

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, January 9, 2012
6:30 p.m.**

**Transcriptionist: Helene Rodgville
[Minutes are Not Verbatim]**

Mayor Newlands: Since we've already had our Public Hearing with Council on the Dogfish rezoning and the Comprehensive Plan request and also Planning & Zoning has had their Public Hearing, as well; we're not going to take any more public comment tonight on the rezoning. So there's a couple of people who wanted to speak tonight in public participation. We will move that public participation until after we discuss the rezoning application. We'll move public participation down towards the middle of the meeting.

2. Call to Order – Mayor Newlands called the meeting to order at 6:30 p.m.

3. Moment of Silence – Councilwoman Betts

4. Pledge of Allegiance to the Flag

5. Roll Call – Mayor Newlands

Councilwoman Hudson	Present
Councilman West	Present
Councilwoman Betts	Present
Councilman Lester	Present
Councilwoman Jones	Present
Mayor Newlands	Present
Councilwoman Duby	Absent

6. Additions or Corrections to the Agenda

Mayor Newlands: Do we have any additions or corrections to the Agenda? We're moving public participation down to after Item 13b. Any other additions or corrections to the agenda?

7. Agenda Approval

Mayor Newlands: Can we get approval of the Agenda, as amended?

Councilman West: I make the motion that we accept the agenda as it was redone, with the corrections.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to approve the agenda, as amended. All in favor say aye. Opposed. Motion carried.

8. Presentation and Approval of Minutes – September 29, 2011, December 5, 2011 and December 14, 2011

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Mayor Newlands: The only thing missing from the September 29th minutes was the one page where we went back into session to accept the budget and then we have December 5th and December 14th minutes. Does anybody have any issues with the minutes?

Win Abbott: Mr. Mayor, on the minutes for December 5th, Page 6, near the very bottom under Item 11; it references the Lien Acquisition Committee has worked with engineers to find some suitable sites for the second well and holding tower; that would be the Land Acquisition Committee. And on Page 7, I believe 3 or 4 lines up from the bottom, under Mayor Newlands, it references our representative from the Delaware State Office of Drinking Water, Heather Warrington; that would be Heather Warren. That's all I have, Sir..

Mayor Newlands: Thank you.

Councilwoman Jones: Page 15, just about the middle of the page. There was a question about Holiday Overtime and we had – it should be no Holidays in October; not to, as it to Holidays. It was the discussion about Columbus Day and a line item for police overtime. No holidays.

Mayor Newlands: I don't see it.

Councilwoman Jones: No holidays.

Mayor Newlands: Where was that again?

Councilwoman Jones: Just about...

Mayor Newlands: Who's talking?

Councilwoman Jones: I am.

Mayor Newlands: Okay. Any other changes? Can we get approval of the minutes? Does somebody want to make a motion?

Vice Mayor Betts: I make a motion to approve the minutes, with the corrections.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to approve the minutes of September 29, 2011, December 5, 2011 and December 14, 2011, as amended. All in favor say aye. Opposed. Motion is carried.

Councilwoman Jones: No.

Mayor Newlands: I'm sorry.

Councilwoman Jones: My copy of the December 14th minutes say draft. I wasn't prepared to pass them tonight. I'm sorry. I'll abstain.

Mayor Newlands: Motion is carried.

9. Discussion on Written Committee Reports

Mayor Newlands: Does anybody have any issues with the reports?

Vice Mayor Betts: Are you going individually?

Mayor Newlands: Excuse me?

Vice Mayor Betts: With the committee reports?

Mayor Newlands: Yes. Right now I've got the Board of Adjustment report; we have the Town Manager's report. I think that's all we have on the committee reports. Is this the property where they're moving the staircase from one side of the building to the other? Okay, we don't need to approve the report. Does anybody have any questions about it. Does anybody want to ask Mr. Davis anything? Okay, let's go on to the Town Manager's Report.

10. Town Manager's Report

Win Abbott: Yes, Mr. Mayor, I look forward to the day not too far from now when the Town Manager's Report will be up on the town website so everybody can the opportunity to print it

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out at home before coming; but I provided about 30 copies for the public. Just wanted to recognize all the different groups that played a bit part in making our downtown area look festive and clean for the holiday season; and in particular, the Milton Garden Club. Thank you. I referenced preparing for winter storms. Our Public Works Supervisor and Water Department Supervisor went to the University of Delaware T-2 Center for a training class with regard to winter clean-up and we also had a meeting with Chief Clark of the Milton Fire Department and made plans to be able to respond. You will note that there was a solicitation of Candidates, so we have a full slate of candidates for the upcoming election March 3rd. I also reference paying utility bills on time. Unfortunately, we have a number of people who were unable to pay their utility bills on time and it created quite a flurry of excitement between Christmas and New Year's; some 90 homes were in danger of having their utilities turned off and we were able to avert that at the very last minute. There also are a few other references to some other things that are happening in the Town of Milton. I think most of the people will be able to reference the report or share it with their neighbors. That's all. Thank you.

Mayor Newlands: Thank you.

Councilwoman Jones: Question. I would like to make a request and I'm going to assume that I make that to you; to please, may I have my council package before the Friday before Council; and it may be that I work five days a week and it leaves little time in the two days of the weekend. Is it at all possible?

Win Abbott: Absolutely.

Councilwoman Jones: Thank you very much.

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

Vice Mayor Betts: Could I ask a question in regards to the Project Coordinator's Report?

Mayor Newlands: Sure.

Vice Mayor Betts: I've read this report and I really don't know how our town coordinator can get his work done, with putting every phone call that is made. I don't think that's necessary. I think the important parts of the report he should do; but I do not think he should have to put every phone call. I think that takes time and I think he could do a lot more if he didn't have to put everything he does even to a phone call. I think it's hard on him. If I had to put down there every time I had a phone call; I would never get anything done.

Mayor Newlands: I agree with you. I think when people are trying to get rid of the Project Coordinator and the Code Enforcer at budget time; I think he's trying to make sure that everybody knows he has a full load of work to do. So.

Vice Mayor Betts: I agree – but I don't know how he gets his work done that he has to do; when he has to put every move he does.

Mayor Newlands: Alright, we'll discuss that with Mr. Abbott and Mr. Davis, during the week.

Vice Mayor Betts: Just my opinion.

Councilwoman Jones: Mr. Abbott, in reference to the Code Enforcement. Were you prepared to give a statement to Council in reference to the charge at budget time to look at that department and report back to Council your thoughts on the work capacity and the two gentlemen that work in that capacity.

Win Abbott: I believe I did by way of my Town Manager's reports over the past two months where I gave citations for particular work that was done; as well as a ratio of the value of the dollars they brought in, compared to last year; compared to what was done this year; that was in the last month's Town Manager's report.

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Councilwoman Jones: Okay. It was not my interpretation of the report back, but I do get those reports. Thank you.

Mayor Newlands: I'm going to ask Mr. Davis a question about the report. You wrote in here that there is a proposed church to go into the storage buildings out behind the Food Lion?

Robin Davis: Yes, the owner of the buildings behind Food Lion was looking to maybe have a church go back there and it's nothing firm yet, but there is a proposal on the table for that.

Mayor Newlands: Alright, does anybody have any other questions for the Chief of Police and his reports or anybody else?

Vice Mayor Betts: I just have one question? This report was for November Chief and not for December?

Chief Phillips: We're a month behind. Remember?

Vice Mayor Betts: Okay, thank you.

12. Finance Report and Revenue/Expenditures Report

Mayor Newlands: Okay, now for the Finance Reports.

Councilman Lester: The finance reports are in the package for the month of November; we are certainly on track for the budget expenses and mostly for the revenue so far for this year.

Mayor Newlands: Revenue for lien certificates is ahead; revenue for transfer taxes are ahead, despite a few things that are going ahead right now. This week we are closing out the Citizen's account; the Recorder of Deeds is going to take over handling our deed processing and transfer tax for us and we'll save about 1% on the transfer tax we get back; so it's about \$1,000 or \$2,000 savings a year in bank fees. I see we have a sign statement this month.

Councilman Lester: Yes, it should have been signed last month; but I think somebody in the office had overlooked that. But we're on track to be reporting exactly as we should be reporting.

Mayor Newlands: And just to let the folks know, the State of Delaware Auditors are in now doing our audit for fiscal year 2010. The State Auditors are in doing the fiscal year audit for 2010, so they're working with us right now on that process.

Councilwoman Jones: A question for you on Page 5; and maybe for the Chief, too. The second item from the top; only two months reporting do I read that correctly; the police could already be in trouble for Printing and Postage; that's 41%. I want to make sure I'm reading it right.

Councilman Lester: Yes, that is right.

Councilwoman Jones: So with only two months reporting, that looks like that's going to be trouble.

Chief Phillips: What we do is the mail thing that we have, we have to up it every year or so; and it takes a hit on that postage, but we should be okay, I believe.

Mayor Newlands: That's the meter.

Councilwoman Jones: Okay.

Chief Phillips: The meter, I'm sorry, yes.

Mayor Newlands: They have to add postage to their meter. Their postage is less than \$500 every year, anyway.

Councilwoman Jones: Okay, but I'm just saying, that with only two months reporting it is showing 41% expenditure and I want to make sure that... I know you're upping your meter, but are you still going to be okay for the ten month's left.

Chief Phillips: I believe we will, because as I said, the meter... We pay by the year, so we're banked up, so we should be. We did send out a lot of victim's copies and things like that. If

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there's another problem, I'll let you know for sure.

Councilwoman Jones: Thank you.

Chief Phillips: Thank you.

Vice Mayor Betts: I have one question for Councilman Lester. Could you on the Money Market...

Mayor Newlands: Hold it. We're still on the Chief.

