

George Dickerson: Unfortunately. Vice Mayor Betts at these meetings has struggled with people and the citizens in talking about the best way to resolve this. We are at a point where there doesn't seem to be a resolution to major or minor or how we get there. The Committee, in good spirit, with new members has met about this whole issue; we keep coming back to the engineering fees; there was \$30,000 which we hold in the bank under a Chestnut Street process; there are some that feel that the citizens who have to make these repairs should share in that money, as well as the Town should also have a fund where monies are lent to them; those that may not be able to make those repairs or may be indigent, if you will; that they be taken care of and that the Town in the past, has done that. I'm not aware of that. I don't have any history of that, but I know that it has been done, because people have told me that it has been done, where the Town would carry for a period of time or add on an assessment to your taxes, or something, to recoup those funds; if the Town would put those out. It's almost an impossible task. I've been at these meetings and numerous times you cannot get one voice that will decide. People are up in arms that, well I only have a minor repair. I don't want to sign on to this; you can't make them sign on. Really, my perspective, with all due respect Vice Mayor Betts, this has gone back to the time; we've tried to resolve it, time and time again; really the only resolution that is a guarantee is to enforce the ordinance.

Vice Mayor Betts: I think it's coming today and we're just going to have to do that, because it seems like we can't get everyone to agree. It's hard to get everyone to agree.

C Hudson: As I recall, we had decided there would be no difference between major or minor. For example, I have one, just making this up hypothetically; I have one block that's 5X5 that is totally crumbled that would be termed a

major; I have one block that is 5X5 that has one little line crack through it that would be termed a minor. The reason there is no difference between major and minor is because when the contractor comes through, he's going to repair both of them. Because they are both damaged and what it just signified major and minor was that some people have a lot more money they have to shell out because they have a lot more sidewalk that has to be fixed; whereas some people could have both major and minor, but you still have to have your sidewalks repaired and as far as I can recall the letter should not have had differences in major and minor; it is we're going to fix sidewalks; do you want to be part of it? In bulk we get reduced rates and whether or not you have major or minor you still have to have your sidewalks fixed and the more people that join in the lower it's going to be per foot and there shouldn't have been a difference. Allen, am I correct in saying there should not have been a difference between a major price and a minor price? There should have been only one price per foot of you having your sidewalk fixed; and also if I had this 5X5 and it only had one little crack in it I didn't have to have the whole 5X5 done the same as this other 5X5 that might have been totally crumbled because you could just cut across part of it and repair the part with the one crack and just pay for that small part that was done. That was my recollection.

Mayor Post: It was designated by house whether minor or major.

George Dickerson: There may be property owners who have both; they may have a major repair that has to be air/jack hammered out and totally replaced. There maybe a hairline crack that can be mended and nothing. Majors have to be done. Minors did not have that same ultimatum placed to them. Minors were only put in the mix to drive down their cost if they wanted to fix those.

C Hudson: Exactly, if they wanted to be in.

George Dickerson: That wasn't what you said.

C Martin-Brown: So what you're saying Mr. Town Manager is that the individual property owner can opt out.

Mayor Post: Not if they are a major.

George Dickerson: Yes, I'll give you an example. Truitt Jefferson, down on Union Street and that house has been beautifully done now. You see the barrels now blocking it off where they are getting ready to do the sidewalk construction; and he's done that. Truitt Jefferson chose to repair his sidewalks; he was on the major list, but he chose to go it alone and do it. He's having it done.

Vice Mayor Betts: And that's what's happening.

George Dickerson: When we sent a letter, it didn't make any sense to send the letters to those that needed major repairs and the Town becomes involved. The Town was trying to be the administrator of the contract and we were trying to do that to save people money. It doesn't seem in all of those meetings that we can get that accomplished, unfortunately. I'm sorry.

Vice Mayor Betts: To help them out. That's right.

C Hudson: So I think we should move ahead because as C Duby has said in the past, if we don't make some kind of attempt to move forward, then we

could be held liable because these sidewalks are damaged and they're continuing to be...

Mayor Post: Well, Rehoboth found that the Town is not held liable; that happened in Rehoboth; they got sued and my understanding is they were not found liable.

