

**Town of Milton
Town Council Meeting
Milton Library, 121 Union Street
Monday, October 1, 2012
6:30 p.m.**

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

1. Public Participation

- a) John Collier, 301 Coulter Street: I had asked to make a public comment about a couple of things and I'm going to try and keep this brief. So anyhow, first comment, I would like to comment about the budgetary process that I just recently observed. I would like to go on the public record as stating a budget presented on a spreadsheet to me is not a budget. As an interested citizen and taxpayer, I want to know where my money's going and the spreadsheet doesn't tell me much; doesn't give me enough information and I would appreciate in the future if the Council would consider a more expanded budget. It's unlike anything I've ever seen, as far as a municipal budget goes and I have about 35 years experience dealing with those. I'd like to also ask that the Council restore the publication of assets to the budget process. At one time, under Charter, that was required. I'm interested in knowing what we have on hand. I want to know how many units of chemicals for water treatment we currently have in inventory and how many we intend to buy. I want to know how many bullets the Police Department has and how many they intend to buy and why. These are the things. I would like to see the date of issue of the weapons that the Police Department has, just because, then when they say they need to replace them, I know how old they are and if it's even feasible; but at this point, all we get is this little spreadsheet that says we need X dollars and no explanation and trying to get an explanation by asking questions it's probably easier to pull teeth, as far as I'm concerned from where I sit. So anyhow, that's all I have to say about the budget. Oh, one more thing about the budget, yes, I would like to go ahead and congratulate the Council and others involved with the budget; it was a struggle, but you all stayed with it and you got it done and you passed it in time, and for that I applaud you, irregardless of how poorly prepared it might have seemed to me or anyone else; you still got the job done. Thank you. So now, my other question is about public information and surprisingly enough, some of this pertains to the Police Department. I would like to see an organizational chart available for the Police Department. Yes, I know who the Chief is, yes I know who the Captain is, yes I know who the Lieutenant is, but you know along the lines there, we've got a detective who I'm not sure who he is; someone is assigned the duties of armor for the Police Department; someone is the Quarter Master, among other things. We have officers that are designated for community policing, but I'm surely not sure who those are and I have a particular interest in them. I kept hearing the statement "boots on the ground" during this budget process and community policing is just that, "boots on the ground". I'm still waiting to see a set on the ground, other than when there's a public event in the Park, because of issues that I've brought up to you face to face and they continue and it's not only the last one, but the previous one, as well, concerning a particular type of beverage. You get these things

taken care of if you've got “boots on the ground”; there's nothing to say that an officer can't walk that park two or three times during a shift; we've got seats; we've got “butts in the seats”, but let's get some “boots on the ground”; that's what I'm asking for. My next interest is do we do ridealongs nowadays in our Police Department?

Mayor Newlands: They're allowed.

John Collier: They're allowed.

Mayor Newlands: You have to get permission from the...

John Collier: I thought at one time they had been suspended and maybe I'm mistaken and the reason I bring that up is I had noticed civilians riding in the departmental cars here lately and I may just want to take a ride with these guys so I get a better handle on how the Police Department operates and what they do, so then maybe I'm not so critical of them when I should be. But until it's made known that that's available, how can I tell? I have to go by what I see and what I see does not always please me.

Mayor Newlands: Captain, what is the procedure for ridealongs?

John Collier: And then...

Captain Cornwell: Fill out a form.

Mayor Newlands: That's it and submit it to you or the Chief?

Captain Cornwell: Submit into the station.

John Collier: So there is a form available, but I would have to call in the station personally to get the form to begin with, because it's not available, just generally it's something I can pull off the town website or anything else.

Captain Cornwell: I'm not sure where it would be on the website. I'm not sure if the new one's up yet.

Mayor Newlands: The new one's not ready yet.

Captain Cornwell: Not ready yet.

John Collier: Okay, but there's a possibility it might be up there.

Mayor Newlands: He can email it. They can email it to you.

John Collier: Oh, that would be great. I would love to have one. Let me be the first to ask for one of those.

Mayor Newlands: It's really a liability form in case of accidents or...

John Collier: That's alright. I realize that there's a liability. And probably the last one is a barb, more than anything else, but I feel compelled after what I witnessed at the very last budget meeting and this is a request to the Council, on behalf of the Police Department. I would request Council restore a portion of the training budget and earmark that for course work in municipal accounting and budgetary principles for the Police Department, because after the exchange that I witnessed and the things back and forth, it's obvious to me that somebody does not understand basic budgetary principles and if they want a training budget, let's put it where it's needed and right now I see it needed in that area. Thank you.

Mayor Newlands: Just to address some of the asset lists and things. We did put out in the back room tonight a list of all bank accounts, somebody had said when they wanted assets, they really meant bank accounts, so we put all the bank accounts out with all the balances on them and a running bank balance, month-by-month for the last thirteen months.

John Collier: That's great and that is a portion of the assets, but there are also material assets and when you're writing a budget and requesting money for water meters or ammunition or whatever, it's nice to know what we already have, so that we can get a

handle on why we need or what the expense is designated for, other than just a dollar amount in a spreadsheet. That's what I'm asking for.

Mayor Newlands: We have that in electronic form. We can publish that on the internet.

John Collier: Okay, well it will be great to publish it at the time you begin the budgetary process, because that's when it really counts the most, from where I sit. Alright, thank you.

Mayor Newlands: Thank you.

- b) James Welu, 30263 East Mill Park Run: I wanted to address the budget you passed last week. My understanding of a balanced budget is that the approved expenditures do not exceed the revenue. What I don't think it means, is that the expenditures have to be equal to the revenue, they could be less than the revenue. I was taken aback very much by your comments Mayor Newlands last week, when Councilwoman Jones and I think Councilman Booros were delving into the budget and in a lot of particular items and looking to reduce some of them and your comments was is that we have the money for these, why are you trying to reduce them? I don't think that's the way a budget process goes. I prepare a budget for houses that I'm working on and I do round figures, you know, \$3,000, \$3,500 for this let's say, you know, for a well; a couple of thousand dollars for a heating unit; another thousand, but they're all round numbers and usually they exceed what I plan to spend and hopefully, they are more than I hope to spend. But I want to make sure that I have enough money if they go that high. But when I look at this budget, it seems like there are numbers there, there are \$5,000; \$1,000; \$3,000; they can't really be accurate because most budget items if they're properly looked at, you know it's going to be \$2,560; maybe \$2,600. But I think just these broad numbers does not show to me to be a very well analyzed budget by whoever prepares it and more importantly by whoever gives the information to the preparer in terms of pinpointing what are the particular needs that actually are and what are the expenses for those?

Mayor Newlands: Let me just address that one point, because in a lot of cases, the number \$5,000 or \$10,000 doesn't just represent one item. It's a combination of things for the entire year, so for supplies, it's not just a \$5,000 purchase; it's their entire budget for the year for supplies, which...

Jim Welu: I understand that.

Mayor Newlands: could mean a lot of things.

Jim Welu: But it's made up of a lot of smaller numbers... That all of a sudden

Mayor Newlands: That is true. That's true.

Jim Welu: Add up to a \$5,000 number, a \$6,000 number, \$1,000. It seems to me it ought to be \$5,050; rather than \$6,000. You know, I think, you know, I don't know how much analysis goes into this budget by the budget committee in terms of the details and the information; I don't know how much expertise the people on the budget committee have to analyze is this really a pretty close figure to what we're going to spend, but I do know that when it's government money that is set aside \$5,000 in this category or \$3,000 in that, it's probably going to be spent, in most cases. If I have \$5,000 in my budget for capital items on the house I'm working on, it's probably not going to be spent. It's my money. I'm going to make sure that I get the best price for those items, but if you're in a government agency and you have a budget, that budget usually gets spent. I think that's been the case in the Federal Government, State Government and probably in Town Government. I think it could be looked at a lot more closely and...

Mayor Newlands: What they do is in a lot of cases they're using their experience from

prior years as to what they're spending, because a lot of this is strictly maintenance for a lot of these departments, so they're using the experience of prior years and they'll go through during the year, trying to cut whatever contracts they have and trying to get those reduced to incur any kind of savings, so that's how the process is done.

Jim Welu: Well I would hope that they would view town's money as closely as I view mine or you view yours; when you have a budget and you're looking for the best deal, the best price where you can save money.

Mayor Newlands: They do that, plus we go out to State bid on a lot of items, as well.

Jim Welu: One other thing I'd like to bring up, Mayor Newlands you mentioned at I think the last meeting, or maybe it was the meeting before; I think it was the last meeting, that you really rely on the Finance Committee to look at all the detailed items and it's not your view that the Council should be looking that closely at all individual items. It seems to me that you're elected to look at all those individual items. I would think the Finance Committee's job would be to sort them out and to get the details, question the staff as to what does this number represent, what does that number represent and be able to present that to the Council in quite a bit of detail, but then the Council, it seems to me, should still analyze each one of those figures to see whether you want to approve that figure or not. I think, to say that the Finance Committee should be presenting something that the Council generally looks at, is not enough.

Mayor Newlands: Well that was something we tried for the first time this year, so if it didn't work out well, next year it should be changed.

Jim Welu: Thank you.

Mayor Newlands: Thank you.

- c) Gwendolyn Jones, 204 Atlantic Avenue: The issue I wanted to address was something that I've heard for some years. Councilwoman Jones brought up a number of times and there was a lot of argument against this, the issue of censorship and wanton police reports. I really don't know exactly where this was going here, but in Monday, October 1st Cape Gazette on Page 3, there's a thing called Police and Fire Wrap-Up. The article with the picture in there says Men Sought in Connection with stolen debit card. Now, Captain Cornwell, you mentioned in the article here and correct me if I'm wrong, the men were driving a compact... Searching two men as they broke into vehicles stolen when they left a car. The men were caught on surveillance camera using the debit card in Milton. Is this picture actually in Milton?

Captain Cornwell: That was in Lewes at Wawa.