Vice Mayor Betts: I'm sorry, I'll wait.

Mayor Newlands: Does anybody have any further questions on revenue and expenditures? Okay, do you want to go on to the bank balances?

Vice Mayor Betts: Yes, bank balances. Could you tell me why the Money Market went down; was it because of interest from last month to this month? Um, the money market general and money market...

Councilman Lester: It went from \$344...

Vice Mayor Betts: Up to the top.

Councilman Lester: Some of that money was transferred to the general account.

Vice Mayor Betts: It was a transfer. Because I noticed it's quite a bit.

Mayor Newlands: I think that's a typo Norman. That went from \$344 to \$144; that's got to be a typo. We didn't do...

Vice Mayor Betts: That's \$200.

Councilman Lester: Well, I didn't do the typo. That's not my typo.

Vice Mayor Betts: I just wanted to ask, it was quite a difference.

Councilman Lester: Yes.

Vice Mayor Betts: On the general money market, it went from \$107 to \$183 and then if the other one is a typo, there's a \$200 typo. Is that right?

Mayor Newlands: \$200,000.

Vice Mayor Betts: I meant \$200,000; that's what I'm saying. \$144,000 and last month it was \$344,000; so that was a typo.

Mayor Newlands: We have not moved any money from the Money Market accounts.

Vice Mayor Betts: Okay and the other one was from \$107,000 to \$183,000; it went up.

Mayor Newlands: Right, that's property tax coming in; other permits coming in.

Vice Mayor Betts: And that went to the general?

Mayor Newlands: That goes to the General Fund, correct.

Vice Mayor Betts: Okay, thank you. But this other is a typo.

Mayor Newlands: Yes, because I guarantee you there is no money that has been moved from that; because I'm the one who signs the authorization for that and I have not signed anything.

Vice Mayor Betts: Okay. Thank you.

Councilman Lester: In addition, the Town Manager puts out an abbreviated summary of activity in all the accounts and this is a very... I don't know if you have had a chance to look at it, this is a useful document.

Mayor Newlands: Any other questions about finance? No. Okay. Let's go onto Old Business.

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

- a. A proposed amendment to the Town of Milton Comprehensive Plan Future Land Use/Potential Expansion Map for a parcel owned by Dogfish CVI, LLC further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00. The parcel is currently designated as Residential/LPD (Large Parcel Development District). The proposed amendment would

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change the designation to Light Industrial, and,

b. An application from Dogfish CVI, LLC for the rezoning of the parcel in Cannery Village Phase 3A further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00. The proposed rezoning would change the zoning designation parcel is currently designated as Residential/LPD (Large Parcel Development District). The proposed amendment would change the designation to LI (Light Industrial)

Mayor Newlands: We've had our Public Hearings on it; Planning & Zoning has had their Public Hearings on the issue; we've had public comment come in; we've had emails; we've had letters; we've had phone calls; you name it, we've had advice from people telling us that we're following the wrong laws. So I think we've had enough information on this to make a decision tonight.

Seth Thompson: Mr. Mayor, if I could just remind everybody the process by which we need to do this; not only the legislative function; it must be reasonably related to the interests of the health, safety and welfare of the community. Your decision can't be arbitrary or capricious. You need to identify for the record, what facts are you using to make your determination and those facts would need to have been presented and therefore in the record. You can certainly adopt the findings and reasoning of Planning & Zoning. At this point, it is only an Advisory Report. Title 29, Chapter 92 Controls the Plus Process; and then Federal 22, Section 303 is the standard by which the Council needs to determine the proposed rezoning. Basically, it must be in accordance with your Comprehensive Plan; that's why the two are being considered together. It wouldn't make logical sense for you to rule in favor of one and against the other. Again your zoning needs to be in accordance with the Comprehensive Plan. The other factors in 303 are whether it is designed for lessening congestion in the streets; designed to secure safety from fire, panic and other dangers; designed to promote health and the general welfare; designed to provide adequate light and air; designed to prevent the overcrowding of land; designed to avoid the undue concentration of population; designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirement; designed with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for a particular purposes. These being able to use and conserving the value of buildings and made encouraging the most appropriate use of land throughout the municipality.

Mayor Newlands: Now, just to let everybody know, Dogfish is going ahead with their plans and correct me if I'm wrong; to expand the interior of that building; the capacity of brewing; so they're going to have heavier truck traffic coming and going from that building; the current plan right now. So everything that's coming in and out in the front of the building will continue to happen and that traffic will continue to increase because they are expanding the capacity inside the building. They're doing that, regardless of what we do tonight. Now what I passed out and don't anybody get excited; I passed out the wording for a motion. It left blank where you would say Approve or Disapprove; but the wording is just set so we that have all of our i's dotted and our t's crossed about how we phrase the motion. That's all on that and Seth has approved the motion earlier today.

Seth Thompson: The other thing, again, it's important that when the motion is made and seconded, the Council can then have their discussions; there will need to be a roll call vote and you're going to need to articulate your reasoning, one way or the other for your vote.

You can certainly adopt what somebody else on the Council has said; you don't need to

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repeat everything verbatim; if indeed, that's what you agree with; but it just needs to be clear why you're making whichever decision you decide to make.

Councilwoman Hudson: Seth, I have a question. On our agenda, these are two different items; a and b?

Seth Thompson: Correct.

Councilwoman Hudson: Then why did you combine them into one...?

Seth Thompson: I think it was for ease, that we don't have an issue where somehow we vote for one and a vote the other way for the other portion.

Councilwoman Hudson: Why not?

Seth Thompson: Well, because if you modify your Comprehensive Plan...

Councilwoman Hudson: But we can vote any way we want.

Seth Thompson: Well, but then it would be out of compliance. Again, just hypothetically speaking, if you decline to amend your Comprehensive Plan, but then grant the rezoning, the rezoning is out of compliance with the Comprehensive Plan at that point.

Councilwoman Hudson: True, but since it's two separate items, I think it should be two separate votes. That's just me.

Seth Thompson: And that's fine as well. I think the facts and the reasoning are going to be tied together, because you can't have one without the other.

Councilwoman Hudson: Um huh.

Councilwoman Jones: I'm new at this. This must be the time to discuss things.

Mayor Newlands: No, we will take a motion and a second, then we discuss.

Councilwoman Jones: And that's it?

Councilwoman Hudson: You make a motion, and have a second, and then discussion. You have discussion by Robert's Rules of Order.

Mayor Newlands: Right.

Councilwoman Jones: Then I would go on the record and say I would like to vote according to the way it was posted on the agenda, which does make it a separate item; if that's the majority of how the Council feels; or are we directed in a different way?

Seth Thompson: That's fine, as long as it's abundantly clear that the reasoning for whichever you do for the first, is in all likelihood, also then the reasoning for whichever you do in the second vote. I just wouldn't want it to appear in the record that you laid out your reasons for the first vote; but then there weren't any reasons for the second vote; that a reviewing court could see.

Mayor Newlands: They really go hand in hand, the two items. It's just that one has to happen before the other and they can come in combination, as long as you speak about the first one; being the Comprehensive Plan first. Because in the motion, the way it's laid out, it does reference both the Comprehensive Plan and the rezoning application and you are in this one motion that's being said, you can approve or disapprove of them each, individually, because it's spelled out that way. And like Seth said, it makes no sense to disapprove... Actually, you can't disapprove the Comprehensive Plan and approve the rezoning. You can't do that.

Seth Thompson: That's right. Then the zoning map would instantly be out of compliance with the Comprehensive Plan.

Mayor Newlands: We're not allowed to zone something that's not in our Comprehensive Plan, are we?

Seth Thompson: They just can't conflict with themselves.

Mayor Newlands: Right.

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Vice Mayor Betts: Do you want it separate then?

Seth Thompson: As long as the record is clear, it doesn't matter to me.

Vice Mayor Betts: Is that what they're wanting?

Mayor Newlands: If they want to do it separate, do it separate. That's fine.

Vice Mayor Betts: I'll make a motion to approve the proposed amendment to the Town of Milton Comprehensive Plan Future Land Use/Potential Expansion Map for a parcel owned by Dogfish CVI, LLC further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00 changing the designation to Light Industrial.

Councilwoman Hudson: I second that motion and now we can discuss the first part; which would be a.

Mayor Newlands: Yes, we have a motion and a second. Now we can discuss the first part. If we're going to stay silent, that's not going to be a discussion. I'm sorry.

Seth Thompson: It might be helpful if I drew your attention again to the factors of 303 in making your decision. Obviously we've been touching upon the Comprehensive Plan; the issue of congestion of the streets; safety issues; promoting health; adequate light and air; overcrowding of the plan; concentration of population; adequate provision of public requirements.

Councilman Lester: Councilwoman Hudson obviously wanted us to discuss that first portion. I'm waiting to hear something.