George Dickerson: That's correct.

Mayor Post: So Towns don't have to be...

Vice Mayor Betts: But we are trying to move forward.

Mayor Post: But we are trying to move forward, but the thing is that there are other things in play, as well, and I've said this all along, you've got to be prepared for it, especially in this economy; and this is what I say about that \$35,000; it should not be \$35,000...

Vice Mayor Betts: \$30,000.

Mayor Post: \$30,000 for the property owners. It should be for a revolving fund, because what are you going to do with the people that aren't going to be able to fix them; and I know there are going to be people out there; what are you going to do?

C Hudson: We had also agreed in the minutes to set aside...

George Dickerson: What you tell me to do.

Mayor Post: What? Well explain it again.

George Dickerson: What you tell me to do.

Mayor Post: What I tell you to do.

C Hudson: We would allow up to \$100,000 for people who couldn't afford it and then we would charge them

Mayor Post: interest

C Hudson: in their quarterly, with some interest

Mayor Post: right

C Hudson: they would pay it back over their quarterly bills and it was up to seven years that they would have to pay it back.

Mayor Post: Because we don't have that in the... That to me I think is a good idea.

C Hudson: That was not in the letter.

George Dickerson: The debate that has spawned here tonight from this topic is the same thing that we have at meetings and you can not get one voice to of accord.

Vice Mayor Betts: I would just like to be told what to do, because they keep hollering they're not doing a thing with sidewalks.

C Hudson: I will amend my motion to say that the \$7,500 should be taken out of reserves.

Mayor Post: Well, now wait. Can we do it a step further? If we've had a \$30,000 floating around there in Chestnut, then take it out of the existing account, if you're going to do that.

C Hudson: All right, I'll amend my motion to take it out of the existing account.

Mayor Post: You have the existing sidewalk account that has \$30,000 in it.

Vice Mayor Betts: Yeah.

George Dickerson: I have a question. What are you getting for your \$7,500, Scott?

Mayor Post: He just stated it all.

George Dickerson: Well, I just want it to be clear.

Scott Hoffman: Okay, for the \$7,500, this is what we're going to do: we're going to come down to town; meet with Allen, review and measure all the sidewalks sections to be replaced.

C Martin-Brown: Wait, the major sidewalks that under the ordinance are required to be replaced.

Scott Hoffman: I was getting ready to say something about major vs. minor. The sidewalk replacement that we're doing is removing sections of sidewalk and curb and replacing it with new sections of sidewalk and curb. If you want to do things like crack repair, I need to know now; you need to tell me that's what you want done.

C Martin-Brown: Back up. The removing of a cement square and a curb, in your definition, is a major.

Scott Hoffman: I don't have a definition of major and minor. The major and minor is something the Town came up with, not Cabe Associates. To me what you need to do is replace the sidewalk. If you are going to do sidewalk repairs, the homeowner can go out and fill the crack in. It's just going to crack 5, 10, 2, 3 years later, because that's an indication that there's poor sub-grade under the sidewalk and that it's old. Our recommendation would be, if you have a section of sidewalk that's failing you replace it, you dig out the sub-grade, you put in the proper base if it's needed, if you got muck soils under there or something; put the sidewalk back in new and that's how you repair a sidewalk. To try to do it piecemeal and things like; it's going to be in our estimate, it is not going to give you what you want.

Mayor Post: Well the key is then the people on the major list would have to have their entire sidewalk replaced.

Scott Hoffman: We have already been through all the sidewalks with Allen and we basically walked down the street; we found sidewalk that was damaged; we measured those sections; in some cases it was that person's entire sidewalk; in some cases it was half their sidewalk; in some cases it was just the sidewalk at their driveway; so that's the situation that you have. If we saw a crack, we included that whole section.

Allen Atkins: What we've done is listed the ones that sent letters back and said they wanted to join.

Scott Hoffman: That's right we only went down the people who were joining the effort.

Vice Mayor Betts: Is it fair to say that when you went and measured it, that is all they are going to pay for; they're not going to have it spread between the 40; it's going to be based on their section that they have put in. Is that right?