Gwendolyn Jones: Okay, well how did it get in Milton? It goes under the category of... I understand it's the Milton Police Department, but the crime occurred, actually they were in a photo here. The photo identifies it as occurring in Milton.

Captain Cornwell: The burglary and theft occurred from a vehicle in Milton. The photo was taken in Lewes, of the suspects, therefore we put the suspects information out in the paper for anyone that recognized them to contact us. Also several of the Police Officers there have statewide authority through the Attorney General's office, so if an investigation starts in Milton, they have the arrest powers to go throughout the State of Delaware, wherever the offenses happen and take care of those also. And that's one of the cases of this.

Gwendolyn Jones: I don't know if you saw the picture, but I went down to check that and I asked the store, there are no Wawa's in Milton. The picture that was identified, and I'm sure that there are copies available, it says they were taken in Milton and this goes

basically to Councilwoman Jones point, where their system in Rehoboth works very well, apparently, they screen for appropriateness and accuracy and as a resident in Milton, here we have another listing under Milton Crime, which actually the picture was not in Milton.

Captain Cornwell: What were the charges listed?

Gwendolyn Jones: Broke into a vehicle and stole a woman's debit card. The men were caught on surveillance camera using the debit card in Milton. It did not occur in Milton. I don't know if it was your fault or the papers. I don't know.

Captain Cornwell: The picture obviously shows them using the debit card, not breaking into a car; that happened in Milton. I believe they used a debit card at one location in Milton and then they used it there. You'll have to talk to the Editors of the paper to ask them why they put the location of the picture, as Milton, because we did not say that.

Gwendolyn Jones: You don't mind if I check up on that?

Captain Cornwell: Go ahead. I didn't tell them that the picture was of Milton.

Gwendolyn Jones: Well it's there in print for all to see and the other, just to tag along here, this Mr. Mayor was your campaign profile and I'll just read the latter part of it. Cliff plans to bring more _____ about the town's finances, operation and _____ of Town Hall and publish numerous financial reports monthly so the public will see exactly what goes on in Town Hall. He will work closely with the citizen's, business, merchants and visitors to help the town grow and prosper. I've not been impressed with everything that I've seen here in the increased attention of what goes on in Milton and I think that there's a good bit of difference between what this says and what we've seen performance. My suggestion would be I would look forward to a more accurate performance, based on your campaign profile. Thank you.

Mayor Newlands: Thank you. We do produce the budget reports on a quarterly basis, not a monthly basis, right now.

- d) Steven Smyk: I would like to thank the board for having me up here. Listen, I just want to let everyone know here, that I'm the guy that's walking around town and putting the little pamphlets in your doors. Thank you, Mr. Mayor for having me. It's nice to see some of my friends that are up here and I have to express something that I do miss Mrs. Betts from being up here on the board. I am from the Oak Orchard area, Mr. Cordrey's backyard, basically; where he has a landscaping business, that's where I grew up, so I'm local, I'm from the area and I absolutely believe in public safety. I have devoted my whole life to the people that I live with. That's you guys. I did that as a soldier, I did it as a trooper here for 25 years and I've been up in the legislature, the last three legislative sessions as a Representative for Public Safety, as President of the Trooper's Association. So I wanted you all to know that and if you would like to come and see me or talk to me, I have some events, you can give me a call and as I said, you probably all have that pamphlet I'm putting in your door. Thank you very much.

Mayor Newlands: Thank you.

- e) Damalier Molina, 330 Behringer Avenue: Mr. Mayor and Town Council, thank you for allowing me to speak tonight, and residents of Milton. It's great to see the improvements at the intersection of Behringer and Atlantic Avenue. I'm working in the Code Enforcement profession, I'm not convinced that it's completed. To me it appears to be a subterfuge. I don't know what has taken place. What has the town done? The fact that I understand... I've seen the trucks on Route 9, it just means that those trucks are being housed there. The operation is still there, there's no Certificate of Occupancy and the

fact is that at the last session that I was here, back two months ago, I understood that the residents of Heritage Creek requested a Public Hearing and one was held within two weeks. I've been requesting one since March, not only to have my own due process, but also to protect the due process for the Lawson's. They're entitled to the due process, too; to come before the Zoning Board, and come before City Council, and be able to argue their case. I don't know why that hasn't occurred. I don't know if it's because I don't have a Brooklyn or a Queens accent, or whatever it is, but we are all entitled to a due process and I hope that the town officials will recognize that, otherwise, I have withheld taking other action but I understand what I'm entitled to under the 14th Amendment.

Mayor Newlands: Just to clarify something about the Heritage Creek. The Heritage Creek residents didn't ask for a hearing, Council asked for a hearing and we were under a time limit to produce that hearing.

Damalier Molina: I understand.

Mayor Newlands: And a letter was to go to Dry Zone. Has it?

Robin Davis: A letter has been drafted by the Town Solicitor. It's been reviewed by the Mayor, the Town Manager and myself and the Code Enforcement Officer, Mike. There were a couple of little minor things I think we're going to adjust and then the letter will be sent out to Mr. and Mrs. Lawson to try to correct the problems out there on Atlantic Avenue.

Damalier Molina: Are they going to be required to come back for a hearing?

Mayor Newlands: Yes, that's what's in the letter to make them come back for a Conditional Use to Planning and Zoning.

Damalier Molina: I think that's the prudent way to go. As I said, I'm not out to have them close their business, but I would like to see some parameters established for the future.

Mayor Newlands: I don't know if we know yet why he moved out. I know they moved out to clean up and a new sign went up on Route 9 and they also own Mr. Energy Saver business, so I don't know if he combined his properties or not.

Seth Thompson: I think it's Dr. Energy Saver.

Mayor Newlands: Dr. Energy Saver, okay.

Seth Thompson: He spent four years in medical school.

Damalier Molina: I want to thank you anyway and I look forward to being here for the zoning hearing and the presentation before City Council.

Mayor Newlands: The zoning hearing may not happen if they move. Are they still active in the building itself?

Damalier Molina: I don't know. I'm relying on the information that you have. Again, I always liked Gary and Lydia. I think they're great persons. I just...

Mayor Newlands: I thought there was no activity, because I don't even see any cars parked there for people who would go into that business.

Damalier Molina: I'm here on weekends, come on up.

Mayor Newlands: Okay. We'll double check once the letter goes out.

Damalier Molina: And off the record, you're allowed to have a beer with me, right. Have a good night.

Councilwoman Jones: This is just a question. Did they come for Conditional Use or Rezoning. I'm not understanding. I was mixed up.

Robin Davis: I think the letter basically said that it would be a Conditional Use, not a... Well they have the right to request a rezoning, if they want, but it would probably be coming across as a Conditional Use.

f) Richard Miller, Gristmill Drive: Thank you Mr. Mayor and Council. I would like to announce to the public that on October 26th at the Octoberfest there will be the first annual Great Pumpkin Carve. It's being sponsored by the Cannery Village Civic Association and the steps of the carve are very simple. On the 12th of October at the Farmer's Market, pumpkins will be available for distribution. Those who want to carve a pumpkin, the only condition is they bring non-perishable food items to the Farmer's Market on the 12th and the 19th. In exchange for those non-perishable food items, they'll get a pumpkin. They can carve it and it will be judged on the 26th of October at the Octoberfest. That happens to be the last Farmer's Market of this season and it will be held at the Dogfish Head property. The Farmer's Market has given the Cannery Village Civic Association space on the 12th, on the 19th and the 26th to participate in the Pumpkin Carve. There's going to be three categories of judging: age group 13, 13-20 and 21 and over and there will be prizes appropriate for each one of those age categories. So we're inviting you to sharpen your tools, sharpen your wits, bring a can of food and carve your heart out. Thanks, Mr. Mayor.

Mayor Newlands: Thank you.

g) Bob Howard, 217 Chandler Street: On behalf of the Economic Development Committee I would like to thank the Council for their favorable action on our budget request for promoting the town. Thank you very much.

Mayor Newlands: Thank you.

h) Kathryn Greig, 326 Union Street: I'm here to talk about a couple of events coming up and before I do that, I want to know where my budget is for all the promoting of the town that I do? Do you have it?

Mayor Newlands: It sits along with my salary.

Kathryn Greig: Okay. The next event we're having is Fall Into Milton, which is October 20th at the Historical Society property. It's going to be a Fall Festival featuring food, crafts, activities for children, demonstrations, antiques, all kinds of things. The Garden Club will be set up at that time and we'll be demonstrating making an herb wreath. The Garden Club will also be set up at Octoberfest and even though it isn't a Fall thing, we are going to have some plants for sale and they'll have fall ribbons on them and if they don't sell then, at Holly Fest, they'll have Christmas ribbons on them. And we will, again, be demonstrating how to make a Christmas wreath and promoting what we're going to be doing for the Holiday Season. One other thing I would like to say is I've lived in Milton for 11 years; owned the house for about 13; and I truly do like it here. I own a business downtown and if you look up here at these people, I don't see any Gods, I don't see any super heroes and since they don't have wings, I guess they're not angels either. They're people like you and like me. They make mistakes. They do good things and I think sometimes we don't give them enough credit. I mean here they are sitting here and they take a lot of abuse and I don't know why anybody would even want to run for office. I really don't. It must be the salary.

Mayor Newlands: Yes.

Kathryn Greig: But I do say from the business person's point-of-view, I wish people would go and chat with them. I never have any trouble getting in to see any of these. If they don't want to see me, I know one time I cornered Marion Jones in the grocery store in Rehoboth. We had a nice little talk. But it is very, very bad for business and I do think I have a right to say this. You have a right to your own opinion. You have a right to do everything, but when you write those 3 and 4 column letters to this newspaper, talking

about Milton, it really gets under my skin because it is very, very bad for business.
Thank you.
Mayor Newlands: Thank you.