Councilwoman Jones: I'll say something, if I may. We're talking about the first part, which is the change in the Comprehensive Plan. It's okay to quote the statutes and things that we need to be looking at, but it's been a passionate issue. I believe we've heard an awful lot of citizens speak against the proposed rezoning for a number of issues that either were pretty close to Land Use issue; which is what the Council is charged with looking at; and nothing else; and things that varied to folks with "deep pockets" and these are sensitive subjects. I really think that being honest and sitting in front of you as Council, it's our responsibility to do what's best in the name of the Town of Milton, too; as well as representing you the best we can. Some of the comments are actually quite directed that we could be on the take. These things are hurtful and they reduce the ability to look at the person who is making them in a responsible way, or give you credence that what you're saying has some validation or basis to it. There are pros and cons to every single issue on the table that comes before Milton; growth of any sort is going to be in somebody's backyard, no matter where you stand on the issue. I would like to let you know that for me, I've heard you; I've heard the citizens of Cannery who speak and I understand and I empathize, but I am convinced that your issues have to do between you and your developer and as the Town of Milton, I would like so much to be able to get into the middle of it and help you; but I am not sure that's my place. But I have heard it. I have had a very difficult time reducing it just to statutes and codes and land use, when there's an awful lot of heart that is involved in this town; both pro and con. So if I may speak on Council, I've done a lot of homework. I hope everybody else here has too. It's been a long, hard look at a division in town. Somehow, in turning this into a working parcel, it's been called "we'll look like we're falling off the back of a truck". Milton has a long history of industrial use, starting back as far as the 1600's as shipbuilders. There is no guilt or shame in being a working class community. It does not reduce who we are; what we stand for; and the fabulous town we live in. That's location; that's it's people; that's it resources. I've said enough. I just wanted everybody who has come out for these meetings to understand I've heard you and agree with me or not; I will make a responsible decision.

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Mayor Newlands: Thank you. We also have Bob Kerr here in case anybody has any technical questions for our engineer.

Councilwoman Hudson: I would like to say that I've listened to a lot of people who have stopped me in town, emailed and called my house and I want to thank you for your concern, because for a lot of years this town's population was decreasing and there was very little concern. You could come to a town meeting; it would last a half hour, 45 minutes and there would be three people sitting in the audience. So things have changed. I look back as Councilwoman Jones said; the history of this town; I moved in here in 1969 and was married in St. John's Episcopal Church on Federal Street and I had a summer job at the shirt factory on Hazard Street; which is no longer there and at its peak that shirt factory produced over 27,000 dozen garments a year; and my ex-husband's grandmothers all worked there. There have been many types of businesses in this town and it's not just residential; it has always been a mix from the hundreds of years, even before I lived here; so I want to consider several things. Many of you talked about you moved into a residential area and you were hoping to see it continue to be residential and other people say that the town can use the business; the draw that the brewery has for tourists and bringing people to town and I am torn, because when Dr. Howard's property was being considered for Conditional Use, I was firmly against it. I said that I moved into a residential area and I firmly expected it to remain residential, because there were two lots; and you cut down the trees; and paved it over with 17 parking spaces; and doubled the size of the building; and put in a business where previously there had been a residence; you expect when you move in that there's not going to be a business on this side of you and a business on that side of you; and that's just a small example of what we're seeing here with Cannery. Only the difference that I see, is that it was business to start with and then became mostly residential; and now the consideration that some part of will go back to being business, or expand. So, where a residential home became a business; the difference is this was a canning company and then became homes and now may be business again. So I see some differences there and some similarities. So considering the emotion, but also looking at the objectivity of the growth of a town; I have put an awful lot of thought into this; so I want you to understand that; where I'm coming from; when I vote for this. Thank you.

Mayor Newlands: Thank you.

Vice Mayor Betts: I have had lots of phone calls, emails and I've accepted every person's visits, their phone calls and I have read everything from top to bottom and I hope you understand when I came to town; when we built our home; it was all clear in front of me and now I don't have a clear land in front of me. I have Bodie's Market and I had the post office and things do change during the period of time. So I've looked at everything and I understand both sides; but I hope that when I make the decision, that I'm going to make; it will be for the betterment of the town and for the people of our town and I do know that I have taken everything into consideration and I hope that it will be for the betterment of the town, the way I vote.

Councilman Lester: I come at this from a slightly different perspective than I think probably a majority of the people in this room. We're new to Milton. We weren't here when it was an industrial town. It was pretty small and when we first moved here, and, of course, it has begun to grow. The thing that I look at and if one listens to the talking heads, these days with the political debates; one of the key factors that everybody speaks about, was Republicans or Democrats; they talk about small business being the job generator and I look around this

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town and we're not all old folks and we're not all retired; there's some young families; there's some young people here that still have careers to look forward to; and I think a company such as Dogfish Head will provide the expertise whether you want to work in a warehouse, or learn to be a brew master. I'm not sure how one does all those things; but I'm sure there's some training involved and some development. What I'm getting at is there's an opportunity here and we need opportunities in this town, because we really don't have anything; we've become very heavy in certain industries, if I may use that term; but we need somebody that will generate jobs. One of the few things I remember from taking Economics, was they talk about the multiplier affect; and the multiplier affect here would be that more people come into town; more people will shop in town; they would go to the grocery stores; they will spend money locally; and a dollar spent here; and two dollars moved there; and three dollars spent further on; so I've looked at all of the scads of emails and notes; so I too have looked at this and thought it over very carefully, but I want you to understand, I do come from a slightly different perspective not having been born and bred here. Thank you.

Councilman West: I'm going to speak on this point and explain...

Seth Thompson: Councilman West, if you're abstaining, then you shouldn't participate in the discussion.

Councilman West: I wanted to explain why.

Mayor Newlands: Okay, that's fine.

Councilman West: Okay. As all of you know, I wasn't here on the 14th to hear the public discussion. I had a family emergency; my sister fell. As all of you know, I have a sister that has Down's Syndrome. I also weighed in, the pros and the cons on this; but after speaking with Seth, he said it's in the best interests of the town that I do not vote and abstain from voting on both of these issues. It's because I was not at the public hearing.

Seth Thompson: People have referenced emails that they've seen. I just want to make clear that those were emails that were placed in the record itself. Okay. I'm seeing a bunch of nods, if anybody is considering something after the record was closed, please let me know; but that should not affect you in your decision. It robs the other side of the opportunity to respond. Thank you.

Mayor Newlands: And the other thing I wanted to add is that Dogfish could put this warehouse or a slightly smaller one in an area that's visible to most people in Cannery Village. They've chosen to put this in the back of their brewery, where it's not going to be visible to anybody; so they're good neighbors; good stewards to the Town of Milton; they're banking on Milton; they're investing a lot of money in their business in Milton; they're going to hire a number of people that hopefully will come to Milton; come from Milton; or people will come into Milton and buy houses in Milton to work in the brewery. So I mean they're good stewards for town. There are towns on the eastern seaboard who would actually given them a tax free business; just to have the business in town; okay, don't get any ideas Nick. We don't do that. So with that, we're going to need a roll call vote.

Seth Thompson: And people will have to articulate their reasons.

Mayor Newlands: Make sure you speak clearly into the microphone please:

Councilwoman Hudson

I vote to approve the motion. I believe there will be less truck traffic in town and less stress on the town's infrastructure.

(Seth Thompson: If that's the only reasons, that's fine. You don't have to go down the whole list and again, it's not a checklist, where they need to meet all the requirements. It's whatever you find to be convincing. So if these were the factors you weighed, it's fine.

Councilwoman Jones: Just to clarify, we're voting on a?

Mayor Newlands: Yes. The Comprehensive Plan.

Councilwoman Jones: Okay. Thank you.)

Vice Mayor Betts

I am voting to approve the proposed amendment for the Town of Milton's Comprehensive Plan Amendment and it's because I think that it will bring less traffic from Milton; and the demands on the town will be less.

Councilman Lester

I'm voting for the Amendment for several reasons. One that the Mayor mentioned that there is a Light Industrial piece in front of the property that could be used and they've decided not to. That would help reduce congestion on the streets, both in town and also in Cannery. It's been approved by Plus; we've received approval by the Planning & Zoning Commission; I think in terms of promoting the general health and welfare of the town, as I mentioned, is an opportunity to provide jobs or increase the opportunity to provide jobs for the people that live here in Milton and in the surrounding areas and I think it fits with the Ordinance, being designed for consideration; it's in character with the district and it's suitable for the piece of land that it is being placed upon. That's all.

Councilwoman Jones

I vote to approve the proposed Amendment to the Comprehensive Plan so that we can move on to the true meaning of the business here; which is the application for rezoning. I also believe that the change of this parcel to a working piece of land is actually an adjustment; rather than a change of course that will be set in stone for all of history. This will simply revert back to a piece of working land at a time when Milton has to consider the economic changes that have happened all around them and your choices are you either change with them or you get left behind. I think Milton has a responsibility to be responsible, if they see the opportunity for the parcel to be used in a better way than waiting for a residential land build out. Again, on a personal level, there are a lot of people who are connected to this community. Understand that this parcel of 40 acres is a wild and quite grown up piece of property and is a far better suited location for the warehouse this company needs; than the 2-1/2 acre parcel directly across from the tree house; which, if I'm not

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mistaken, if built on that location, would most likely provide late afternoon shade over the pool and clubhouse belonging to Cannery Village. So, in a way, in rezoning this piece of parcel, I think it's a responsible choice.

Thank you.

Mayor Newlands

I also approve the Comprehensive Plan change to Light Industrial for Dogfish. I think if we did not do this, we would have a large increased amount of traffic coming in and out of Chestnut Street. They're increasing the capacity of the brewery internally, which means more trucks coming and going; so this makes a lot of sense, just to reduce the truck traffic throughout town.

Mayor Newlands: Okay, so the motion is carried.

Mayor Newlands: The next item on the agenda is the application from Dogfish CVI, LLC for the rezoning of the parcel in Cannery Village, Phase 3; further identified by Sussex County Tax Map and Parcel #2-35-20.00-53.00. It is the proposed rezoning which changes the zoning designation from R1/LPD (which is Residential/Large Parcel Development District) to LI, which is Light Industrial.

Councilwoman Hudson: I make a motion to approve the application from Dogfish CVI, LLC for the same parcel to be rezoned to Light Industrial.

Councilman Lester: I second.

Mayor Newlands: We have a motion and a second to approve the application from Dogfish CVI, LLC for rezoning of Parcel #2-35-20.00-53.00 to Light Industrial. We'll take a roll call vote; and Seth can we just reference the reasons of the previous agenda item?