Scott Hoffman: We have to come up with a total unit quantity of say 5' wide sidewalk. Then there has to be some way to tell the homeowner that you need to pay for this much. So either prior to the bid being released, you have to then go back to the homeowners and say this is the amount of area that you

are accountable for or we have to say in the bid document, X number of feet at 55 Chestnut Street. And that's how much they are going to pay.

Vice Mayor Betts: But it's not going to be divided among the 40. They may be getting the misunderstanding that it's going to be divided like 40 if they have 4,000' and 40 people; they're going to divide the 40 into the 4,000. That's not the way its being done. Is that right? It's only going to be what you have replaced.

Scott Hoffman: You're going to get a total cost number. It seems like the only fair way to do it is each homeowner has to know how many square feet they're expected to pay for.

Vice Mayor Betts: That's right.

Scott Hoffman: So that either has to be set up that way in the bid; that's a decision that has to be made yet; or the Town has to tell them ahead of time that this is how much they are responsible for.

Mayor Post: Let's put it this way, the \$7,500 includes that. Is that what you're saying?

Scott Hoffman: Figuring that kind of thing out.

Mayor Post: Measuring each house on the replacement need of that house, that's been designated, as needing repairs, you will come up with the square footage; and that's part of your job. Quite frankly, you can go in detail of everything, but the Committee approved I guess to go with yours, as far as that goes, so it includes everything; it includes placement of the specs in the newspaper.

Scott Hoffman: We do the advertisement for you; we handle the bidding process, which is contractors are going to call and ask us questions and I handle all that; then I come down here, we open the bids; then we go back to the office; we check them all; then we bring it to Council; and we say we recommend this company.

Mayor Post: You make the recommendations and we award the bid.

Scott Hoffman: Right.

Mayor Post: Then you will oversee the project.

Scott Hoffman: The \$7,500 does not include construction review. At that point, Allen can say when are you coming in to start and his guys can review it. If that's what you decide to do.

Vice Mayor Betts: That's what we want.

Scott Hoffman: All I was trying to do was communicate. There was some question asked of the cost and I was just trying to communicate that the project is not simply replacing the sidewalk, it's a little bit more complex then that; so that's the number we're using. It's a lump sum cost. If it costs us more than that to do it, then we eat that cost. We could make it a time and materials number, but it would be bigger.

Vice Mayor Betts: I would like to go forward with it.

C Duby: Can we call the question and vote on Mary's motion.

Vice Mayor Betts: Don, that was changed from having it taken out of general funds to the fund that we have of the \$30,000.

Mayor Post: She amended her motion to take it out of the \$30,000.

C Abraham: I seconded it.

Mayor Post: Rhonda seconded it; discussion is closed. All in favor say aye, opposed. Motion carried.

Vice Mayor Betts: Thank you.

- d. Discussion and possible vote regarding the vacancy of the Town Solicitor

Mayor Post: In case anybody hasn't noticed, we have no Town Solicitor and we have the proposals, you have them in front of you, of who has submitted.

C Duby: Can I ask a question? I just had a question about the letter from Connolly, Bove, Lodge and Hutz. It looks like there is more to this letter. I only had one page and there's no signature on it and it mentions attachments of their bio and representative cases.

Mayor Post: Who?

C Duby: Connolly, Bove, Lodge and Hutz.

Mayor Post: I have the all the pages. Oh, no, you're right.

Vice Mayor Betts: I also have a question. Mr. Dickerson, did you get an additional one from a Stephanie Ballard?

Mayor Post: Yeah, we did.

Vice Mayor Betts: I didn't get a copy of it.

Mayor Post: You got it emailed; because all she... It went to everybody.

C Duby: It looks like we just got first pages of stuff.

Mayor Post: Didn't you get the one from Stephanie Ballard, it was emailed?

C Abraham: I don't think so.

C Duby: I didn't get one.

Vice Mayor Betts: I did not get one.

C Abraham: I don't remember the name.

Vice Mayor Betts: She called the town office.