2. Call to Order – Mayor Newlands called the meeting to order at 6:59 p.m. and closed the Public Participation
3. Moment of Silence – Mayor Newlands
4. Pledge of Allegiance to the Flag
5. Roll Call – Mayor Newlands

Councilman Lester	Present
Councilwoman Jones	Present
Councilwoman Patterson	Present
Councilman Booros	Present
Councilman West	Present
Mayor Newlands	Present
Vice Mayor Betts	Absent
6. Additions or Corrections to the Agenda
Mayor Newlands: Do we have any additions or corrections to the Agenda?
7. Agenda Approval
Councilman West: I'll make a motion that we accept the Agenda, as written.
Councilman Lester: Second.
Mayor Newlands: We have a motion and a second to accept the agenda, as amended. All in favor say aye. Opposed. Motion carried.
8. Presentation and Approval of Minutes – September 10, 2012
Mayor Newlands: We have minutes from just the September 10th meeting.
Councilwoman Jones: There's a correction on Page 17 at the bottom. Mr. Harris does not live on Gristmill Drive. I don't know the number of the house on Behringer.
Mayor Newlands: We'll get that from our records. **[This correction was made before posting.]**
Does anybody have any other corrections or changes?
Councilwoman Patterson: Mr. Mayor, I make a motion to approve the minutes of September 10, 2012.
Councilman Lester: I'll second that.
Mayor Newlands: We have a motion and a second to approve the minutes of September 10, 2012. All in favor say aye. Opposed. Motion is carried.
9. Discussion on Written Committee Reports
Mayor Newlands: We don't have any committee reports. So let's go right down to the Town Manager's report.
10. Town Manager's Report
Win Abbott: Thank you Mr. Mayor and Council. Members of Council and the public, at last

month's Council Meeting you had requested an opportunity to meet and greet our two newest employees. I would like to introduce to you our Code Enforcement Officer, Michael Trotta. Michael please stand up. Mike's done a lot of work for the town. Thank you very much. And our newest employee is Patricia Marney. Patricia works as an accounting clerk in the front end. She'll be the first one you see when you come inside. Thank you. As always, you'll find a friendly customer service oriented environment when you walk in the front door. If we can't answer your questions right away, then we'll certainly get back to you as quickly as possible. Patricia is the first one you'll see and Mike, of course, has a lot of contact with people that are doing work on their homes and business that are starting in town. Thank you again for coming. I appreciate it. For the Council and the public, Mr. Collier had a good point with regard to details that support some of the things that go into the budget. In many cases, though they're quite complex and there's great value in the things that we do. I took the full first page of the Town Manager's report to explain to you the kind of insurance innovation that the town is participating in; has so for the better part of the last two years. This is the first full year of involvement in the Group Consortium made by the Delaware League of Local Governments, called the DelLea Founders Insurance Trust. Their goal is to have a self-insured worker's compensation model and by virtue of doing that, and in some cases they're refunding a small portion of the premiums back to the towns. In other cases though, they're putting that money away in savings, so they truly have a self-insured model and we're not paying for commissions or the profitability of insurance companies. Our goal is to be there in the next couple of years. So you'll find the first half of the Town Manager's Report explains a bit about that particular business model and our participation in it. You'll note on the back page of the Town Manager's Monthly Report, some consequences coming out of our 2010 audit. You'll see that the Office of Drinking Water expected that they would receive applications for a State Revolving Fund loan from the Town of Milton as an outcome of them providing us with almost \$8,000 in planning grant money. Last month the Council had approved particular applications and they were filed before the end of September; however, this particular office is looking for us to make some improvements in the controls that we have on our internal accounting practices and we're moving forward in that direction. The last item that you'll find here is about Flood Plain and Drainage Management. The Town of Milton does participate in the National Flood Insurance Program. We have a limited area that is in the flood plain and of course, our downtown is subject to flooding during large events, like the storm in 1962. The State of Delaware is working on updating some of flood plain and stormwater management practices. You might have heard of Senate Bill 64. Mr. Davis will continue to be the lead person when it comes to working with developers and managing some of the development that we have going on in town, but because of my background at the Town of Fenwick Island where they are more subject to floods, I took advantage of the opportunity to do some extra training in the past week. This should help us to close the loop on all things related to floods and development and avail the town to dollars available for both mitigation, before damages occur, and also grant after damages occur, should we have a disaster declaration. Last but not least, you'll see that something that was part of the budget is our trash rates will increase by \$1.50 per quarter, per unit or residential household in the coming year. This is a part of our multi-year contract.

Mayor Newlands: Councilman Lester are you going to go over the audits that are going on?

Councilman Lester: I can talk about it when I...

Mayor Newlands: Okay. Thanks, Mr. Abbott.

Councilwoman Jones: I just wanted to thank you also for bringing the employees here so that we could see them and meet them.

11. Department Reports: Public Works, Project Coordinator, Code and Police
- Councilwoman Jones: I have just one question for the captain. Under your report, Assist Other Agencies, 27 for the month of August. Can you tell me, to the best of your knowledge, are those calls that came and were generated by SussCom for you to assist State Police? Or are some of these numbers representative of an issue where, because of statewide jurisdiction you simply are out of the Town of Milton?
- Captain Cornwell: Our Assist Other Agencies, generally come from SussCom. When we're doing an investigation and we go out of town, similar to the burglary thefts and unlawful use of credit cards, we don't do an Assist Other Agency, because that's part of our investigation. It's not often that we go out to do something like that, but we have the ability to continue on instead of someone else trying to pick up and take the pieces.
- Councilwoman Jones: Thank you.
- Mayor Newlands: I don't see a Public Works... Is it there? Oh, I thought it was something else when I read that. Okay. I'm sorry. Thank you.
- Councilwoman Jones: I have a couple of quick questions on the maintenance report. Allen, can you tell me what the round mound in front of these "square in the parking lot"?
- Allen Atkins: Leftover cement. We've got to pick it up. We haven't picked it up yet.
- Councilwoman Jones: Okay. I knew that that was the fourth side.
- Allen Atkins: We were going to paint it like a Lady Bug, but we decided to change our mind.
- Mayor Newlands: Liability... It would be nice to be a Lady Bug, but it would be, I think, a liability having it there.
- Councilwoman Jones: Okay. The other is and I don't know if that would be for you or Mr. Abbott, but I know you're continuing to try to make a better accounting of the water. Approximately how many meters do you have yet to install and are you incurring the same kind of problem where the homeowner's are not responding to you?
- Allen Atkins: I think Mr. Abbott just sent some letters out to the homeowner's that we haven't been able to get in. We've only got around 25 or so left and then we should have them all done. That's the only hold up we have.
- Mayor Newlands: I was going to go over this during the water improvements, but you've hit all the bit places, schools... Did we do the car wash yet?
- Allen Atkins: The only big one we have to do is Atlantis Plastics and that's going to be done shortly. But we have to do that at nighttime when they're not working.
- Mayor Newlands: Okay. Great. Well actually they're on a 24 hour shift, aren't they?
- Allen Atkins: Two shifts, I think.
- Mayor Newlands: No, Win and I went out there a couple of months ago and I thought they were 24/6.
- Allen Atkins: Last we heard they were...
- Mayor Newlands: You may have to do them on a Saturday, because they were running...
- Allen Atkins: It's on our list to do. That's the last big meter we have.
- Mayor Newlands: Yes, we went on a tour and it's a very interesting place.
- Councilwoman Jones: And the last question I had was simply that I see that some members of your group have picked up lockers.
- Allen Atkins: They got lockers from the City of Harrington.
- Councilwoman Jones: From Harrington, for both your shop employees and the Police Department?
- Allen Atkins: For our shop and you got some also, right?

Captain Cornwell: I believe that there were some for us, but we have no where to put them and no locker room.

Councilman Lester: That concrete block that's down there. Have you any idea when the structure will be put in there?

Allen Atkins: I have yet to ask Councilman Booros. I don't know.

Councilman Booros: As soon as I'm finished it.

Councilman Lester: Because we've been talking about it for some time, I just wondered.

Councilman Booros: As soon as I'm finished it.

Mayor Newlands: You're doing it by yourself, I thought there was a crew going to do that.

Councilman Booros: I'm doing it by myself and I've used my own money to build it.

Mayor Newlands: I didn't know that. Okay. I thought that was going to be donations and a crew doing that.

Councilman Booros: No, the donations were for the bulletin board that was going on.

Mayor Newlands: I thought the donations were supposed to be for the entire thing.

Councilman Booros: No, we have not gotten any donations, except for one, and that was from the Chamber of Commerce to pay for one bulletin board and I don't think we've received the donation yet, this fiscal year. They're going to cover the cost of one board.

Mayor Newlands: I did not know that. Okay.

Unidentified Speaker: [Said something unintelligible.]

Mayor Newlands: We'll get to it in a second.

Councilwoman Jones: Mr. Trotta is gone but perhaps Mr. Davis could help me out. I've had a couple of people and that includes myself, wonder what the large back tarp is in front of the house at the corner of Chandler and Union and it's purpose and how long it will be there?

Robin Davis: If I'm not mistaken, Mr. Trotta handles the building permits. They are in the process, I think, of remodeling the front porch. I don't know if the tarp was there to keep the weather out of the deck boards, or what, but I could have him check. I'm not sure right off the top of my head, but I think that's the purpose... It has something to do with the remodel of the porch.

Councilwoman Jones: Okay. The other comment and perhaps you can share this with Mr. Trotta, just this evening after riding over to our local Food Lion shopping center is a plethora of signs, Walgreen's is the greatest offender of flu signs, whooping cough, shingles. They there's Subway, there's Domino, Capstone Homes has joined in. Walgreen's alone has three of their signs right underneath the brick sign on 16. I don't know where Mr. Trotta is on his enforcement, but I know that this was brought here to the meeting months ago. I just wanted to mention it again.

Mayor Newlands: He's shaking his head. He'll talk to Michael tomorrow.

Councilwoman Jones: Thank you.

Robin Davis: And as Ms. Suthard said, yes, that is the wrong address. I just typed the wrong address in there. That is correct. Actually it's Mr. Brittingham's property.