Seth Thompson: You can.

Vice Mayor Betts: I have a lot that I didn't say in the previous, because it didn't pertain to this.

Mayor Newlands: Okay. I forgot to ask if there was any discussion.

Bob Kerr, CABA Associates: A question, more or less, for probably Seth. If the motion could be amended to include, or maybe it's a separate motion; we've done a couple lately that the zoning map has not been updated and signed by the Mayor, so there isn't an official paper document in the Town office that shows the zoning, so would that be a separate motion, Seth; or part of this one, if approved that the map would be updated and signed by the Mayor.

Seth Thompson: So to update the map, the official zoning map, in addition. That could be a separate motion; that certainly should happen, that if you legislatively change the zoning, the official zoning map needs to change; but if that's a concern, we should spell it out.

Mayor Newlands: So this is because of the Comprehensive Plan change?

Seth Thompson: Correct. It will be after this one.

Mayor Newlands: Okay. Is there any discussion amongst the Council?

Councilwoman Hudson

I vote to approve the motion for the same reasons. I believe there will be less truck traffic in town and less stress on the town's infrastructure.

Vice Mayor Betts

I do approve the change to Light Industrial and also to

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approve the application from Dogfish CVI, LLC for the same parcel to be rezoned to Light Industrial for the reason that the Planning & Zoning approved; the positive Plus Report from Connie Holland's office of the State of Delaware; approved and under Delaware Code 22, Section 303 states Light Industrial, if it makes it better for me; and I do think they met the requirements by eliminating the traffic with the special road on Cave Neck Road; for the safety and the demands on the town; and also under the Super Majority Vote, this does not meet the requirements as the protestors did not live within the 100' adjacent zone and at the Public Hearing, the people speaking seem to have more of a problem with their developer than with Dogfish Head and I think we have a valued business with Dogfish Head and I feel that it will be for the betterment of our town and the economy.

Councilman Lester

I too vote in favor of the application and rather than just repeat what I said before, I just repeat what I said before and put that in the minutes. "I'm voting for the Amendment for several reasons. One that the Mayor mentioned that there is a Light Industrial piece in front of the property that could be used and they've decided not to. That would help reduce congestion on the streets, both in town and also in Cannery. It's been approved by Plus; we've received approval by the Planning & Zoning Commission; I think in terms of promoting the general health and welfare of the town, as I mentioned, is an opportunity to provide jobs or increase the opportunity to provide jobs for the people that live here in Milton and in the surrounding areas and I think it fits with the Ordinance, being designed for consideration; it's in character with the district and it's suitable for the piece of land that it is being placed upon. That's all."

Councilwoman Jones

I vote for the change of rezoning for the applicant, Dogfish; again as a land use, which is what I was cautioned to look at. The parcel is an interesting parcel. It is no wonder that this company chose it, it is right at their back door. When I made inspection of the property and walked it; and walked around the brewery; what fascinated me was that the closest portion of anybody that lives to what I call the working side of the brewery, is actually Chestnut Properties and surprisingly, right up against the fence is being built a new home. It told me that those folks who were well aware of the working side of the brewery, were not afraid to invest in that property and I did not hear them come forward during the Public

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Hearing to protest the expansion at the back. So, again, the parcel is ideal for hiding something quite whimsical, as Dogfish Head is known for in the woods. I think that most likely, as I envision it and I've seen no plan by any means; the entranceway onto Cave Neck Road will actually bring some light to an otherwise darkest road in Sussex County you ever travel on. You don't even know you're coming near Milton. You will long think you've lost your way. There's no light at that intersection; I've made it a point to be out there a couple of evenings and that, in itself, I believe will be a major improvement as part of an entranceway into the town. Dogfish has also nothing to do with land use; I would just keep everybody in mind that there aren't somebody who just wanted to move here from Schenectady, New York; we know them; they've been 10 year neighbors of the community; I think it's well worth taking the gamble; but I also think it's a responsible choice to revert the property back and rezone it Light Industrial.

Mayor Newlands

This is Mayor Newlands. I too approve the rezoning application. I just think it makes sense having the warehouse in the back of the brewery; it does remove a lot of traffic from within town and pull it out to the back of the complex.

Mayor Newlands: So with that, the motion is carried.

Seth Thompson: You need to add Bob Kerr's motion.

Mayor Newlands: Yes, how do you want to phrase that? Why don't you make it and somebody will make it.

Seth Thompson: And Mr. Kerr, jump in, but I suspect you're referring to a motion to amend the official zoning map, to reflect the amendments that were approved tonight?

Bob Kerr: Yes and authorizing the Mayor to then sign it when we get it done.

Seth Thompson: Okay, so a motion to amend the official zoning map to reflect the rezoning approved tonight and authorizing the Mayor to sign after those amendments are made.

Vice Mayor Betts: I make that motion. I'm not going to repeat it.

Councilwoman Hudson: Second.

Mayor Newlands: We have a motion and a second amend the official zoning map and allow me to sign it. All in favor say aye. Opposed. Motion is carried.

1 Public Participation

- a) John Horan, 304 Brick Lane: Obviously from the vote that has been taken, my comments are kind of closing the barn door, after the horses got out. I did see an article in the Cape Gazette a week or so ago and the Chief Operating Officer of Dogfish Head said, "If the rezoning isn't granted, he'll build a seven story building between houses and

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Cannery Village and the Rec. Center.” Now, that didn't sound like a good neighbor, to me; that sounded like perhaps he may be a bit of a bully and I think that the Town has been bullied a bit. There are other alternatives; certainly less desirable for Dogfish Head; you mention jobs and such. The warehouse from a statement is going to have three bathrooms and three sinks. Not too many people are going to work there for awhile. How many houses could have been built over the next four or five years? If we'd known the plans, I think that the majority of Cannery Village would have been behind it; it's just a case that there are so many unknowns that it's a little bit confusing as to why the full 40 acres was granted for rezoning. That's all I have to say. Thank you.
Mayor Newlands: Thank you.

- b) Jeff Dailey, 211 Grist Mill Drive: Thank you Mayor and Council for allowing me to speak. I just simply want to have entered into the record so that some time from now, when people investigate what took place here tonight, they might get an added perspective. The two Letters to the Editor that appeared in the Cape Gazette on January 9th, “Milton, You Can Control Your Future”, is the title of one; and “Milton Can Vote No to Dogfish Head Rezoning”.

Seth Thompson: Mr. Dailey, just to be clear; they wouldn't be part of any record that a court would review on the decision. If you want them to make...

Jeff Dailey: No, just concerned citizens in future; so that it's there; in the record. Thank you.

Mayor Newlands: Okay, thank you.

- c) Mike Cody, 304 Grist Mill Drive: I have less than I had to say at the beginning, but this event will make the next one easier; because somebody has the right of first refusal on the other remaining parcels in Cannery Village. So the next vote will be easier, because all of the surrounding property will already be Light Industrial; and, I guess, earlier in the meeting when they were talking about the Financial Report and there was a discussion about a \$200,000 typo and nobody seemed to be very embarrassed and this is from the Town that had to have it's balances restated by the State Auditor, because they couldn't figure out what they were. Whoever is doing this, ought to be doing a better job looking at these things; because that's a big miss; \$200,000 error and nobody... It was, oh, just an error. Thank you.

Mayor Newlands: Thank you.

- d) Paul Yannucci, 322 Behringer Avenue, Milton: I've been here about 14 years now. I want to commend the Mayor and Council for what they did tonight. I believe that you had to take a long, hard look at this and Dogfish Head came here as a good neighbor; they've been a good neighbor; they give back to the local community, which is what has been preached, if you listen to the radio station WGMD, they give back to the community with the different businesses; with their “bucks” thing. You know 70% of that money is spent back in the local communities. I'm a transplant and this is the first time I can actually say I'm proud to see this Council take a step forward; even with all this business of people saying different things about their taken a bribe; taking this; or taking that. You know that's a ridiculous statement for anyone to make. We have a community here... We lost some businesses; when I first came here we had a Hardware

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Store right in town; they closed up and left. The post office has moved out; they're still in town; but they moved out; that business was closed for years. People were busting windows out and everything else; now we have a business in there. If this town is going to survive, we need those businesses; we need a local business that's going to give back to the community; there's going to be spin-off business from Dogfish Head. I know that for a fact, because I worked for another business that we were the recipient from Dogfish Head and Sam Calagione has been a good neighbor; he gives back to the community in more ways than one. You don't hear about it, but he does it. So I'm glad to see the Council with all the pulling back and forth, did the right thing. Because it's going to mean a good future for this town moving forward. Thank you.

Mayor Newlands: Thank you.

- e) Rich Miller: Thank you Mr. Mayor. One of the comments earlier by John Horan was about bullying and I agree; nobody should be bullied or allow that to influence their decision. Earlier the comment was made by a council member about the emotion on this issue and emotions are fine, but they have their place. We're a nation and we're a Council of law. If you follow the law, the emotion is certainly a part of it, but it should not be the determining factor. The other issue that I wanted to mention... On this community of Cannery; our involvement; I just want to set the record clear that we are neighbors in that community. It's a great place to live. We all have opinions and we try to vet those opinions in a very democratic process. Louder voices sometimes prevail. Louder voices do not reflect the entirety of our community. At no point in these proceedings, the official body of Cannery Village is the Homeowner's Association. There's been no opinion by the Homeowner's Association of Cannery Village. The opinions expressed are only the residents of that community and I just wanted the town and the Council to understand that voices, even though loud, do not reflect the entirety of Cannery Village. Thank you.

Mayor Newlands: Thank you.