Mayor Post: I have it on my phone and it came out of Wilmington and if she doesn't have an office in Sussex... Guess what, we'll have to discard them; because the Charter states that the lawyer must be for the Town of Milton from Sussex County; the Charter states that; there's no way to get...

C Duby: Must have offices in Sussex County.

Mayor Post: Must have offices in Sussex County.

C Duby: They could have offices elsewhere.

Vice Mayor Betts: I had mentioned that when their office called me about it and I was under the impression she had an office in Sussex.

Mayor Post: I don't think she states it in here, but the thing is whoever we choose; I would suggest tonight that we choose like three and go from one to three and then, because you never know, the offer may not happen for some reason; the first may choose not to take the position at times.

C Duby: I don't feel like if we don't have complete submissions from people that we can vote. I don't have enough information; I didn't get one by email.

C Hudson: I think the Town received the information, but we didn't get everything.

C Duby: Yes, but we have to make a vote tonight on it and we don't have the information to do it. I don't feel like I can vote on it.

C Abraham: I would like to meet with them.

Vice Mayor Betts: Mayor, her secretary or whoever it was called and said they called Town Hall and wanted to fill out an application and they told her they did not need to do that. All they needed to do was send an email. I don't know if that's right, wrong, or not.

Mayor Post: Well I've got her email; I don't know if you got it. I would have thought it would have been sent to all of you. It just came in on December the 3rd.

C Duby: Whether we have hers or not, is one issue.

Mayor Post: I'm looking at that, because everyone was sent that one. I recall it, so that one I'm looking up right now.

C Duby: On December 3rd?

Mayor Post: No. That one possibly not. But the list of the 5 or 6 you all were sent electronically.

Vice Mayor Betts: I have those.

C Abraham: And then another question would be if an attorney wanted us to advise us on sending them something, did we do that?

Mayor Post: No, because we have to decide. First of all, whenever you put out a process for somebody that you're soliciting for applications, and somebody sends in their notice saying that if you want me to submit an application I will; first of all I'm very concerned about that lawyer because he didn't do it properly from the beginning. Something we need to remember here is that we should not be voting on anybody that is a personal attorney of anyone that we utilize or in any way are associated with.

C Abraham: How would we know that?

Vice Mayor Betts: I'm not, because I wouldn't even know that.

C Abraham: But it also appears that the Town sent letters directly to attorneys soliciting them, is what it looks like by reading, so it kind of threw me off; did we solicit them or did they solicit us?

Mayor Post: You know I think what happened is that a letter went out to about 10 that Mary Schrider-Fox or maybe 7 that she had presented; was it in the newspaper, as well?

Vice Mayor Betts: I think it should have been.

C Abraham: I don't know.

Mayor Post: I'm asking George.

C Duby: Don what is the date of that email you're talking about.

Mayor Post: I've got so many here, I'm trying; I'm going to have to look it up.

C Duby: I've got them in my packet in hard copy

Mayor Post: There was an email sent out with every body's.

George Dickerson: I was directed to ask Mary Schrider-Fox of attorneys that she would recommend to replace her. That's what I did; she sent a list of about 5 or 6. Letters went directly to them. That's how it was followed up.

Vice Mayor Betts: I know what you did; if you were told that, I don't blame you for doing that.

George Dickerson: That's exactly what I did.

Vice Mayor Betts: Don't you think it would have been; and I think I mentioned it to someone; that we put it in the newspaper and give not just five that she recommended. I'm not blaming you, George, or Mr. Dickerson; I'm just saying I think it might have been fairer way to do it.

Mayor Post: I think what she gave was people that do municipal law; there are very few that do municipality law.

George Dickerson: That was correct. These were supposed to be the ones.

Mayor Post: I don't know any of these. I know a little bit, but I don't know any of these people.

Vice Mayor Betts: You know John Brady.

Mayor Post: I know John Brady. As a matter of fact, we didn't solicit him, I think he contacted us.

George Dickerson: He was not on the original list.

Mayor Post: Some didn't respond; we probably sent it some people...

George Dickerson: Again Andre Beauregard responded and he wasn't solicited.

Mayor Post: There were numerous ones because of the lawyer's field out there, they tell each other.