Mayor Newlands: Okay, any other questions for the Public Works, Project Coordinator, Police or Code?

Councilman Lester: I don't have a question, but I do have a thank you. I've asked Mr. Davis and Mr. Trotta to address several different projects in town and one of them was that old beat up fencing in front of Dr. Wagner's office and lo and behold it's down and I understand from Mr. Trotta those drain pipes will be gone pretty soon, so he is working, definitely. I thank both of them. They're working at cleaning up the town. It's a tough job, but they're working on it.

Mayor Newlands: Yes. He's very active.

Councilwoman Jones: Mr. Davis, do you know if Mr. Trotta has looked at the property next to

the theater building? I am not sure whether the Presta's still own it or not, but the property is really quite disheveled.

Robin Davis: I'm not quite sure, but I'll note that and I'll ask him tomorrow.

Councilwoman Jones: I don't know how they would get inside there to cut the grass, anyway, with that fencing around it, but it is quite overgrown.

Robin Davis: There's a gate there. I think you can get in there, yes.

Councilwoman Jones: There is? Okay, thank you.

Mayor Newlands: I know one of Presta's properties went into foreclosure like three or four month's ago. I'm not sure if it was that one, or not. One thing I would like them to do if they can is put a board there to keep all the sand from running in the street. It makes a mess of that area. I don't know if they could do that or not.

Councilwoman Jones: And actually, if they did the retaining wall there at the river side, at the back is a very severe crack; perhaps you've noticed that? I don't know whether it puts it in structural compromise or not, but it's quite large. I'm going to assume that was placed there when those buildings were taken down to shore up that piece of the property.

Robin Davis: Yes, I think when they originally demolished the building, they were going to put some sort of a restaurant and apartments upstairs, I think, at the time.

Mayor Newlands: Okay, any other questions?

12. Finance Report and Revenue/Expenditures Report

Mayor Newlands: We have the Town Manager's Finance Report.

Win Abbott: Mr. Mayor and Council, the Town Manager's Monthly Financial Report for the period ending 8/30/12 is before you. It is relatively brief. I'm looking forward to having some end of year information so I can flesh out how we performed for the year, but the trend continues to be very positive. From what is reported in our general fund, we have received \$330,035.91 in more revenue than last year and collectively, \$95,325.74 less expense than last year; the same period year-to-date. There are a number of factors that are involved in this, and if you look at the Revenue and Expenditure Report by line item, or by department, you might see some overages. Some of those things are balanced out by the overages in revenue, the best example for that is the street paving project where we had not budgeted for the expense and the expenses were created, but we had neither budgeted for the revenue and it was paid for entirely through grants. So you have the Town Manager's Monthly Financial Report for the period ending 8/30/12 before you. I don't know if you have any questions. It's just a summary of what the more detailed report you have is.

Mayor Newlands: And we got a check in from Dogfish Thursday or Friday for \$72,000; I think there was about \$32,000 that came in from transfer tax. That came in late. I don't know why it came in so late; that was August and we still have due to us a September transfer tax check that has to come in, plus we have all the expenses for September. I think we signed 59 checks one day two weeks ago, so we have a lot of expenses for the month, but we're doing very well.

Councilwoman Jones: Mr. Abbott, as the expenditure highlights at the bottom, I do note the Admin currently over budget for insurance; but as reporting on 8/30, we are \$13,117 over budget in police fuel. Now, correct me, but I believe the original line item was \$30,000 and this is not yet counting September. Without my budget in front of me, is that not correct; \$30,000?

Win Abbott: I believe you're correct and like you said, we don't have September's numbers in yet either.

Councilwoman Jones: Right. Okay. Thank you.

Win Abbott: Yes.

Mayor Newlands: Councilman Lester.

Councilman Lester: Just to recap on the status of the audit, the September 30, 2011 audit is almost complete. We'll be receiving draft Financial Statements I think later in October. There are two items that the town has to consider. One is, of course, management discussion, what management sees has been improved or what management sees needs to be improved in the town. And then we have to merge the auditor of accounts 60 items of questionable in turn audit questions, along with PK&S's questions about the audit and we're planning to have a meeting sometime, I think, in November with the staff of PK&S to merge those items. Now they can't help us write the internal control document, but they're going to help us move in the right direction to merge those items. So they'll be almost complete. I don't think we're going to get a clean audit for the year 2011. They will probably opine on part of the Financial Statement, I think probably on the Revenue side. I'm not sure. And that's due because the problems in 2010 coming forward and the balances in 2010 that were questionable. But, this current year, 2012, everything should be squared away. We should, at that point, have most of the internal control questions answered, a document prepared and they're looking to produce the audit statement timely. I think it's supposed to be in January.

Mayor Newlands: January. That's correct. Yes.

Councilman Lester: And I'm looking forward to that. They're looking forward to completing and I'm looking forward to when that happens. But they've worked very hard. PK&S is doing a nice job and I congratulate them. They are planning to get complete by the proper due date. In the meantime, I've asked a couple of people on the Finance Committee to help look at the internal control questionnaires and the problems in merging the documents. There's going to be a lot to merge. But I will say, and they will also say, the audit firm, that many of the 60 odd items that Mr. Wagner's office found have been corrected. We made a lot of changes through the year.

Mayor Newlands: Yes we have.

Councilman Lester: A lot of changes and this worked well with the excellent staff we have now, the accounting department. The Statements are 11/12ths complete. I don't know if anybody has a question.

Mayor Newlands: Yes, the asset list that Mr. Collier was asking for. We have that in an Excel spreadsheet, we can... That's in electronic form, right; the asset list of all the inventory of all the equipment we have.

Councilman Lester: Of equipment. He wanted inventory, nuts and bolts. I don't know if we have that in.

Mayor Newlands: I don't know how detailed Mr. Atkins goes.

Allen Atkins: We'll have this year's inventory before the end of this month. It's been taken, and we're just getting it priced.

Mayor Newlands: Okay, thank you.

Councilman Lester: Is a detailed itemized list of 10 penny nails and 60 Phillips head screws, is that what we're going to do?

Mayor Newlands: We'll publish what we have and then we'll see what kind of response we get.

Councilman Lester: Okay.

Mayor Newlands: Bank balances. I put the bank balances out to the public. I show a running balance all the time. I want the Council to know where we came from and how we're progressing bank balance wise. You'll notice, like in transfer taxes, that's the money we did not pick up and use, so we only used a portion of the year's transfer taxes. I noticed one anomaly that I do on the budget and for some reason I got into the habit of doing it, we display the extra revenue we get in the Water Department. We don't display the extra revenue we get in the non-

proprietary accounts, so I'm thinking maybe the next time I'll come out with a report to show the overages we expect to have, or the surpluses we expect to have, in some of these categories. One of the Dogfish building projects was postponed from fiscal year 2012 to fiscal year 2013, so we should have a sizable amount of additional money coming in in 2013. We've been tracking how many building permits did you tell me the other day, 250? It was over 200. It was a lot. They're not new homes, but there is a lot of activity going on in town, there's a lot of building activity going on in town. Does anybody have any questions on these reports?

Councilwoman Jones: Mr. Mayor, under the Reserves in Money Market on the account balances, the Milton Booklet, is that a past publication or does that refer to something intended?

Mayor Newlands: To be honest with you, I don't know. Some of these things were around since Bushey. The train one I know we have to change. We have to fix that one. The train one we've already given them some money for the station and the Chestnut Street sidewalks, this money is earmarked. This is what your \$6,500 will go for Economic Development. The sidewalk money has been allocated. I've gone through I don't know how many months of minutes to look. It's changed from \$15,000 to \$30,000 and I still don't know what it's earmarked for. It just says sidewalk repairs. It doesn't say anything else. It's not town sidewalks by the municipal parking lot. It's not referenced anywhere. This is something that's been in this report for years.

Councilwoman Jones: If I may, I think Mr. Dvornick could probably give you pretty good insight into that \$30,000.

Mayor Newlands: Yes, I'll check with him. But that's money that's part of the \$344,000, so that's just what's earmarked out of that \$344,000; not to spending. Okay.

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

a. Water System Improvements monthly update

Mayor Newlands: I'm just going to throw a bunch of questions out at you, because you've been out for two weeks, so I'll get you on this stuff cold. You said we had about 20...

Allen Atkins: There's less than 30 meters, there's probably 20 something.

Mayor Newlands: Okay and we've hit the fire house, we've gotten all the schools are done?

Allen Atkins: All the schools are done. The fire house is done.

Mayor Newlands: Kwik-Stop is done.

Allen Atkins: Kwik-Stop. Everything is done outside of maybe a church.

Mayor Newlands: The car wash is done?

Allen Atkins: The car wash is done.

Mayor Newlands: Okay. Good. Okay. The one interesting thing that the public needs to know, Dustan Russum was in my office the other day and he was explaining to me some of this water that goes back into the ground. Each of the wells we have, we have three wells up on Chandler Street. Each of them have a meter and then there's a meter on the main system going out. Do you want to explain how the meters work, or do you want me to do it?

Allen Atkins: Basically, each well has a separate meter and you have a main meter where your chemical building feeds. It seems to be when your towers are full when the wells shut down, with the pressure you seem to get a higher... Some of the check valves are not holding properly, it doesn't seem to be on a couple of wells. We get a back flow back in. You're double counting some water when the ____ keep backing up.

Mayor Newlands: When the water flows back into the wells, the meters on the specific

wells themselves don't roll backwards, but the meter on the main pipe that we have going out to the public, that will actually turn backwards, so we can actually go out and on a daily basis calculate the overage that's been put back in the wells and repumped out. So one day it was 30,000 gallons. It was a significant amount of water. The other thing is that Mr. Abbott brought... You go to that 3G System... Can you explain just a little bit more to the public about that?