13. Old Business – Discussion and possible vote on the following items (continued):

- c. Ordinance to prohibit truck traffic in town, except for local services

Mayor Newlands: We've been back and forth with this Ordinance a couple of times; we've sat with DeIDOT to discuss it; we've given them the wording that we want to use; they came back and gave us some wording that... We used to use the term local deliveries; DeIDOT has asked us to use local services; because their trucks may not be making just deliveries. So we've adopted wording from DeIDOT. They've asked us to change certain things and I think it was to be above two axles; not to specify three or more; there were quite a few changes in here. Mr. Abbott, I don't know if you typed up all these changes; do you want to elaborate on anything?

Win Abbott: Yes, Sir, Mr. Mayor. After meeting with DeIDOT they did issue a truck traffic restriction Resolution from the Department of Transportation and provided it to myself and I drafted another version of the Resolution, that we had first passed; and then worked together with our Town Solicitor to come up with a revised Ordinance, that is 2012-01 that you have before you; that incorporated all the elements of the DeIDOT recommendations, as well as those of our Town Solicitor. And that's what you have in

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front of you.

Mayor Newlands: Now, once we pass this Ordinance, they have to write their own Resolution on DelDOT's side and pass it, before we can start issuing fines?

Win Abbott: Yes, Sir; they have a Draft Resolution that I have a copy of; but that is correct. Once we are finally done with ours, then they still have to pass their own.

Mayor Newlands: Okay, great and is there a grace period after that before we can enact this?

Win Abbott: There is no indication of that.

Mayor Newlands: Okay. Alright, great, thank you.

Seth Thompson: Just to follow up on that... Go ahead Councilwoman.

Councilwoman Jones: On the back page under Enforcement: "Commence upon the posting of signs meeting standards." So this is after you go through the procedure. Okay. It's a relative term.

Win Abbott: Yes, we couldn't post the signs on state-maintained roads until the State gives us permission to post the signs.

Councilwoman Jones: Okay. And I would also like to ask under Violations and Penalties. "Shall be fined \$75 and shall pay the cost of prosecution." Is that something we do for charges within the Town of Milton, across the board, at this time?

Win Abbott: Last week, I went through a review of all 122 sections of our Town Code and every, single possible violation. There is a great degree of variance in the way that each Resolution is written. Some of them are written this way; others are not. This language that you have here is the most current and enforceable language; regardless of what we do with this particular Resolution and it's attendant Ordinance, we have some work to do in updating our Code Book, in general. So what you have here is the best possible language under the circumstances. To say that it is consistent with everything else that the Town of Milton has in our Code Book; would not be true; because our Code Book needs to be revised, rather than the other way around.

Mayor Newlands: Chief, when you go to traffic court, they have court fees they have to pay?

Chief Phillips: Yes, there are court fees; video fees; security fees; sometimes the fees add up to more than our fines.

Mayor Newlands: So this basically says that \$75 is not the top you're going to pay; there's a lot of other things you may have to be responsible for; so just somebody knows that if they get this fine, it's not just \$75 and they're done; there are other costs on top of that.

Chief Phillips: I'm not positive, but I'm going to step out and say, if it's \$75; by the time they get done, it could probably be about \$200, by the time you add everything to it.

Mayor Newlands: Okay.

Councilwoman Jones: Right, but I don't consider that; and it may be splitting hairs; I don't consider that the cost of prosecution.

Chief Phillips: I would say that would probably need to be struck from this, because I've never heard of that before.

Councilwoman Jones: It's not. The cost of prosecution would be the costs of Chief Phillips sending one of his officers when this man contested a ticket; and the overtime or whatever that was incurred. That to me, or legal services. This is something that is tagged onto a base line fine, which is what the Chief's referring to; but it is a misnomer

to call it the cost of prosecution; I happen to agree with the Chief.

Chief Phillips: I would suggest striking it from that, but that's just my opinion.

Seth Thompson: Basically, for notice purposes, should it be the \$75 fine, plus court costs and fees.

Chief Phillips: That would be correct; that would be the best way to put it. Yes.

Mayor Newlands: Yes, okay; plus court costs and fees.

Councilwoman Jones: Plus costs, because there's more levied against it than just the court.

Councilwoman Hudson: The other thing is Seth said that it had to be below \$100, so we didn't have to take it to Court, so I would ask that it be closer to \$100; \$95, \$99? I mean, let's...

Seth Thompson: And that's fine, it's to avoid the situation.

Councilwoman Hudson: Councilwoman Duby brought that point up last time, so I'm not the first one to say that. These trucks are destroying our streets and sidewalks and they shouldn't be here and it's been going on for decades.

Chief Phillips: If I could – yes, anything over \$100 they can appeal it to the next Court; if it stays under \$100, then it has to stay in that court; it cannot be appealed up to the next Court.

Councilwoman Hudson: Exactly.

Mayor Newlands: So we'll make it \$95?

Councilwoman Hudson: Thank you. And court costs.

Councilwoman Jones: I went on the record last time about this; so I can't help but feel for the drivers, the companies who are paying the State taxes to maintain these state roads; but I will tell you that when you slap this fine on, it's not getting to Allen's; that driver is paying that fine out of his pocket; so in slapping him, well, oh well; he can read a sign; but once you put a... I think the Chief will tell you, if you set that at \$95, you're now talking, once you've tacked on [costs], an enormous fine and if that's what Council wants, that's the Council's pleasure.

Councilwoman Hudson: I would ask... I know that a good number of Council people have looked at the streets on Union, Federal, and Chestnut; and especially on Chestnut, where trucks have been going, again for decades in and out of the canning company there; the sidewalks are just crumbled; they're terrible and it's due to the truck traffic and lots of times our water pipes and sewer pipes are fractured because of truck traffic; and there's even been structural damage to buildings and homes because of truck traffic; so I think they need to stop. Period.

Mayor Newlands: I think from last month's discussion, some of the Towns have \$300 fines. So this is not a high fine, by any means.

Councilwoman Jones: What shall be the number you're putting there.

Mayor Newlands: \$95.

Councilwoman Hudson: Plus costs.

Councilwoman Jones: Plus court costs.

Mayor Newlands: And costs. Plus costs. So can we get a motion to approve this Ordinance, as amended?

Councilwoman Hudson: I make a motion to approve the Ordinance, as amended, Ordinance No. 2012-01.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to approve Ordinance 2012-01 to amend the Town Code, Chapter 209, entitled Vehicles and Traffic regarding truck traffic restrictions. All in favor say aye. Opposed. Motion carried.

d. Proposed Annexation Fees

Mayor Newlands: Back in September, before Mr. Abbott started, we had a discussion about our annexation fees which are \$8,000 now; which include fees for a sewer plant we no longer own. I had brought this up prior; I think a year ago, to do the same thing, so now we have a Town Manager. Mr. Abbott has gone through and surveyed a number of towns and got a lot of information for us on what a proposed annexation fee should be. The one thing I don't recall seeing in here, is a payment plan; where we would charge a developer; so much of a percent... We never discussed this, so you may be looking at me a little foreign; but we never discussed this. What I would like to do is, when we come up with a fee, I want that fee paid off in a couple of year period of time; so that the developers are not getting hit at one point; at the beginning of when they're spending a lot of money doing all of their infrastructure.

Win Abbott: Thank you, Mr. Mayor. If you'll reference the report and I would say that this is not necessarily a proposal, as is indicated on the agenda; but simply a report to Council, which can be formulated into a proposal at a later date. You will note that the word "nexus" is used. This is where we can objectively quantify the costs that are related to particular aspects of this. Annexation is really an administrative function and there is a dollar value placed upon that, due to the number of steps that we have to take through. The other items are, indeed, impact fees and an Ordinance could be written to the affect that these impact fees would be assessed at the time a building permit is being taken out. So therefore, the impact for all proposed homes in a given development, is not paid all at once; it's paid each time a building permit is taken out. I think that answers your concern about spacing out of the payments.

Mayor Newlands: No, actually I've had this discussion with some developers, where the burden of coming in with an annexation fee, the one large fee of a couple of hundred thousand dollars, at the beginning of a development was burdensome to them. I know about the other fees that happen when you come out and get an application for a building permit; but this is the impact fee; annexation fee itself, they would like that staggered either by Phase of Development or just by paying it over a couple of years; just so it lessens the burden on them when they're spending a lot of money doing their infrastructure.

Win Abbott: On Page 2 of the Report, about three-quarters of the way down, you will note that as opposed to an annexation fee of being \$8,000 per acre, for which there is no relevance; it would be a flat \$4,377. That's all. And on the very last page of the report, at the very bottom, where it shows a comparison; as opposed to paying \$800,000 for the annexation of a 100 acre parcel; it would simply be that flat \$4,377. That's all.

Vice Mayor Betts: Not per acre?

Win Abbott: Not per acre. There's no relationship between acres and the actual cost of doing an annexation. An annexation is an administrative function, as was detailed in one of the attachments that was provided to your report; or emailed to you earlier.

Councilwoman Hudson: When will you have an actual proposal read for Council, do you think?

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Win Abbott: This is it. This is it. I mean...

Councilwoman Hudson: I thought you said that this was not the... This was just a report, not an actual proposal.

Win Abbott: Well the Council are the legislators. It would have to be sponsored by a particular council person and not myself. Now I could modify this, very quickly and make it a proposal, but it would have to be advanced by a Council person.

Councilwoman Hudson: Well somebody up here would have to make a motion to accept it.

Win Abbott: Yes, Ma'am.

Councilwoman Hudson: Yes, but we're asking you to do the grunt work, so to speak.

Win Abbott: Okay. If you like this, this can be your proposal; and I didn't want to assume that you would have nothing to add to it.

Councilwoman Hudson: My other question is, have you conferred with the Town;s Engineer concerning this?