C Hudson: I make a motion that we table this because we do not have sufficient information given to us from the Town and I do not think we can rely on receiving emails to get the full letters and we should have had the full letters in our packets and they are not here.

Vice Mayor Betts: I would like to tell you the truth; I would like to have them appear before us, so that we can interview them.

C Martin-Brown: I was going to suggest if there was a way that there could be an interviewing process with the full Council sitting as a Personnel Committee of the whole.

Mayor Post: No because you don't require the Personnel Committee; we could do it like the last time, right here from the floor I'll appoint three of you; you can review them and make recommendations. How's that?

Vice Mayor Betts: Let's all of us review them.

Mayor Post: I don't think you need them all.

C Hudson: We should all review the letters as they come in.

Mayor Post: The letters, absolutely. But then let that committee choose three for interviewing.

C Duby: I think if you want to appoint an interview committee, maybe. But I don't think that interview committee should pick who gets interviewed. The full Town Council should look at all of these letters in their entirety and possibly if you want to narrow it in some way, have the Town Council pick three that you want an interview committee to interview. But I don't think you take this whole pile and any others and just give it to three people; I think the first process ought to be the Town Council. But I don't think we can do anything until we have the full information. I don't believe I got that email; maybe it was a glitch in my email, but whether I got it or not, is not the issue. The fact is we've got hard copies here and they're not complete. We've got two that we've got a partial letter and I think with the information that comes

to us, should be a definitive recognition of whether or not they have an office in Sussex County. Some of these people, you can tell that they don't; some they do; but we need something noted on each of these letters that says there is no office in Sussex County; because they're eliminated automatically; because we don't meet the Charter if they don't. There's more work that needs to be done basically, and if it hasn't been seconded, I second C Hudson's motion to table.

C Hudson: We would ask that when letters come in that we receive full copies.

C Duby: With a notation as to whether or not they have a Sussex County office.

Mayor Post: So do we want to put that on

C Martin-Brown: The January agenda.

Mayor Post: No, I don't think we can wait until January. We have another meeting this month on something; so I think we need to get these people and get them in here.

C Duby: We have a Tax Assessment Hearing; to my knowledge we don't have another meeting.

Mayor Post: We have a Tax Assessment.

C Martin-Brown: That's the 14th.

Mayor Post: But it could be. Do you want to advertise? It's very expensive when we advertise; it's about \$1,000, so...

George Dickerson: Mr. Mayor, if there's a second meeting of Council required, there's always the third Thursday of the month.

Mayor Post: If you wait for the third Thursday, then spending all that extra money...

C Duby: It's Christmas, isn't it? I don't know.

Mayor Post: Oh, you're right.

C Martin-Brown: I will not be in the Christmas spirit for an extra meeting.

Vice Mayor Betts: I think the ones that said they were not interested, should be withdrawn and the ones that have sent applications we should ask for a complete resume; and ask if they have an office in Sussex.

George Dickerson: The 17th is the 3rd Thursday.

C Duby: I'm not available then, so I'll miss it if you have it.

Mayor Post: So do we have a second on that?

C Abraham: Yes, you do.

C Duby: I seconded it.

Mayor Post: We have a motion and a second. I think also then, you know what, pull those that did not send in a complete application and then designate those that have already sent their applications in, and whether they have an office in Sussex County.

George Dickerson: There were no applications required. A letter of interest was accepted and then one of those, it was so vague that not even the hourly rate was on it.

Mayor Post: It was really bad because he was the only one that...

George Dickerson: It was a one sentence letter. "I want to be the Town's attorney."

Vice Mayor Betts: Which one?

Mayor Post: I think the one you mentioned; he didn't say.

Vice Mayor Betts: I don't even know who she is.

Mayor Post: No, not her; no, no, not her, the other one.

C Hudson: All we're asking for is full copies of the emails or letters that they send in.

Vice Mayor Betts: And ask for a resume from them.

C Martin-Brown: Yes, yes, thank you Vice Mayor Betts. You can ask for a resume.

C DUBY: Well one of these incomplete ones says we included a resume.