Allen Atkins: 3G System – it's so we can read each well from the office. It gives you the times the wells run, whenever they come on and off you can watch the chart and it gives you the gallons they pumped that day, or you can get right down to every 15 minutes, if you need to, on each well and the master meter. That's basically how the whole system works. It tells you when they're on and off during the night and day.

Mayor Newlands: Right but at 2:00 in the morning, 3:00 in the morning, they should not be going on and if we recognize them going on at 2 or 3 in the morning, so...

Allen Atkins: Usually after midnight, 1:00 or so they usually shut down until maybe early morning.

Mayor Newlands: So a good amount of our water that we have, that's called “missing” water, is really water that is being repumped and overstated, so...

Councilman Booros: Is this water that's already being treated and it's going back into the well?

Allen Atkins: Basically, eventually, yes.

Mayor Newlands: Yes, they're a matter of feet away from each other.

Allen Atkins: In the past month, there was like over 100,000 gallons that I counted. I just did the report today, that there was that much difference in the system.

Councilwoman Jones: Mr. Atkins, is there a corrective action for that back flow?

Allen Atkins: Replace the check valves would be number one, to stop them from going back into the well.

Councilwoman Jones: Is that financially feasible?

Allen Atkins: These check valves... Yes. It's a little expensive, but it's not that great, to change the meters out; these meters are good, but they basically work better on a wastewater system, then they do on a water system. To change the four meters out, plus the new well, well number five, to replace that if we put it back on line shortly, and the check valves, is probably around \$20,000.

Councilwoman Jones: Thank you.

Councilman Booros: Did we budget for that?

Allen Atkins: No.

Councilman Booros: Thank you.

b. Water Tower Repair update (Shipbuilder tower)

Mayor Newlands: Did we get the report from the engineer? I know he told us what was going on, but did we receive the report yet?

Win Abbott: No, Sir, we did not see the written report yet.

Mayor Newlands: Okay.

c. Shipbuilder's Village general update (Maintenance, paving, land ownership, HOA)

Mayor Newlands: We've awarded the engineering contract to Pennoni Associates for the paving, so they should be doing a design portion right now. Do they have a deadline or an estimated time when they're going to give us that design?

Win Abbott: The proposal included a time line, so the time line begins after we have our first meeting. We'll be having a meeting this week with regard to that.

Mayor Newlands: Okay. Do we expect, or do we think we're going to get it done by the end of December.

Win Abbott: It will be done before Christmas.

Mayor Newlands: Thank you. It could snow before Christmas, too. Okay.

[Moved this back after Councilwoman Jones question, as it is the appropriate place to put this discussion.]

Councilwoman Jones: Mr. Mayor, could we slip back to 13, c for just a moment, under Land Ownership and the HOA? Is there anything to report on any of those?

Mayor Newlands: No, I put HOA there, because I would love for them to have an Homeowner's Association. They don't have an Homeowner's Association and I don't know what we could do to force the issue. They had one...

Councilman Booros: Has an inspection been done?

Win Abbott: Yes, Mr. Davis was there for that. Robin, would you like to speak to that?

Robin Davis: I met with Jack Woods from Baker Ingram Associates on Thursday. Mr. Woods performed an inspection on the clubhouse building, as requested. I contacted him today to find out the status. He will be submitting a full written report to the Council, or to the town, by the end of the week. There were some structural items that we talked briefly about on the phone. The central curve for the structure has failed due to some rotting and termite damage. There's also about 25% of the floor joists in the structure that need to be sistered or replaced, but other than that, the building itself is not in really bad shape. A lot of this damage was due to it the setting around, so the full report will be submitted to the town by the end of the week.

Mayor Newlands: It sounds very bad to me. I guess he's seen worse. We're not used to that. Land ownership, I'm sorry I skipped over these things. The land for the streets, are we making a Quit Claim Deed for that?

Seth Thompson: That's right. I went back and traced the transfer of the property back through time and the problem is that the development, the habit now is to have a separate deed for streets; that wasn't the case back when this started, back when the County had approval over the project and then as developers bought in, they really bought individual lots, so they didn't buy the actual projects. So I drafted a Quit Claim Deed. I would assume that any developer along the way would be more than happy to sign it. The only difficult might be locating some of them in the event that they're not in business anymore, but I plan on sending out a notice saying that we're going to be paving these streets, please let us know if you have an issue with that. Again, I don't expect them to take issue with that. If anything, the town is doing something arguably that was somebody else's responsibility.

Mayor Newlands: And do we have any word on Orchard Street; have we come to any conclusion on Orchard Street itself?

Seth Thompson: I think the town owns it. The extension?

Mayor Newlands: Yes. It's still listed in the County as being own by Shipbuilder's, LLC.

Seth Thompson: But anybody could call the County and change the tax information.

Mayor Newlands: Okay, so we just have to get that updated with the County? Could you take care of that? The clubhouse, Shipbuilder's – anything with the clubhouse, Mr. Booros.

Councilman Booros: I'm waiting to see if we have a clubhouse.

Mayor Newlands: See if it's still standing?

d. Cannery Village signage issue monthly update

Mayor Newlands: I don't have any updates for Cannery Village right now, so I just like to keep these on the agenda in case we get updates that do come in. Did you have something to say?

Robin Davis: I spoke with Megan from the County and the 911 addressing, after speaking with Bob Frazier, the Chairman for the Committee. We're trying to set up a meeting with Megan and the Committee, sometime between the 15th and 19th to go over some of the recommendations from the County.

Mayor Newlands: And Ed Kost had asked us to submit a letter to the developer about some of the top issues that were on the punch list, that went out this week to the developers.

e. Approval of an ordinance to Amend Town Code Regarding Rental Licenses

Seth Thompson: This was the Ordinance that we read for the first time last month and I appreciated everyone's suggestion, especially Councilman Booros', where we make it in the positive form, rather than the negative, so what this does... You already have a full chapter, that's Chapter 164, on Rental Licenses. This adds a provision that makes it abundantly clear that you shouldn't be renting a property without a rental license. I know that that seems very implicit in the fact that we have a full chapter on rental licenses, but I wanted to add this in. It also adds in a provision in terms of the town requiring somebody that is renting their property to sign the Declaration of Property Status form and return it to the town within thirty days. So this is very much akin to your business license section of the code; that's really where I got most of the language and again, it's not phrased where if a property owner is renting their property, then the town can ask them to verify that rental status on the form.

Councilman Booros: Well, can I ask you a question?

Seth Thompson: Sure.

Councilman Booros: Isn't obtaining the rental license, the verification that they're renting the property?

Seth Thompson: Right, but this is in the event that the town were to find out that somebody was renting their property, but they didn't have a rental license, then what the town would do it would send out a request within thirty days that the person verify that, indeed, they're renting it and we should send them the rental license form at that point. Basically, it's a way of putting them on notice that they need to do this and if they don't, then at that point...

Councilman Booros: That's if the town suspects they're renting the property?

Seth Thompson: Correct. And if they return the form and it says I'm sorry, we're not...

Councilman Booros: So if they send it out to everybody in their tax bill in January and the people that aren't renting their property don't return it...

Seth Thompson: Right. It's really designed for people... It's only supposed to go to people that the town would have some sort of suspicion that they're renting the property.

Councilman Booros: Understand. I understand that.

Mayor Newlands: When do we send rental licenses out? In November? So we'll send rental licenses out before taxes. They go out in November. Do we need to do a second reading on this, or can we approve it at this time?

Seth Thompson: You can approve it at this time.

Mayor Newlands: Or was there not a substantial enough change to force us to...

Seth Thompson: We just changed it so that, again, it's... Not that somebody has to verify that they're not renting the property, it's that they now have to verify that they are renting it. But you can vote on it now.

Mayor Newlands: Right.

Seth Thompson: Unless there are questions.

Mayor Newlands: And even though we have some on Council who are landlords, they don't need to exclude themselves from this, do they? We have some on Council who are landlords, they don't have to recuse themselves from this, do they?

Seth Thompson: No, this does not deal with the financial element.

Mayor Newlands: I just want to clarify that to Council.

Seth Thompson: And again, this is, in essence, putting something in an express fashion, that really, I think, is implicit in your code already. The most substantive element that we're adding is that the town will send out this Declaration of Property Status Form.

Councilwoman Patterson: Mr. Mayor, I make a motion that to...

Councilwoman Jones: I don't believe you can.

Councilwoman Patterson: Oh, I can't.

Mayor Newlands: Oh yes she can. I clarified it with Seth. Landlord's are not affected by this. They do not have to recuse themselves. That's why I asked the question.

Councilwoman Jones: I'm sorry. I apologize.

Councilwoman Patterson: That's okay.

Seth Thompson: There's not a financial interest. Right. This isn't a rental tax, this is...

Councilwoman Patterson: Mr. Mayor, I make a motion to approve an Ordinance to amend Chapter 164 of the Town Code relating to rental licenses.

Councilman West: I second that.

Mayor Newlands: Okay, we have a motion and a second to approve an Ordinance to amend Chapter 164 of the Town Code relating to rental license. Let's take a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman Booros	Yes
Councilman West	Yes
Mayor Newlands	Yes

Mayor Newlands: Motion is carried.

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

- a. An ordinance to amend Chapter 26 regarding the Personnel Officer

Mayor Newlands: This is a very simple change to Chapter 26 of the Personnel Policy. Do you want to go over it?

Seth Thompson: Sure and we did hit on this a little bit last month, but basically this is correcting our Town Code so that it's in compliance with our Town Charter, as to who the Personnel Officer would be for the Town. You can see in the second to last line on the Draft Ordinance that for some reason the Town Code reflected the Chairman of the Personnel Committee, as being the Personnel Officer of the Town. That doesn't make a

lot of sense when you number one look at the Charter and it says that the Town Manager is the Personnel Officer for the town; but also as you read through the rest of Chapter 26, those are really duties that the Town Manager would be performing in terms of evaluating people and you wouldn't have the Chairman of the Personnel Committee... So that's all it's doing. The other element, there is one other correction, I think it's a vestige from prior to the Town having a Town Manager, if you look at Sub-Section B, it refers to the Town Clerk. I changed it to the Town Manager.