Win Abbott: I've conferred with the Town's Engineer with regard to our water impact fee; and the water impact fee is addressed within this particular item here. We do not have a nexus for relating the costs to that; however, the cost of developing that rationale can be taken care of by our Town Engineers and yes, I've discussed it with them.

Councilwoman Hudson: Okay, thanks.

Mayor Newlands: What do the other towns do as far as annexation fees? I know it was very difficult for me to find some things on the web; but I know you were having some troubles doing it; but you've contacted a few Town Managers?

Win Abbott: Yes, I have and I have a comparison sheet that I would be glad to... I didn't make multiple copies of this, but what I can say is that there are some towns that it costs more; and some less; some it's related to equivalent dwelling units. Millsboro does an annexation fee per acre of \$7,500, as opposed to our \$8,000. That is the exception, rather than the rule. In most cases, you'll find that annexation fees are simply an administrative cost and that everything else is put into impact fees, that are a dollar value per EDU or a percentage of the building permit price.

Mayor Newlands: Are their impact fees much greater than what we charge?

Win Abbott: Smyrna's is higher. Bridgeville's are higher. And ours are pretty much in line with what you've been finding in, say for example, the Town of Clayton, which has an almost equivalent population. Now some of these towns do set aside impact fees that they pay directly to fire and ambulance service and the local school district; in addition to infrastructure impacts to the towns themselves. Once again, this would be something that I would invite the Council to get involved with the discussion and set your priorities for this.

Mayor Newlands: Alright, so what you're putting in here is the cost of actually doing the paperwork and the leg work for doing the annexation.

Win Abbott: Yes, Sir.

Mayor Newlands: Not the amount of money we would take in for future repair and use of the development, after we took over the streets?

Win Abbott: That's correct, because that's an impact fee.

Mayor Newlands: Okay.

Councilwoman Hudson: Mr. Abbott, you said the water impact fee, in your report here, warrants additional study by the Town Engineer. Do you also think we need the Town

Engineer to do impact fees on streets, parks, administrative and police, in order to establish impact fees?

Win Abbott: If the Council would like for us to contract with the Town Engineer to do other services, I'm sure they would be glad to take our money to do just that. It's all a matter of...

Councilwoman Hudson: But you're recommending it in your report; or you're suggesting it.

Win Abbott: For the water infrastructure fee, in particular, yes, because I don't have the information that was necessary to do that. I think you have a fair amount of research compressed into a short amount of space here, for all the other aspects of the annexation and impact fees. Once again, I'm sure that CABA Associates will be happy to take the town's money to do more research.

Councilwoman Hudson: I'm sure they would, but what I'm asking is, as Town Manager you're recommendation; because we need to have something that is court defensible; because...

Mayor Newlands: He's recommending that he wants our blessing to go spend the money to do it.

Councilwoman Hudson: Right. Yes. Thank you.

Councilwoman Jones: Mr. Abbott, did I not possibly print something on Page 4; just above Parks, Admin and Police; it refers to a pavement management report from DelDOT? Did I...

Win Abbott: No. I have a copy of that at our office in Public Works; but I can tell you this much; the pavement management report that was developed through University of Delaware and the Delaware Department of Transportation, amongst other things, indicates a graph which shows an incremental cost to resurface roads each year, until you get to about year seven or eight and then the increase becomes exponential. So, for purposes of discussion, we'll just say that Town Council takes a look at this report and they say okay, we have a good basis for the cost of repaving a road, because we have two different roads that were analyzed to come up to a very similar price per linear foot; we have references to an average width of a lot, depending upon the zoning it has; which is in the little table that we have here; what would be the cost of replacing the roads at a future point in time, in front of them? To replace the roads altogether, by linear foot, in the first year, might not be a fair assessment; but to take say one-seventh of that number, might be a rationale decision; because after you're seven, the cost of resurfacing those roads increases exponentially.

Councilwoman Hudson: So should we have an agenda item for next month to have the Town Engineer proceed with these impact studies, so we can get a price for these; or a determination?

Mayor Newlands: I think we can vote on that now, can't we? I think we can vote on that now, as part of this, just to say to go forward; we can let them do that.

Councilwoman Jones: But didn't you recommend that the Town Engineer simply carry out the water study? I want to make sure of what...

Win Abbott: Ma'am, I'm just trying to be mindful of our budget. I'm a fixed cost to you.

Councilwoman Jones: That's what I'm saying you...

Win Abbott: And through my research and networking, I've been able to come up with a lot of information, but I do lack the information necessary to come up with a good

number for water.

Councilwoman Jones: That's what I wanted to make sure of. Councilwoman Hudson, he really just wants to put that out to the expertise of the Town Engineer and nothing else, as far as review, if that's acceptable.

Councilwoman Hudson: Water.

Councilwoman Jones: I'm all for it.

Councilwoman Hudson: But then if someone wants to annex in and we have no current impact fee for parks, administration and police, and no current impact fee for streets; what do we do?

Councilwoman Jones: I don't think that would be blank. I think that's going to be supplied to us and I believe, I understand the Town Manager is going to do the research to do that.

Councilwoman Hudson: Okay.

Mayor Newlands: Also, in the interim, you still have the current annexation fee of \$8,000 per acre. Nobody in this world is going to pay that. So we're not going to have any annexations.

Councilwoman Hudson: That's the point, nobody's going to annex in.

Mayor Newlands: So I wouldn't worry about it for now.

Councilwoman Hudson: Okay. Thank you.

Mayor Newlands: Now, speaking of the \$800,000; when it was \$8,000 per acre; you're saying that this now this should just be \$4,377 total?

Win Abbott: For annexation, yes.

Councilwoman Jones: Alone.

Win Abbott: Alone. Just the administrative process.

Mayor Newlands: Right. Right. Okay. Now, the other monies that we were thinking we were going to get for an annexation; where does that come from?

Win Abbott: Impact fees.

Mayor Newlands: But they don't equal that amount of money, do they?

Councilwoman Hudson: It could be more.

Win Abbott: If you'll please refer to the table at the bottom of Page 4.

Mayor Newlands: Yes, that's what I'm trying to figure out.

Councilwoman Jones: But it's enormous. Is that four units per acre?

Win Abbott: Yes.

Councilwoman Jones: Okay.

Win Abbott: That's with the particular zone's. Type R1 is four units per acre; R2 is ten units per acre; R3 is seventeen per acre. These are standards that we have detailed within our Ordinance Book. Now if you look at the total numbers to the far right, and discount that by some fraction of the streets component; like I said, this is a straight average linear feet per lot; and the total number of homes that would be in that type of development. You may come up with a smaller number and you'll end up being nearly equivalent to what we would collect in the \$8,000 per acre annexation fee.

Mayor Newlands: Okay. I think I'm getting it. So are you proposing that we change some of these impact fees?

Win Abbott: No, Sir, what I would propose to do is now that I've had some feedback from Council; you were all here at once; what I can do is come up with draft Ordinances for you to read and discuss and consider at a subsequent Council Meeting and after

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you've had two readings, you may choose to pass an Ordinance that establishes a different fee schedule.

Mayor Newlands: Okay.

Win Abbott: Or changes to our existing ordinances. But this report was for discussion purposes.

Mayor Newlands: Right. Okay. That's fine. Thanks.

Councilwoman Hudson: Thank you for all your work. We appreciate it.

Win Abbott: Thank you, Ma'am.

Mayor Newlands: So Councilwoman Jones are you going to make a motion to have him go forward to have them analyze the water fees, or not?

Councilwoman Jones: Oh, did that require a motion?

Mayor Newlands: We don't need to do that?

Vice Mayor Betts: No.

Win Abbott: It just required consent of Council. I just did not want to go spend a lot more of your money.

Mayor Newlands: Okay.

Councilwoman Jones: You confuse me.

Bob Kerr: Mr. Mayor, just to add a little bit on the water impact. As part of the referendum and what we're going through with the water system; looking at the impact fee is actually part of that project and what we're doing there, so we haven't presented that to you, but we have been working on it slowly; working with Allen and Robin on some of the water usage and that type of thing, so we can work all of that out; but it's already essentially under contract with what we're doing for you at this time.

Mayor Newlands: Okay, great. Thank you.

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

a. Approval of Election Committee members

Mayor Newlands: We have Neva Baker, who's already on the Election Committee; James Jefferson, he's already on the Committee; Tom Kelly is joining the Committee; James Crellin is already on the Committee; Noble Prettyman is joining the Committee; John Walker is joining the Committee; and Mike Filicko is already on the Committee. So, we have an election coming up on March 3rd, so this is our election team; so I would like to get approval and the approval must say pending receipt of the ethics forms. I don't have all the ethics forms in yet.

Seth Thompson: So you're making the approval contingent upon them submitting...

Mayor Newlands: Contingent upon them submitting ethics forms.

Councilwoman Hudson: I make a motion to accept the new members to the Election Committee and reinstate the existing members.

Seth Thompson: And again, it's contingent upon them submitting their ethics forms.

Councilwoman Hudson: Yes.

Councilman Lester: Second.

Mayor Newlands: We have a motion and a second to accept the Election Committee, contingent on them submitting their ethics forms. All in favor say aye.

Councilwoman Jones: Question, first? When do you plan to have their ethics forms in, since this has been presented to Council for approval tonight?

Mayor Newlands: By Friday.

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Win Abbott: I already have three.

Mayor Newlands: You have three already. Okay.

Councilwoman Jones: Okay.

Mayor Newlands: All in favor say aye. Opposed. Motion carried.

b. Request to create a more detailed monthly police statistics report

Mayor Newlands: The next item on the agenda is a request from Councilwoman Jones to change our police statistics report, to be more like the one in Rehoboth Beach.