Vice Mayor Betts: That's right, we need a resume and if they have an office in Sussex.

C DUBY: We didn't even get the second page of his letter. There's no signature.

C Hudson: But there's a cover letter. That's what we're asking for the letter and if somebody is interested in reading the whole resume, they can come to the Town Hall and read it.

C Martin-Brown: So Mr. Mayor, this item is moved on to the meeting on the 17th of December?

C DUBY: I can't be there on the 17th but that shouldn't keep you from coming.

Mayor Post: I can't do the 17th. You know what; just put it on the next Council meeting agenda. Just put it on January's. We have a motion and a second. All in favor say aye, opposed. Motion carried.

- e. Discussion and possible vote regarding Wagamon's West Shore request for reduction in bond and bond extension

C Martin-Brown: I make the motion that we deny that request.

C Hudson: Second.

Mayor Post: I think you need to listen to something before you make the motion on it.

C Hudson: Well we made a motion and a second on and we can have a discussion on it.

Mayor Post: Okay, we had the discussion; and so you're going to say that we're not extending the bond for him to complete his project. That's what it was about. It was about bond extension and it was about bond reduction. That's two different things. Bond reduction, that's fine; but bond extension, you better really think hard and heavy; because there's a lot of work that he needs to do out there and if he doesn't have an extension, he will not get it done and then we're just going to have to go ahead and call the bond.

C Martin-Brown: But Mr. Mayor, my motion only addressed the bond reduction. I saw the second part as a second motion. So I'm only making it a defined motion about reducing the bond to which I'm opposed.

Mayor Post: Okay, we have a motion and a second. Is there any discussion? I think I have one question on why, unless it was just at the request, why was

there not a comment from our engineer firm, regarding this bond reduction; when we had one in front of us last month on a development that had just started on Heritage Creek with your comment and recommendations. I was just curious; I wanted to try to figure that out.

Scott Hoffman: We sent our recommendation in February on the reduction of the bond.

Mayor Post: On which one - Wagamon's West Shore?

Scott Hoffman: Yes, Wagamon's West Shore.

Vice Mayor Betts: And that's a punch list you have there.

Scott Hoffman: I have a copy of the letter right here.

Mayor Post: That's the punch list.

C DUBY: And what was your recommendation?

Mayor Post: We probably got it back then; but we don't have it now.

Scott Hoffman: It included a copy of the punch list, yes, at that time. The problem is it's a continuing thing until it gets done, because, cracks show up, they have to be fixed; until the things are completely fixed.

Mayor Post: Well I just think this ADA thing is very important and is going to be fixed.

C DUBY: Also, I think the comment that we heard earlier from someone who lives in Wagamon's is a very significant one. I'd like to know some background here. What does he intend to do? What's the reason for asking what his case to be made for asking for the reduction? What are the facts that we should be looking at here?

Mayor Post: Do you want to speak to that, Scott?

Scott Hoffman: Can you go down the list again?

C DUBY: Are you talking about the punch list?

Scott Hoffman: No, not the punch list. You stated three items that you wanted to know about and the Mayor had asked if...

C DUBY: The question that the speaker raised in public participation, the major question he said to us and I agree with him, that before we take a vote on this, we need to know what Mr. Simeon's intention is. So his intention, in terms of getting the work done; what his case is, if he was standing here to say, here's why I want you to reduce my bond and the status of the work; any of the facts that we need to know in making this decision.

Scott Hoffman: Is Mr. Simeon here?

Mayor Post: No.

Scott Hoffman: And there no one here to speak on his behalf. The only thing I can do is when I get back to the office tomorrow, I will talk to Ken Davis; he is the person at our office who is in charge of it and I will get that information to Council.

C DUBY: Was there nothing submitted? I assume this is on the agenda tonight because it just came in; but you're saying you looked at it back in February, so why are we suddenly getting it now?

George Dickerson: There was an official request that went in an email to Vice Mayor Betts and me and that's why it appeared.

Vice Mayor Betts: That's why it is here.

C DUBY: And did he submit anything to make his case to say this is why I want it or did he just say...