Mayor Newlands: And this is the first reading, so we don't vote on this at this time.

Councilman West: Yes, because, Mr. Mayor, at one time, that's all there was in Town Hall, just a Town Clerk.

Mayor Newlands: Right. Okay, any other questions? There's no vote on this required.

Councilwoman Jones: No, but my concern is, as we're changing the complexion of the Personnel Committee, I, for one, would find it advantageous to have a non-political person serve as a Chairman of that committee. In changing this Code, it drops it right into the hands of one of three Council People. I'm just saying, for argument's sake, I think the Personnel Officer, as identified as the Town Manager, would be a more valuable person in that position.

Win Abbott: If I may, Councilwoman Jones, I'm not exactly sure where you're going with that, but, within the duties of the Town Manager is that he's an ex-officio member of all the committees, which means that I serve on the committee's, but I don't vote and I don't run the show; similar to my involvement in some of the committee's that you've been on. So once again, I'm not exactly sure where you were going with that. All I see here is that it said that the Town Manager shall be the Personnel Officer, but it doesn't necessarily, not unless you were talking about another part of this.

Councilwoman Jones: No, it says under the duties of the Town Manager that they will serve as a Personnel Officer. I'm just saying if we're looking at a change in Code, did we not discuss; I don't have it with me, Mr. Thompson, it was erroneous as to whether or not the Personnel Officer served as Chairman of the Personnel Committee.

Seth Thompson: That's right, that's incorrect. Again the Personnel Officer, based on your Charter, is supposed to be the Town Manager and when you go and you read through Chapter 26, typically the Personnel Officer is the one that's analyzing duties and responsibilities and creating a position classification, making an analysis in terms of compensation, all those are duties that you would typically have a Town Manager do. You wouldn't have a Chairman of a Personnel Committee do that. I'm not quite sure how that ended up in your Town Code. Again, it really runs counter to your Charter.

Councilwoman Jones: Right and where I meant to go with that is saying that in correcting it, as a personal opinion I'd rather see it corrected in terms of being less confusing and making that Personnel Office Chairman of that Committee, as an a-political individual, rather than three council people in which one of those is going... well it doesn't say specifically that out of those three, one of them will be chair.

Mayor Newlands: But he can't vote on the Personnel Committee.

Councilwoman Jones: I understand that.

Mayor Newlands: So he would only be running a meeting.

Councilwoman Jones: I understand that too.

Mayor Newlands: I don't see what that buys you.

Councilwoman Jones: I'm saying that I find the value to be the Personnel Officer is an a-political position.

Seth Thompson: So just to make sure that I understand, it sounds like you would like to broaden the scope of this. In essence, this Ordinance's function was to really correct who the Personnel Officer is, but you would like an Ordinance that deals with the composition of the Personnel Committee, in addition to this. Basically that this correction should happen, but you would also like to see an amendment on the composition of the Personnel Committee? Do you see what I mean?

Councilwoman Jones: That's what I'm clarifying with you is I believe I've read that the Chairman of the Personnel Committee will be the Personnel Officer and that's...

Seth Thompson: Right and that's the way your Code reads now.

Councilwoman Jones: Right. Okay. I'm good with that.

Mayor Newlands: That's in conflict with the Charter.

Councilwoman Jones: I understand that. I understand that.

Mayor Newlands: And all he's trying to do is to clarify the Town Code, to meet what the Charter says, right now.

Councilwoman Jones: I understand that.

Mayor Newlands: Underneath just the Town Manager's responsibilities, not the Personnel Committee.

Seth Thompson: But Councilwoman was I correct that you are looking to them change the composition of the Personnel Committee; so in essence, there would be additional amendments in the beginning portion of Sub-Section D.

Mayor Newlands: Well we have a committee that's getting together now to start looking at the Charter and the Code, to get them in line; so they're going to start meeting tomorrow, correct?

Councilwoman Jones: It is only my preference. There are several of us up here, but I'm just saying from my point-of-view, understanding that the Personnel Officer does not have a vote, to me he/she/they would be a neutral party to the three Council People who are appointed to the Personnel Committee.

Mayor Newlands: Does that effect what you would vote on for this? They're two different things.

Councilwoman Jones: Well, this right here indicates that the Mayor shall appoint no less than three elected council people, one of whom shall be designated as the Chair. So...

Seth Thompson: So you would prefer to see that changed, where it might be two elected council persons and the Town Manager?

Mayor Newlands: No, you still have to have three.

Councilwoman Jones: No, I think three elected council people is fine, but I would prefer to see the Personnel Officer remain in a Chairman's position on that Committee.

Mayor Newlands: See this is going from the Chairman of the Committee, being the Personnel Officer; now assigning the Personnel Officer role to the Town Manager; not changing the role of the Chairman of the Personnel Committee. You're looking to do two completely different things.

Seth Thompson: I think part of the source of the confusion, the Personnel System is in here, but the Personnel Committee, almost could have been a separate section of your... a separate Chapter of your Code. Because, really, this is the only mention in Chapter 26 of the Personnel Committee. Everything else identifies the role of the Personnel Officer, so...

Councilwoman Jones: And I do understand the descriptor of the Town Manager's position is he is acting as a Personnel Officer and it has scratched out here, Chairman of

the Personnel Committee shall be Personnel Officer of the Town. Now it is the Town Manager shall be Personnel Officer of the Town, which it already states in the Charter. Right. What you are eliminating here is that the Chairman of this Committee shall be the Personnel Officer of the town.

Mayor Newlands: We're bringing this in line with the Charter; we're just defining who the Personnel Officer is. That's what we're doing.

Seth Thompson: I think it might be helpful and obviously, this is just the first reading, but maybe if I kind of broaden the synopsis to include what under Chapter 26 the Personnel Officer does; again I think it is helpful to see that those duties really fall more in line with a full time employee; somebody that's there on a daily basis to appraise other employees work and set... One of the items is set a pay scale, which obviously in conjunction with the budget process, that makes sense that the Town Manager would handle that kind of responsibility, as opposed to one person from the Personnel Committee. You know what I mean?

Councilwoman Jones: No. What I see you eliminating in this last sentence is instead of it reading the Chairman of the Personnel Committee shall be the Personnel Officer of the Town; we all agree that's the Town Manager.

Seth Thompson: Correct.

Councilwoman Jones: It is now saying the Town Manager shall be the Personnel Officer, which is already so stated in the Charter. It's taking out that the Chairman of the Personnel Committee shall be the Personnel Officer of the Town, i.e., the Town Manager.

Seth Thompson: Correct. I mean really you can look at this as simply bringing your Code into compliance with your Charter.

Councilwoman Patterson: What we're trying to do is make sure...

Councilman Booros: The Charter is very clear as to who the Personnel Officer of the Town is.

Seth Thompson: Right. Right.

Councilman Booros: The Charter is absolutely clear as to that. This Code here has nothing to do with the Charter. This Code here, is not clarifying anything in the Charter. The Charter is clear. That man is the Personnel Officer of this Town.

Seth Thompson: Right.

Councilman Booros: This Code, the way it's written now, says two different things. It says that the Mayor will appoint three people, one of which will be the Chair of the Committee and then in the last line it says the Personnel Officer shall be the Chair of the Committee. So all we're doing is taking one...

Mayor Newlands: No. No. It does not say that.

Councilman Booros: It does.

Councilwoman Patterson: It's kind of confusing.

Mayor Newlands: No, that's the other way around. No. No. It says the Chairman of the Personnel Committee shall be the Personnel Officer, not the other way around. You've got to read it the way it's written.

Councilman Booros: I understand, but it's giving you two different cases. In one case it says the Mayor appoints three, one of which will be the Chairman and then the other one says that the Chairman will be the Personnel Officer.

Mayor Newlands: No. No. No.

Councilman Booros: That's the way I read it today when I pulled up the Code.

Councilwoman Jones: That's what is being changed.

Councilman Booros: That's what is being changed.

Councilwoman Jones: This is why we're arguing here.

Councilman Booros: We're just clarifying which ones it's going to be, because they're both listed in the current code. It's listed two different ways.

Councilwoman Jones: We are eliminating the confusion by saying we're redundant here, the Town Manager shall be the Personnel Officer of the Town. We know that, that's in the Charter.

Mayor Newlands: Period. End of sentence. That's all this is saying.

Councilman Booros: Right.

Councilwoman Jones: Right, but what we are eliminating is the Chairman of the Personnel Committee shall be the Personnel Officer of the Town.

Mayor Newlands: You can't have two people being the Personnel Officer of the Town. One person can do that and that's the Town Manager. You can't have two Personnel Officers of the Town.

Councilwoman Jones: I wouldn't want two Personnel Officers of the Town.

Mayor Newlands: That's what he's trying to clarify. That we have a Town Manager, who is the Personnel Officer of the Town.

Councilwoman Jones: But he does no longer without this clause in here, he no longer has any standing to be the Chairperson of the Personnel Committee.

Mayor Newlands: He never was. The Town Manager never was. Nor, I think, does he want to be. He never was.

Win Abbott: If it makes any of you feel better, I would prefer to not be the Chairman of any committee. I really do like being active with the committee's; offering advice and guidance and then carrying through directives, but I don't think having the Town Manager be a Chairperson of any Committee is consistent with the Council Manager Form of Government.

Mayor Newlands: I agree.

Councilwoman Patterson: So when the Council meets and the Personnel Committee meets and the information that the Chairman of the Personnel Committee will need, will come from you at the meetings and then a vote will be taken, regardless... Okay.

Win Abbott: Just to be sure and Councilman Lester witnessed this at early Finance Committee meetings, we did it in Parks and Recreation meetings, Economic Development; I've come and I've had information, perhaps I've advocated certain, particular things, but when it comes down to it, the people that are appointed by the Mayor and representatives of the community at large, are the ones that will make the policy decision; given all the advice that I offer them and then once they make the policy decision, it may bubble up to Council or whatever and then I implement it. So I'm here to advise and be a part of it, but it's not consistent with the Council Manager Form of Government for the Town Manager to be the Chair of any Committee.