Everybody has a copy of this report. I, for one, think it's way too detailed for Council to look at; to be honest with you. I also think it will take us too much time to compile the information and I don't particularly see how many people have failed to report an accident; or failed to exchange information or had expired tags. I don't really need to see that on a monthly basis. I don't know how everybody else feels, but I think what we're getting is sufficient.

Councilwoman Hudson: Well I would like to add that, again, the back page of this report, they have 26 officers and Marion are you the Administrative Assistant for the Chief.

Councilwoman Jones: I am.

Councilwoman Hudson: Thank you and we have eleven officers and we have an Administrative Assistant and to say that it would be too much work, when you consider that Rehoboth Beach has more than twice the number of officers that we have and Marion is doing this report; so I think it's... Are you doing this report?

Councilman Lester: This report says there are two administrative people.

Councilwoman Hudson: Right.

Mayor Newlands: And there are two admin's in Rehoboth Beach.

Councilwoman Hudson: Yeah, so it still equals out, even if you divided by two; they have 15 full time officers and 11 summer help; so you still can say that the ratio; even if you make it two; if they can do this, we should be able to do it.

Mayor Newlands: The other argument is, do you need to see all this? Do you really need to see how many people have expired tags?

Councilwoman Hudson: I think for the \$800,000 that these people sitting here are paying in taxes, they deserve more than what they are getting.

Councilwoman Jones: Let me address this issue of numbers and math and whatnot and let me tell you that what we do have is a police clerk. This police clerk uses a simple Excel spreadsheet base and adds this information from a daily arrest log. It includes the officer who made the arrest; plus the court where it goes; so you get a very trimmed down piece here; but you do get a sense of the types of violations for which the officers are making arrests. That interests me, rather than total number of arrests. What this report does not contain, that I would recommend under the hours piece on the front page, assist other agencies, actually how Rehoboth Beach reports working with jurisdictions other than their own; but because it is not an arrest, it does not appear on this monthly report and wouldn't appear on Rehoboth Beach's monthly report; but shows up in another report that is given to the Chief of Police. I will tell you that entry everyday done by the clerk, is then compiled at the end of the month into what you see here; however, in an approximate 5 minute process; called a COGNIS, DELJIS up in Dover can produce the same information for the Town of Milton with a starting date and

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an ending date, just days after the month is finished, which would make the information available that much faster too. It is a DELJIS generated report and it doesn't take any time at all.

Mayor Newlands: So why are you doing in manually in Rehoboth Beach?

Councilwoman Jones: You'll have to ask the Chief of Police; that's a police clerk's statistics.

Mayor Newlands: So can we get a copy of the other report, if it's generated out of DELJIS.

Councilwoman Jones: It's called a COGNIS report.

Captain Cornwell: COGNIS is not opened to the public.

Councilwoman Jones: The COGNIS report is opened to the public in that they can qualify it as being what the charge is. It doesn't have to have the location; it doesn't have the officer's IBM number; it doesn't have the defendant's name on it. I've seen it. It was presented to me, just to have a view of it and see if that's what we wanted and I said well, if you can break that down between traffic and criminal; and they said yes they can; it's a push of a button.

Chief Phillips: The best thing I can tell you, we'll talk with _____ and ask her, but I can tell you now that I'm 99% positive that information can not be given out of the DELJIS computer system, because they have laws and by laws and we can get arrested; and we could lose our rights to the computers.

Councilwoman Jones: Well, first of all, I would never sit here as a council person or as a private person and make a recommendation to you, ever, to present a document that would be illegal or asked for out of the Delaware Information System. I mean, really, I would never ask you for such a thing; that's why I did my homework ahead of time.

Chief Phillips: I can surely, no disrespect, I can assure you I would not give it to you either.

Councilwoman Hudson: But this information is not illegal and to ask like for example, assist other agencies; again, going back to the \$800,000 every year in our budget. We've talked about 24 hour a day coverage. When we have officers leaving the boundaries of this town and going outside into the County, we don't have 24 hour a day coverage; we only have 24 hour a day scheduling and it dilutes the safety and security of our residents when our police are outside of town. I would like to know when our police are outside of town; taking care of someone else who hasn't paid any property taxes and is getting our police coverage and our assets for free.

Mayor Newlands: I think you're skewing that a little...

Councilwoman Hudson: I think it's... It's not physically possible for an officer to be in two places at one time. They cannot be inside this town and outside this town at the same time. So if they are outside this town, taking care of a burglary or a robbery in Greenwood or a shooting in Greenwood or wherever he is, he's not here protecting us. I would like to know how many times and have it listed on here; assists other agencies.

Mayor Newlands: It's on our monthly report.

Councilwoman Hudson: Exactly. That's why I'm agreeing with Councilwoman Jones that it should be included, along with all these other facts because the more we have, I think, the people deserve to see this information.

Chief Phillips: Now that you've said that; notwithstanding what happened awhile back; we had a lengthy monthly report and Councilwoman Hudson asked us to change it to

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one spreadsheet, which we did now. Now you're asking us to go back and put more information in, like we had before. We had it. You took it away from us. Now you want us to put it back.

Mayor Newlands: Hang on. Hang on. [Gaveling for silence]

Councilwoman Hudson: I let him finish.

Mayor Newlands: I know, but just hang on a second.

Councilwoman Hudson: No, but I would like to respond to his comments.

Mayor Newlands: The question...

Councilwoman Hudson: What he had, as you all will remember, was page after page after page of bar graphs. He had complaints and criminal adult arrests on one page; bar graph and bar graph; you flip it over, then it had domestic and burglary, another bar graph, another bar graph; juveniles, school, another bar graph, another bar graph.

Mayor Newlands: Okay, they get the point. Ms. Hudson they get the point.

Councilwoman Hudson: I have a right to respond. I have a right to respond.

Mayor Newlands: They get the hint. It's enough.

Councilwoman Hudson: Thank you and I have a right to respond.

Mayor Newlands: That's enough, okay.

Councilwoman Hudson: And you do not muzzle me. I would like to finish without your rude interruptions. Just because you're rude, doesn't mean you're right; it only means you're rude and I have a right to respond because last time Norman said the same thing. This report gives you people more information because not only did he have all those pages of bar graphs, but only 3 or 4 months worth; whereas here you get this whole thing and this is a whole year's worth also. And he did cut Title XI and Title XXI, page after page after page and I appreciate that, Chief; because that is a savings in all this paperwork. So that does not mean that we cannot continue to add more information so that the residents are getting their money's worth for the amount of money that they're putting in to the budget. I think 40% of our budget, you deserve something back and if Rehoboth Beach can get it, why can't we get it? That's all I'm saying. And if Rehoboth Beach's admin assistant can produce this, we have an admin assistant that should be able to produce this. It's just logical.

Mayor Newlands: Okay. This is too much detail for Council to need. I don't need to see this on a monthly basis.

Councilwoman Hudson: Don't tell me. That's fine and you have a vote.

Mayor Newlands: Hold on a second. Hold on. You hold on and you hold on. I'm speaking now and both of you can be quiet. It's way too much detail for us to sit and compile and I don't need to see this; and you have two admins down there; one of them is doing this work; okay. I don't care how many officers it is, we have an admin that doesn't have the time to do this. Okay, so I just don't need to see this stuff.

Councilwoman Jones: Alright, you don't and I've requested that we do and for the edification of the public, who is not in possession of this document, yes it is a model of Rehoboth; I'm sorry I don't have anybody else's to bring. It's adult and juvenile arrests for the month. Rehoboth reports where all of their tickets went to the courts; but then Rehoboth also sits on a local court; that wouldn't be applicable here. It does talk about patrol data, door checks, police hours, broken down into training hours; they check and pull doors, both residential and commercial in Rehoboth. It also is a compiled list of the number of the criminal charges listed and how many were issued that month; the same

for traffic charges and the same for civil. At the end, is a comparison from this month to this month last year, for number of arrests and personnel working at the time the report was issued. That's what this is requested. Saying... I guess for me the greatest offense is saying that this takes too much time to compile; when DELJIS has indicated five minutes; you get the information in the proper field; divulging no confidential or illegal information. I don't believe the argument that it takes too much time is valid.

Mayor Newlands: Well if you're going to key it in, it takes too much time. If you're going to get it from DELJIS, and we'll check that this week, and see if we can get it from DELJIS.

Councilwoman Jones: Okay.

Mayor Newlands: Because a report generated from DELJIS; I mean, I'm not going to look at it, because it's just too much information for me.

Councilman Lester: With all due respect, I'm looking at this. There's a page here that the people in the audience can't see, it says Criminal Charges. Then it says attempted theft 1, burglary 1, conspiracy 2; I mean, the next thing we have to do is find out what do they mean by conspiracy. Criminal impersonations is 1. Harassment is 1. I personally feel this is just micromanaging the Police Department and I think we can get some information as to what we're doing, but I don't need to know that somebody harassed somebody in the Town of Milton.

Mayor Newlands: Overkill.

Councilman Lester: I'm more worried about serious street crime and making sure...

Mayor Newlands: Let's table this until next month, so we can see what we can get from DELJIS.

Councilman Lester: Okay. I agree with that.

Mayor Newlands: Okay.

Councilwoman Hudson: We have to have a vote to do that. We can't just have the two of you agree.

Seth Thompson: Do you want to have a vote on the tabling?

Mayor Newlands: Well, we don't have to vote on it; we could just leave it alone.

Councilman West: If Councilwoman Hudson wants that, I make a motion that we table this discussion until next month.

Vice Mayor Betts: I'll second.