George Dickerson: There were meetings with the punch list and there was a meeting with Vice Mayor Betts and me, talking about the reduction where Scott was not in attendance, Bob Kerr was present and there was a discussion about reducing the bond and why.

C DUBY: We don't have any of that and yet we're expected to vote on it. So I would like that information, if we're going to vote on it.

Scott Hoffman: His initial request it looks like it was made on November 5, 2008. I don't why that wasn't acted on a year ago; but I can't answer that question right now; I can find out, but I can't answer that question.

C Martin-Brown: The motivation for my motion is the vulnerability of the town and the residents in Wagamon's West when there seems to be a lack of clarity as to when events are going to take place that allow the homeowner's to take over control and the town to take ownership.

Mayor Post: But to bring clarity on that, we have to look at two separate issues and I agree with you 100%; but, we have no control of anything involving the Homeowner's Association and I'm talking about legally; we have no control over it legally.

C Martin-Brown: I absolutely understand that.

Mayor Post: We are talking about litigation issues if we try to get involved into something like that. What we do have control over is not reducing the bond and whether we want to give him an extension or not.

Scott Hoffman: Part of the problem probably is related to the fact that I know they've had several different contractors out there and this is what happens when you go through several different contractors. This is the kind of thing that happens. What I can offer you is, I will ask Ken to put together a timeline of what happened when and send it to George.

C Martin-Brown: That doesn't solve address my concern nor my motion. My motion is about not reducing the bond coverage. My motion is not about homeowner's and I apologize, Mr. Mayor, for even mentioning that; but my concern is horror story after horror story and I want a motion; I hope that we can pass it tonight, that says explicitly that we will not reduce the bond.

Mayor Post: Well, you just made a motion and we have a second.

C DUBY: I have a tendency to agree with C Martin-Brown and my knee-jerk reaction is to say, no, let's not reduce the bond; however, I don't think that's a responsible vote, because we have nothing; all we have is a sentence that says "Discussion and possible vote regarding Wagamon's West Shore request for reduction in bond and bond extension"; I have no idea whether Mr. Simeon has any legitimate reason for asking for this. I don't feel that it's responsible to vote on this without more information and that's my concern. Not that I'm in favor of it reducing it. As I say my kneejerk reaction is to not reduce it. But I would like some facts.

Vice Mayor Betts: I think you'll have to go along with the decision of Mr. Dickerson and Allen and myself in the meetings and letters that we have received saying that there is too much that needs doing to reduce the bond and

like Scott said, there's the ADA problems; there are several items that have not been completed and I think that's the reason for not reducing the bond.

C Duby: I would happily listen to what you were all recommending, but I don't even have that.

Mayor Post: I don't think anybody is recommending anything. He is recommending the bond reduction.

C Duby: Vice Mayor Betts is saying you'll have to rely on Mr. Dickerson and her and Allen and I would happily do that, but I don't even have what you all have.

Scott Hoffman: When he initially requested to reduce the bond, this is what we did; we put together the punch list; all the items that needed to be done and estimated the cost of what those repairs would be; plus some of that; plus an additional amount; 125% of whatever; that becomes the value of the bond; so if that is what he's requesting to do now; maybe the proper thing is to determine the value of those items that are left to be done; that's if you want to do it that way though; that's up to the Council.

Mayor Post: I wouldn't feel comfortable at this point though to even... I would like to know who would figure out something like that. I'll take it a step further, the reason I'm very concerned is what would we do, rely on the engineer firm; but then you missed the ADA issues out there and I'm very curious to see what this other group would do, which specializes in ADA accommodations if he gets a contract with them. That's going to make me feel a lot more comfortable. I do know, my understanding is to have this plan done sometime in the summer. I think it was like a six month extension, is that what I've heard?

C Martin-Brown: Mr. Mayor, we have a motion and a second about the reduction and it has nothing to do with the extension. If you're talking about the reduction, I would like to call the question for a vote. If there's a second motion to be entertained, on the extension.