Councilwoman Patterson: Thank you.

Mayor Newlands: Okay, again, this is just the first reading so we can deal with this again next month.

- b. An ordinance to amend Chapter 158 regarding weeds/vegetation and removal by the Town

Mayor Newlands: This is really and correct me if I'm wrong, but moving the fees out of

the Town Code into the Fee Schedule.

Seth Thompson: That's correct. There was a typo that I fixed. I changed another Town Clerk reference to Town Manager or designee. But that's really it. It's to give you guys some flexibility and really to put all of your fees on one schedule. I think that's easier for the public, frankly, when all those fees are on one list, rather than digging through the Town Code.

Mayor Newlands: Should we move these percentages to the town fee schedule, as well?

Seth Thompson: We can do that. That's fine.

Mayor Newlands: I would prefer to move anything financial, percentages... because we just imposed a 10% finance charge, or administrative fee, I should say, for the building permits and things, so I would like to move all of that to the Fee Schedule.

Seth Thompson: Okay.

Mayor Newlands: Does anybody have any questions? It's just pretty standard that everybody uses the fee schedule, as opposed to changing ordinances every time we want to change a fee. Any questions? No. Okay.

- c. An ordinance to create a new chapter 132 regarding fees and costs related to the Freedom of Information Act

Mayor Newlands: Do you want to explain this?

Seth Thompson: Sure. In the last legislative session a senate bill passed that codified in Freedom of Information Act a specific set of fees for responding to Freedom of Information Act requests. It did, however, also allow a Town or any other public body to override the Freedom of Information Act default setting, in terms of fees. So, in essence, the town can codify it's own set of fees and really this draft is based on your Freedom of Information Act policy that you have had for a few years. Again, the way that Title XXIX of the State Code now reads, you have to have it in your Town Code. A policy wouldn't override Title XXIX, so you have to put it into your Town Code and that's what this does. I left some blanks for discussion and I did bring with me the State Code for comparison sake. Much of the language mirrors what ended up going into State Code. But just by way of example, they charge; when I say they, I mean the default on the State level. It is 10¢ per page. Previously your policy was 35¢ a page. The State Code goes up to... And in terms of standard sizes, they include 8-1/2 X 11, 8-1/2 X 14 and 11 X 17 as "standard sizes". Your policy was a little bit different than that. The other item that's a little bit different, the State Code basically said that anything that requires less than an hour of staff time, you're not allowed to bill for. So if it takes 59 minutes for somebody to dig up the information, you're not allowed to bill for it. Anything over an hour you can bill at the quarter hour of the lowest paid employees rate; they could accomplish the task.

Councilman Booros: How much is the per page charge for the State now, still 10¢?

Seth Thompson: Yes, it's 10¢, 20¢ for double-sided...

Councilman Booros: And the first 25 pages are free?

Seth Thompson: The first 20 pages are.

Councilman Booros: 20 pages are free? And we're doing 35¢ a page for every page?

Seth Thompson: Again, that's what was in your policy before. I don't know if that's... This is the opportunity to revisit it.

Councilman Booros: This is the opportunity to revisit it and I think a first reading of this is probably too premature. We need to revisit this, to become more in line with what the

State is doing and I think the whole idea between the AG's decision was on Freedom of Information Act, to begin with, is not to make it cost-prohibitive and the way it's written, I've heard complaints for years, long before I was on Council, about the costs that were associated and some of the costs that were being charged to people for submitting Freedom of Information Act's in this Town, long before anyone sitting at this table was on Council and I think it's time to look at it, now that the State has just changed theirs and made it easier to get information.

Mayor Newlands: What was the State per page charge before this? Do you remember?

Seth Thompson: There wasn't one in the State.

Mayor Newlands: Oh, there wasn't one. Okay. So now they're introducing one. Okay.

The one problem I have is we have an option in our Freedom of Information Act request where somebody can come in and just review information and we can spend hours and hours and hours collecting information that somebody's going to view and we don't charge for that.

Seth Thompson: That should be the administrative charge. I mean, that's how you had it set up in your policies.

Mayor Newlands: Was it? I didn't remember seeing that.

Seth Thompson: Do you see the labor costs? On the draft, it's on 32...

Mayor Newlands: That's for labor costs, regardless of whether or not somebody takes a hard copy.

Seth Thompson: That's right, because it's processing the request, locating and reviewing the files, monitoring file review; meaning if somebody sits there and looks over the file for two hours and you have to have an employee supervise, then it's that employee's time.

Mayor Newlands: Okay. See that's the fee for providing copies. That's the problem I have. Some people don't want copies, they just want to review it.

Seth Thompson: The Town had always interpreted that as just applying to actual copies?

Mayor Newlands: Rarely does somebody not take a hard copy. Rarely does somebody come in and...

Seth Thompson: Right.

Councilman Booros: Quite honestly, Mr. Mayor, as a council member who gets emails every day from people in Town Hall and from other council members of documents that sometimes are 50 pages or 40 pages or 30 pages or 20 pages that I'm printing out on my own printer at home, so that I can review those documents. I'm using my own money to print things out as a council person.

Mayor Newlands: What kinds of documents are you talking about?

Councilman Booros: To charge somebody to print out something... I understand that there comes a point, if somebody wants a copy of a book that's this thick, there's time involved, but I was reading in here that if you determine that it's going to be a lot of work, over \$50, you can require them to pay a portion of that in advance. You're asking for money in advance on an item, that you don't even know if that information is releasable because it hasn't gone through the solicitor or anybody else. Up front you're asking for money; the way the Code is written now, you're asking for money up front for something that may not even be releasable when push comes to shove. It's poorly written, the way it is now and I think just to pass this through as a first reading is not a good thing. It needs to be looked at. It needs to be more in line with maybe what the State is doing, or maybe other municipalities, but I think there's too much Freedom of

Information Act stuff going on right now with the Attorney General to just stick with it the way it is.

Mayor Newlands: Now what do you printing for the public? Why are you printing it vs. them coming to town and getting it?

Councilman Booros: Because unless I want to wait until it's sitting in front of me when I show up here at the meeting on Tuesday night, or on Monday night and looked at it, I'm printing it out when it's emailed to me at home, before I get here.

Mayor Newlands: Like what?

Councilwoman Jones: I'll give you an example, a 45 page property assessment over at Shipbuilder's Village. It came from the Realtor, Masten. I believe it was 45 pages long. I printed it so that I would have the ability to read it.

Councilman Booros: So did I.

Councilwoman Jones: I didn't say anything about...

Mayor Newlands: What does it have to do with Freedom of Information Act though? I mean we'll print anything that Council wants, you don't have to print it yourself. Council is not...

Councilwoman Jones: I understand that. You just asked for a type of document that we're printing.

Mayor Newlands: Right, but if you're doing something at your own cost like that, just ask us and we'll print those for you. You don't need to print those on your own, but if you're printing it and giving it to the public, which I think is what you said...

Councilman Booros: No, I'm printing it... No that's not what I said. I said I'm printing it for my own self so I don't have to wait until I walk in here on Monday night to look at it sitting in front of me here. If it's something that's sent to me at the last minute, I print it out so that I can see it, review it, highlight it, whatever I'm going to do to it.

Mayor Newlands: Right. Right.

Councilman Booros: Using my own money and paper and ink and everything else. So if somebody comes in to get a few copies, I mean it's the last we can do as public... They pay taxes. Give them the copy. But don't get me wrong, if they come in here and want a copy of the Sussex County phone book, something's got to give. There's got to be something...

Mayor Newlands: I agree.

Councilman Booros: I think that this was poorly written to begin with and maybe we need to look at it and not call this a first reading.

Seth Thompson: What I can do that might be helpful is kind of set up a comparison in terms of what the State Code does. I'll just set up the numbers and then you can get a side by side comparison.

Councilman Booros: Yes.

Seth Thompson: Some of the elements... Frankly you guys are under the State Code currently, although just be way of example, one of the items... The State Code does allow the town to ask for payment up front, for any portion of it.

Mayor Newlands: So the State Code has that provision in it.

Seth Thompson: It does. Obviously, the town doesn't have to do that, but that's what I'll do is set up a side by side comparison for Council to see what numbers are there.

Mayor Newlands: Okay, that would be fine.

Councilwoman Jones: I had just a couple of things on this point, if I may. Under the labor cost, the first one is for processing Freedom of Information Act requests. Are

Freedom of Information Act requests so out of the ordinary that they require a great deal of extra time on behalf of the staff?

Seth Thompson: I don't know if I can answer that. I can give you an estimate as to the ones that I see.

Win Abbott: Some do.

Councilwoman Jones: Some do, well I'll grant you that, but...

Win Abbott: I recall one that occurred just before I came on board, it might have been in the spring, correct me if I'm wrong, Mr. Mayor, it took our staff about two weeks, a couple of hours a day...

Mayor Newlands: That was the bank accounts, wasn't it?

Win Abbott: Yes.

Mayor Newlands: That took a long time. We had to go through boxes and boxes.

Councilwoman Jones: And absolutely, we get requests like that too and they can be relatively expensive. That's one piece. The other, it's noted in here under other costs, that the town does not have the resources or equipment to duplicate requested records. The town, at it's discretion, may arrange to have records duplicated by an outside contractor. Is there an instance or an example that you can give where that becomes necessary, other than the printing size of a document, like a map or something?

Mayor Newlands: Generally it's that.

Councilwoman Jones: Generally it's that. And the last, which concerns me, is under payment. The town reserves the right to refuse to make copies for requesters who have outstanding balances. Now if I came to you and I wanted a document and I had a \$20 bill in my hand, standing there and was ready to pay for that, excuse me, it says the town reserves the right to refuse to make those copies, even though I have payment in hand.