Mayor Newlands: We have a motion and a second to table the police reports until next month. All in favor say aye. Opposed. Motion is carried.

c. Town's responsibility for streetlights in Shipbuilders Village

Mayor Newlands: Let me explain the two things that happened. About five weeks ago we got a call from some neighbors in Chestnut Crossing where the streetlights were out. We thought they were out just for the one night. I found out that they were out for the entire week. We got a hold of Delmarva Power. I made a trip out there, met one of the residents out there and Delmarva Power just happened to come on the scene at the time; we found out from the technician that Atlantic Homes hadn't paid the electric bill. So he had just paid that morning and he was back out there, turning the lights on. Well we got a similar call about three weeks ago. Mr. Abbott got the call that Delmarva Power was in Shipbuilders turning the lights off and luckily it was in the morning and he was able to intervene and contact Delmarva Power and got it reversed so that the lights were

turned back on, so they would have streetlights in there. We agreed going forward, as an emergency measure, to pay the light bill, at least for this month, and then bring it to Council going forward. The light bill was only \$230, so it wasn't all that much money for us to just do an immediate agreement to pay that one month bill. But we need to be able, going forward, to make a decision that we're going to keep those lights on in Shipbuilders; also create an invoice every month to invoice the developer and at some time, during whatever bankruptcy proceeding he's in, we'll get our money back.

Vice Mayor Betts: Mr. Mayor, in the process you were talking, you said Chestnut Crossing. There's a correction. You said Shipbuilders.

Mayor Newlands: No, Chestnut Crossing was a few weeks before. We've had two instances.

Vice Mayor Betts: Oh, you've had Chestnut Crossing and Shipbuilders. Okay, I'm sorry.

Mayor Newlands: These are the cases where the builders; maybe I didn't say Shipbuilders the second time.

Vice Mayor Betts: No.

Mayor Newlands: Two weeks ago, this is when they were out at Shipbuilders turning off lights.

Vice Mayor Betts: I didn't know that Chestnut Crossing had the same problem.

Mayor Newlands: Yes, we just didn't have to intervene.

Vice Mayor Betts: Oh, okay.

Mayor Newlands: Okay.

Vice Mayor Betts: What we're talking about now, though, is Shipbuilders.

Mayor Newlands: What we're talking about now is Shipbuilders. I apologize if I confused the issue. There's a dozen lights that Mr. Capano was paying for and it turns out that these are lights that we own and he should have been paying for six other lights. So there's confusion in the bills, as well. But as of now, for this month at least, we're covering the cost of the lights, just to make sure that the lights are on. We need to be able to do that going forward.

Vice Mayor Betts: For the safety purposes.

Mayor Newlands: Just for safety purposes. Yes.

Councilwoman Jones: Seth, is it enough to just invoice them every month; is there not a legal proceeding, like a lien; how else do you get in line for bankruptcy?

Seth Thompson: Typically with bankruptcy, normally the debtor lists anybody and everybody that might have a claim, so that when he completes bankruptcy; and if he completes bankruptcy; all of those are seemingly discharged, unless there's some exception that applies. If the Town hasn't been notified, as a creditor, then the Town can go forward and attempt to collect. Typically in that situation, then, the debtor amends his bankruptcy petition to include this new creditor, so that's how the Town can go in. If there's a restructuring, these are very general principles, but if it's a restructuring, people generally get paid the full amount; it just takes a longer period. If it's a liquidation, you typically get some percentage of your claim. In the event that they don't amend their petition to include you in the bankruptcy; you end up still needing to lift the automatic stay that applies to any sort of collection attempts against somebody that is in bankruptcy.

Councilwoman Jones: So it's a hit and miss as to whether or not Milton is either included in his list or gets on the list?

Seth Thompson: And normally you receive a Notice to all Creditors, and then there's a Creditor's Meeting, that the Town can send a representative to and that's where... The way it works these days, is a Trustee is appointed by the Bankruptcy Court and the Trustee reviews the Plan and at that point the Creditors can object and the Trustee takes that into consideration. If you have a real objection that's not resolved to your satisfaction, you can then take it to the Judge.

Councilwoman Jones: Again, if you're lucky enough to be named as a Creditor.

Seth Thompson: As a Creditor. Truth be told, a lot of people don't like to be named as a Creditor, because once the bankruptcy is over, if you haven't been named, your debt isn't discharged and you can just collect the whole thing.

Mayor Newlands: I didn't want to just opt that we accept responsibility for the streetlights, without making him, at some point, responsible in some way. That's the only reason I suggested that we invoice him every month for it.

Councilwoman Jones: Oh, yes, and I think that's a great idea, but I just wondered how that parlays into a legal position where you're in line to get money if he goes into bankruptcy.

Mayor Newlands: Then I was deferring...

Seth Thompson: Right and you know again that's a very general bankruptcy outline as to how that could work. It sounds to me like there was some issue and unless... And maybe Robin can speak to this, but the Town should have, it sounds like, taken over the lights and paid for the lights that had already been dedicated to the Town; but then certain lights have not been dedicated to the Town.

Mayor Newlands: Correct. He's paying for 12 lights that have been dedicated and we're paying for 6 lights that haven't been dedicated. So we need to really switch that all around. So we'll probably owe around \$115 or \$120 something dollars, I'm assuming half this amount; every month. It's really not a lot of money. We're not committing to a lot of money. It's just that it's something new that we need to deal with and just to make sure that Council is aware of it, in case your constituents come to you and want to know what's going on. Robin is tell me that we are collecting Municipal Street Aid money for these streets.

Seth Thompson: And you're collecting taxes.

Mayor Newlands: These streets are ours. These lights are ours. What about the lights that are not ours? Are we collecting Municipal Street Aid for everything out there.

Robin Davis: Correct.

Mayor Newlands: Okay. So we have to cover, at some point we need to get the bills straightened out, that we have ours and he has his.

Councilman Lester: In the interim, we have to provide a secure and safe place for these people to live.

Mayor Newlands: Right and we've also...

Vice Mayor Betts: We've already done it for Wagamon's West Shores and I think we should for Shipbuilder's.

Mayor Newlands: That's correct and we're also talking to Delmarva Power to put additional streetlights at the end of Shipbuilder's Boulevard; at least to get that area lit up.

Vice Mayor Betts: That's right.

Mayor Newlands: So the cost is no more than \$230 a month; so if we could just make

the motion so that we agree to pay the bill and it should be no more than \$230 a month; because we'll have to work out the inventory in the background.

Vice Mayor Betts: I make a motion to go on record as paying the bill for Shipbuilder's lights, no more than \$230 per month. What happens if it is more than \$230; we should pay it right?

Mayor Newlands: Well it should be almost half, because of the mix-up; he should be responsible for only 6 lights, we think.

Vice Mayor Betts: So go ahead for the \$230.

Mayor Newlands: That's the max, yes.

Vice Mayor Betts: Okay, the maximum of \$230 per month for the safety of the residents in Shipbuilder's.

Councilman Lester: I second it.

Mayor Newlands: We have a motion and a second to take over the lighting in Shipbuilder's for a maximum of \$230 a month. All in favor say aye. Opposed. Motion is carried.

- d. First reading of an ordinance to amend the Town Code, Chapter 26 "Personnel Policies" to include violations of The Town of Milton technology and social media usage and media communications policy as a cause for discipline of Town personnel

Seth Thompson: Mr. Mayor, basically the Council had asked the Town Solicitor to work with Councilwoman Duby to try and draft a media policy. I received some additional comments from the Chief earlier; I think it was last week. So I would like to incorporate those; but kind of in keeping with our New Best Practices; we would need to amend the Town Code to reflect the Personnel Policy saying that if you violate the media policy, that's potential grounds for discipline. So, that's really just the first reading here. We didn't notice it to vote.

Vice Mayor Betts: Does it say that.

Seth Thompson: This is what it's amending; it's adding a new sub-section that violating...

Vice Mayor Betts: We don't have that. Okay.

Seth Thompson: Correct. So, again it's kind of a two-fold issue. Number one, we need to amend the Personnel Policy to reflect this as an additional ground for potential discipline; and then number two, we need to go through and see if the Media Policy makes sense and adopt it. So that's what's in front of you now. I plan on working with the Chief to try and address the concerns that he raised. Councilwoman Duby, I didn't receive any final comments from her, so I don't know how she feels, other than the initial response, but that's kind of where it is. I know that you wanted to see it. I also think it's helpful to have that first reading of the Ordinance, to amend the Personnel Policy to factor in the Media Policy, as a potential ground for discipline.

Councilwoman Jones: And will you be sharing the Chief's concerns with Council?

Seth Thompson: I certainly can. That's right.

Councilwoman Jones: Okay.

Mayor Newlands: Some of his concerns were that the SOP supersedes some of these documents.

Seth Thompson: What I could do is probably send a red-lined version with just the comment bubbles; if that makes sense for Council; that's what I can do.

Mayor Newlands: That would be fine. Okay, since this was the first reading, we don't

have any vote on this. We can go into Executive Session.

15. Executive Session: Discuss Personnel Issues, Litigation and Land Acquisition

Mayor Newlands: Can I get a motion to go into Executive Session?

Councilman West: I make a motion that we go into Executive Session.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session at 8:26 p.m. All those in favor say aye. Opposed. Motion carried.

Mayor Newlands: Can we have a motion to come out of Executive Session?

Vice Mayor Betts: I make a motion to come out of Executive Session at 9:21 p.m.

Councilman West: Second.

Mayor Newlands: We have a motion and a second to come out of Executive Session. All in favor say aye. Opposed. Motion carried.

16. Adjournment

Councilman West: I make a motion to adjourn at 9:21 p.m.

Vice Mayor Betts: Second.

Mayor Newlands: We have a motion and a second to adjourn. All in favor say aye. Opposed. Motion carried. Thank you all.