Mayor Post: We've discussed it enough and now we'll vote. Roll call vote:

C Martin-Brown	Not to reduce the bond
C Duby	Abstaining
C Hudson	To deny a reduction in bond
C Abraham	To deny a reduction in bond
Vice Mayor Betts	To deny a reduction in bond
Mayor Post	To deny a reduction in bond

Mayor Post: Motion carried to NOT reduce the bond. It might have been smart of Mr. Simeon to send a representative here, as well, to have discussed this issue. I'm a little disenchanted that they did not have anybody here tonight and I don't think that helped them. The next thing is the extension of the current bond and that extension does play a very important role.

George Dickerson: I think it's important that Council remember that the current bond in place for Wagamon's expires in February of 2010. So the bond extension in my last conversation, I believe Vice Mayor Betts when we talked about it, he wanted to go until June; he thought everything would be

completed by then. Then you have the question of the current bond that he is under; the bonding company is Wilmington Trust; then there's the application has to be made to extend it; is he going to be extended; will the bank actually extend that bond with us being the payee on that bond in default; and, can the work be accomplished by the time of the extension? So is talking about a six-month extension; if you're going to extend the bond it would be my recommendation that you extend it for a longer period of time; for at least one year; which seems to make sense. If he completes it, there's no need for the bond and he makes it and the Town signs off; the streets are dedicated; everything is accepted; if not, you're going to have one of two things; if the work isn't completed, you're going to have to invoke the bond before February 2010's expiration date; that's one thing that is imperative; the next thing, if you're going to extend the bond, why just do it for four months, let's get it out there for a while so that we're covered for a while so that we're covered for a longer period of time.

Vice Mayor Betts: My problem is with extending it for a year that means that we're not getting any lighting from him for a year. We're still paying the light bill.

George Dickerson: Yes, that's true.

Vice Mayor Betts: But we may be lucky enough to get Street Aid. We may not.

George Dickerson: And the streets, by the time they're dedicated by the next time they appear on the MSA list, it probably wouldn't appear next year, anyway.

Vice Mayor Betts: That's true, too.

Mayor Post: My biggest concern is that we don't play around and then the bond expires, so I think, if we are going to extend it today, I don't know what I feel about a year, but...

Vice Mayor Betts: I disagree with a year, because by the end of October, they're not going to be able to work on it anyway; so if you're going to extend, I wouldn't extend it any longer than August.

George Dickerson: The condition of the extension should be based on his ability to obtain the bond.

Mayor Post: I think we would have to have proof by the January meeting that he can extend the bond; because if not, then we are going to have to take action by revoking that bond; because if it expires sometime in February, we're going to have to make sure that we are very aggressive in January on having it revoked. I don't know if we need a whole year.

Vice Mayor Betts: I think by the end of August.

Mayor Post: August or September should give him plenty of time to get it right and make sure that it is all correct out there.

Vice Mayor Betts: And they have the summer months to work on the streets.

C Martin-Brown: Vice Mayor Betts your motion is September 30, 2010.

Vice Mayor Betts: I make a motion to extend the bond until September 30, 2010; but I also want to have acknowledgment that the bank will extend the bond by the January Council meeting.

C Martin-Brown: Second.

C DUBY: That was my question was one of the reasons, Mr. Dickerson, was that you were advocating a longer period is that you think that his chances are less of being able to get it from the bank, if it's a shorter period?

George Dickerson: I have every belief that the developer would be able to obtain the bond; I'm only concerned that the work not be done in a timely manner.

Mayor Post: How many months is that, I think it's ample.

C Martin-Brown: Its 9 months and 3 weeks.

Mayor Post: You'll have a couple of months of really bad weather where they can't do anything. We have a motion and a second. Is there any more discussion to the motion? Again, roll call vote:

C Martin-Brown Yes to the extend the bond until September 30, 2010

C DUBY Yes

C HUDSON Yes

C ABRAHAM Yes on extension

Vice Mayor Betts Yes to extend the bond until September 30, 2010

Mayor Post Yes to extend the bond

Motion carried and no opposition. There will be no Executive Session without an attorney present.

14. Adjournment

C HUDSON: I make a motion we adjourn.

C DUBY: Second.

Mayor Post: All in favor say "aye". Opposed. Motion carried. Adjourned at 9:33 p.m.