Councilman Booros: And that's where I have a problem. The Freedom of Information Act is a Federal, that's a Federal law. I can't believe this Town can circumvent a Federal law because somebody hasn't paid their water bill. I cannot believe that.

Seth Thompson: Well there's a Federal Freedom of Information Act and then there's our State, so...

Councilwoman Jones: Does the State...

Councilman Booros: I can't believe that the State law, if you don't pay your water bill, that you can just not release something under Freedom of Information Act. I cannot believe that the State or the Federal or anybody else would allow that. I know it's written in here, but I think it needs to be looked into before we make this a first reading and just move on.

Seth Thompson: And that's fine. I don't know if the intent... I've never, in my experience, the town hasn't ever enforced that. I don't know if there's ever been an occasion...

Mayor Newlands: No, we didn't have the Clean Hands rule until half a year ago.

Seth Thompson: And I don't know if that provision wasn't intended for somebody with an outstanding balance for a Freedom of Information Act request.

Councilwoman Jones: It doesn't say that.

Seth Thompson: You're right. You're right.

Councilwoman Jones: It doesn't say that. And I can't imagine why they would have an outstanding balance for a Freedom of Information Act request, only if they didn't pick up the document and the bill hadn't been paid. I mean Town Hall wouldn't have otherwise released it without satisfying the bill.

Mayor Newlands: Correct.

Councilwoman Jones: So refusing to make copies because someone has an outstanding balance on property tax, water, their trash bill, whatever it is, I don't understand how they ought to be linked to this particular request. This obviously, unless you're asking for a giant piece of document, is relatively probably a small charge that they would be willing to pay when they came and picked up their five pages of documents. Can you refuse them? In fact, when they're standing at your counter, who is going to check into whether or not their bills are paid, before they agree to release this information to them? Is that something that we are subject to by making a Freedom of Information Act request, the person processing this will look at that person's accounts first and deny them? For argument sake, they could do that.

Mayor Newlands: Right and they do have delinquent lists that they keep track of. They do know who's delinquent on water and who's delinquent on taxes and those lists are up front in the office. I think doing that just stops people from coming in and being made at us, because they owe us taxes and they don't want to pay us taxes; inundating us with Freedom of Information Act requests. It's never happened, but I think it just stops abuse, that's all.

Seth Thompson: I think the one element where you could run into significant costs that the town potentially incurs, is when they have to outsource something to I don't know who the computer company is, but whoever digs through the emails. I imagine the town only stores a certain number of emails and then the town gets stuck with that bill from their provider and the person doesn't come up in and pick up their Freedom of Information Act documents. That might be a scenario, again, I don't think I've ever encountered that.

Mayor Newlands: Actually, emails are only stored on the provider's website for a week and that's it, otherwise it goes to the desktop.

Seth Thompson: Okay. So if somebody comes in and says I would like to see emails from the last six months, do we...

Mayor Newlands: It's on the individuals desktop right now. We're looking to switch that, because we're looking to go to another service, but that's the way it stands right now. When we change websites, we're going to change email hosting companies.

Councilwoman Jones: With the Clean Hands Policy, which we already have, I just find the clause to be very unfriendly, considering that we may be talking about documents that are under \$5 when they're paid for and because you haven't paid your water bill, doesn't mean that this person can't afford the Freedom of Information Act request. And it also won't force that person to pay their water bill by denying them the five pages of their Freedom of Information Act request.

Seth Thompson: It sounds to me like on my next draft, I will not have that in there...

Mayor Newlands: I'm wondering if we put a limit to it, though; if it gets to a certain amount of money that the Freedom of Information Act request is going to cost so much money, that we make them pay their other bills.

Councilwoman Jones: Well isn't there a provision in here for them paying a percentage forward...

Seth Thompson: Up front? I think that's the practical solution.

Councilwoman Jones: Over \$50, a deposit of one half of the total estimated fee; a deposit must be provided in advance; that would be 132-5(c).

Seth Thompson: And that's actually requester friendly than the State Code, but we can keep it that away. Again, maybe it will be easier to look at it if there is a side by side

comparison.

Mayor Newlands: We'll do the comparison first and then we'll decide after that. We'll take a look at the comparison and see what it looks like.

Seth Thompson: Were there every any issues... Again, this is really just kind of a rewrite of the Freedom of Information Act policy. I don't know... I haven't been aware of anybody having a problem under the... Were there any problems with the town Freedom of Information Act policy?

Councilman Booros: The cost, apparently, for years, the cost has been outrageous and I just have a problem with Freedom of Information Act as your right as a citizen, for Freedom of Information to access the documents and information and putting a condition that you lose that right if you haven't paid your water bill on time. I think there's an issue there.

Seth Thompson: Other than the numbers, I was just curious if the town experienced any issues that we could take the opportunity to correct now?

Mayor Newlands: Actually, when we copy, Mr. Abbott was talking about it a little while ago, when we copied all those bank accounts for somebody, it cost \$210 and the person came in with a check right away and had no problem paying the bill and didn't argue at all about the cost when we told him ahead of time what it was going to be. Because before we did the work, we told the person what the cost was going to be and they came right in with a check. Alright so you'll do a comparison for us and then we'll discuss this further. Okay.

d. Water Tower Maintenance Contract

Mayor Newlands: How many bids did we get in for the water tower?

Allen Atkins: There were only three.

Mayor Newlands: There were only three bids that came in? And do you know off hand what the bids ranged from? I know the low one was \$326,000.

Win Abbott: You have within your packet on Page 3, the three different bid amounts.

Mayor Newlands: I'm sorry, thank you.

Win Abbott: Corrosion Control was \$326,000 for the base maintenance and that was the low bid. They're the company that did work for us before. Southern Corrosion, Inc. was \$372,590 and Utility Service Company, Inc. was \$435,947. It's important to note, however, that there were optional services bid along with this. The optional services were for tenting of the tanks in order to minimize the amount of debris that might come off the tanks to run the maintenance and this would add to the base amount.

Mayor Newlands: The last guys' tenting fee is huge, \$237,000, that's crazy.

Win Abbott: Now, something that may not have been anticipated during the budget process was the manner in which the last contract was paid in installments. According to Mr. Atkins, who has more experience with this than I, there was some front loading of the expense for these contracts, so approximately the \$14,000 that we saw in the 2012 budget for tank maintenance as an installment, is not representative of 10% of the total cost we paid for the last contract. It is less than 10%, because the town paid more than 10% during the first three or four years. Okay? So, I'm just saying that as a point of reference. If you look at the \$326,000 base low bid, 10% of that would be \$32,600 a year; however, the first annual installment may not be quite that low. Likewise, if you were to add the tenting service only for the tower that has homes surrounding it, the one right behind us here, that would be an additional \$85,500 for a total of \$411,500 for the

10-year contract involving maintenance on both towers and tenting on only one. 10% of that amount is \$41,150; 15%, which might be indicative of the amount that you pay in the first couple of years of the contract, would be closer to \$62,000.

Mayor Newlands: But we're not going to pay for tenting until the actual work gets done, correct? We're not being asked to pay for tenting... We did budget for everything at 10%, including tenting of both water towers...

Win Abbott: Great.

Mayor Newlands: But it was 10% flat throughout, so we budgeted for \$42,900, I think it was.

Councilwoman Jones: I thought it was \$49,250.

Mayor Newlands: Whatever 10% of their number is. We did \$49,250, something like that.

Win Abbott: That may work out just fine.

Mayor Newlands: Okay. Okay.

Councilman Booros: Was there a determination that there is lead paint on those towers?

Allen Atkins: He hasn't gotten back to me on that yet. Back in my mind, when they first stripped this one years ago when I first came here, they stripped it down and removed the lead paint, but I can't say for sure. They took a test on it, but he hasn't gotten back on it yet.

Mayor Newlands: So they were the low bidder, so we need to award the contract to them, so we need to vote on that.

Councilman West: Mr. Mayor, I make a motion that we go with CABA Associates recommendation of Corrosion Control Corporation to be our tank maintenance operation.

Councilman Lester: I'll second that.

Mayor Newlands: We have a motion and a second to approve Corrosion Control Corporation as the winning bid for maintenance for our water towers. Let's just do a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman Booros	Yes
Councilman West	Yes
Mayor Newlands	Yes

Mayor Newlands: Just to remind everybody also, is included in that is the stack pipe in the middle that went bad over the summertime. There's a section of that that gets changed. I don't know how many feet it is, but there's an upper section of that stack pipe that they'll change out as part of this contract; we will not be charged extra for that.

17. Executive Session

- a. Discussion of pending litigation including, but not limited to, potential settlement terms.

Mayor Newlands: We do need Executive Session.

Councilman West: Mr. Mayor, I make a motion we go into Executive Session.

Councilwoman Patterson: Second.

Mayor Newlands: We have a motion and a second to go into Executive Session. All in

favor say aye. Opposed. Motion is carried. Thank you. Can we get a motion to come out of Executive Session?

Councilman West: I make a motion that we come out of Executive Session.

Councilwoman Patterson: Second.

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

Seth Thompson: Do you want me to phrase the motion?

Mayor Newlands: Yes, that would be much better if you phrase it.

Seth Thompson: I think somebody needs to put forth a motion to authorize the Mayor to resolve the pending litigation pursuant to the figure discussed in Executive Session.

Councilman West: Mr. Mayor, I make the recommendation that we go on the advice of the solicitor to phrase that as he said it, to authorize you to resolve this pending litigation.

Councilman Lester: I'll second that.

Mayor Newlands: We have a motion and a second to authorize the Mayor to settle the matter as we discussed and for the amount that we discussed in Executive Session. We'll do a roll call:

Councilman Lester	Yes
Councilwoman Jones	Yes
Councilwoman Patterson	Yes
Councilman Booros	Yes
Councilman West	Yes
Mayor Newlands	Yes

18. Adjournment

Councilman West: I make a motion to adjourn at 9:04 p.m.

Councilman Lester: Second.

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